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SUBJECT: Introduction

EFFECTIVE: August 28, 2020

Section: 100

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 406.1

SBHE POLICY

1. Except for the School of Medicine and Law, University system institutions shall operate under a common academic year calendar approved by the Chancellor. The Chancellor shall approve academic year calendars at least two years in advance and may approve a perpetual calendar.

2. Academic year calendars must include at least 160 class days, including test days, but excluding class holidays and days reserved for orientation, registration and commencement. Institutions may designate one class day before finals each semester as a reading/review day.

3. Academic year calendars are subject to the following additional guidelines:

- a. Class holidays are Labor Day, Veterans' Day, Thanksgiving Day and the Friday following, Martin Luther King Day, Presidents' Day, and the Friday before and Monday following Easter Sunday;
- b. Fall semester ends before Christmas;
- c. There is at least a two week break, including Christmas and New Year's Day, between Fall and Spring semesters;
- d. There is a one week Spring semester break beginning the Monday following 40 class days;
- e. Finals week begins on a Monday unless a campus identifies the penultimate Friday of the semester as a reading/review day, in which case final exams may begin on the Saturday following the Friday reading/review day;
- f. Campuses may identify programs that shall continue to hold class meetings during finals week; and
- g. For a standard 16 week semester, the last day to add or drop a course without a record is the 10th calendar day in the fall term and the 11th calendar day in the spring term. For course drops or institutional withdrawals after the 10th calendar day in the fall term or 11th calendar day in the spring term but not later than the last business day of the 12th

week of class, a "W" shall be recorded. Add, drop and withdrawal dates for summer terms or other sessions not 16 weeks in length shall be proportionate to the standard 16-week term. Registration day is the first day of a standard 16-week academic term. Grades reported at the end of the term shall include those of students who fail to drop the course or withdraw from the institution according to the dates listed above. Requests for reconsideration or appeals and exceptions to these requirements, based on hardship or other good cause, shall be addressed following established institutional procedures.

4. Campuses may adjust course meeting schedules when the holiday schedule differentially affects courses that meet once a week.

HISTORY

New policy. SBHE Minutes, June 8-9, 1983, page 5143.

Amendment SBHE Minutes, September 24-25, 1987, page 5632.

Amendment SBHE Minutes, September 12-13, 1989, page 5891.

Amendment SBHE Minutes, April 17, 1998, page 6874. 45

Amendment SBHE Minutes, February 21-22, 2002.

Amendment SBHE Minutes, June 19, 2008.

Amendment SBHE Minutes, Sept. 16, 2010.

REFERENCES

Williston State College publishes their academic calendar in the Academic Catalog in accordance with SBHE Policy 406.1.

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 409

Students who are anticipating or have completed degree requirements must apply for graduation in order to receive a graduation audit and receive a diploma.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

1. An honorary degree may be awarded to a person who satisfies the following criteria:
 - a) Eminence, in the course of a career, in some field of scholarship, in public service, or in an artistic, literary, governmental, religious, financial, or other endeavor; and
 - b) An adequate reason for recognition by Williston State College, in the form of an association or relationship with the College or a nexus between the individual's achievements and the mission or life of the College.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SBHE Policy Number 430.1

SUBJECT: Academic Affairs

EFFECTIVE: December 15, 2014

Section: 430.2

Emeritus faculty are former faculty members who have been awarded emeritus status by the President. “Emeritus faculty” is an honorary title which does not carry teaching or other duties, but which may (depending on fiscal constraints and state law) entitle the holder to access certain college resources and facilities.

HISTORY

Faculty Council approved August 28, 2020

Approved by President December 15, 2014

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 432

1. Course Required Testing
 - a. WSC Instructors are responsible for administering and supervising on-campus tests and examinations in their courses.

2. Online Proctored Testing
 - a. Online proctored tests or examinations are managed by the instructor or an approved person or service that administers and monitors assessments other than the instructor.
 - i. This is for classes taught in a fully online format only.

3. Costs and Notifications
 - a. If proctoring is required for an online course, student must be notified prior to enrolling in the course that any costs associated with proctoring are the responsibility of the student.

4. Students with Special Needs
 - a. In accordance with the American with Disabilities Act, students with documented disabilities will be afforded reasonable accommodations. Accessibility personnel will certify students' accommodations. Students with a specific disability that requires accommodations during a test must notify the instructor and provide the approved Accommodation Notice from Accessibility Services. If accommodations are necessary during proctored testing, students should schedule their tests with Accessibility Services.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 440

WSC monitors and updates the enrollment status of students who receive Title IV aid and sends updates to NSLDS via the National Student Clearinghouse. These reports are sent monthly by the Office for Academic Records to ensure student statuses are updated within the allowable 30-day timeframe.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 451

COURSE DROPS

Williston State College follows **SBHE 830.2 Refund Policy and 830.2 Refund Procedures**.

It is the student's responsibility to make sure all enrollment transactions are completed. Students have the ability to view accounts and class schedules online through Campus Connection 24/7 to verify transactions are complete and accurate. Students who are registered for classes at WSC are responsible for the balance due in full on or before established deadlines. WSC Dates and Deadlines may be obtained at www.willistonstate.edu

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 452

WITHDRAW TO ZERO CREDITS

Williston State College follows **SBHE 830.2 Refund Policy and 830.2 Refund Procedures**.

Class attendance is deemed an essential part of education at Williston State College. It is also a federal requirement for financial aid recipients that class attendance is monitored.

Students who find that they are unable to continue attending classes should officially withdraw from those classes. Obtaining and completing a Withdraw Form from the Academic Records Office will accomplish this.

Students cannot withdraw online or drop their last class online; attempting to do so may result in loss of refund and increased processing times. Definition of withdrawal: Cancellation of Registration and Withdrawing from a term occurs when a student wishes to withdraw completely from WSC for a term.

Dropping a course or withdrawing from a term can also affect future financial aid eligibility. Pursuant to Standards of Satisfactory Academic Progress, students must complete 66.667% of attempted credits. Dropping a course or withdrawing from a term can result in a student failing to meet the requirement.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 453

COURSE OVERRIDE

Students must receive instructor consent to register for courses that are closed, courses in which a time conflict may occur or courses in which requisites are required. This consent must be received by the Academic Records Office so that the student is registered by the last day to enroll.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 454

COURSE SUBSTITUTION

A student is expected to complete all Williston State College program and degree requirements in effect at the time a continuously enrolled student was accepted to the college or program or at the time a non-continuously enrolled student returned to the college to finish their education. The College, under special circumstances, may allow a course substitution.

General Advice:

Students should familiarize themselves with this policy. They should work with their academic advisor and anticipated transfer institutions or employers to determine any negative impacts of the proposed substitution. Students are reminded that any deviation from the prescribed course of study must be approved through the process outlined below. Requests are evaluated on a case-by-case basis. Failure to enroll in a required course is typically not sufficient reason to request a course substitution.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 455

APPEAL OF DENIED COURSE SUBSTITUTION

Williston State College allows for an appeal of a course substitution request that has been denied.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 456

FINAL GRADE CHANGES

It is Williston State College policy to have rules and regulations governing the changing of final grades which assure fairness and consistency.

Submitted grades, except grades of incomplete, are final and may only be changed by the instructor to correct human error or fraud (plagiarism or cheating). Grades may not be changed for students submitting additional work or materials past the last day of course.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 457

GRADES

Williston State College shall establish appropriate rules and regulations for grading students.

DEFINITIONS

Audit (AUD) – Indicates a student is not obligated to complete assignments and may not participate in examinations and will not receive a grade or college credit. This grade basis will not carry honor points or earned credit and will not count toward the student’s degree program.

Graded (GRD) – This grade basis may carry honor points and earned credit and may count toward the student’s degree program. (A, B, C, D, F)

Grade Forgiveness (FRV) - Indicates that a student has not attended WSC for 5 or more years and requests all earned grades in a selected full semester(s) be excluded from GPA. This grade basis will not carry honor points or earned credit and will not count toward the student’s degree program.

Satisfactory/Unsatisfactory (SUS) – This grade basis will not carry honor points but the Satisfactory (S) courses will count toward the student’s degree program, given the course is not developmental in nature. (S, U)

Pre-College (PRC) - Indicates the need for college preparation work before enrollment in college level courses. This grade basis will not carry honor points or earned credit and will not count toward the student’s degree program.

Transfer (TRN) - Indicates coursework that is recorded on a WSC transcript from another regionally accredited post-secondary institution. This grade basis may carry honor points and earned credit and may count toward the student’s degree program.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: April 30, 2018

Section: 458

GRADES FORGIVENESS

A currently enrolled Williston State College student may request to exclude all grades earned in selected full semester(s) completed at Williston State College from GPA calculations if he or she has not completed an associate degree, diploma, or a certificate and time has lapsed five or more years from the semester for which Grade Forgiveness is requested. A student may only exercise the option of Grade Forgiveness once. Courses completed in a semester granted Grade Forgiveness cannot satisfy academic requirements.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on April 30, 2018

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 459

HONOR POINTS AND GPA

Williston State College shall establish appropriate rules and regulations for issuing honor points and calculating grade point average (GPA).

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 460

INCOMPLETE COURSE

In accordance with the WSC policy regarding Student Academic Records and SBHE/NDUS Policy 440 (enrollment reporting), an Incomplete may be assigned to the student who has been in attendance and has done satisfactory work within four weeks to the close of the course and whose work is incomplete as a result of extenuating reasons.

HISTORY

Faculty Council approved August 28, 2020

Policy approved by Faculty Council on May 3, 2017.

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 461

READMISSION FROM ACADEMIC SUSPENSION

Students seeking readmission or admission to Williston State College from academic suspension must sit out for at least one semester (includes summer session). Williston State College honors suspensions of other institutions.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 462

REPEATING A COURSE

Williston State College shall establish appropriate rules and regulations for repeating a course.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 463

STUDENT CREDIT LOAD

At Williston State College students of documented ability may petition to enroll in more than the prescribed class load limit.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 31, 2015

Section: 464

TRANSFER CREDIT

Students who wish to transfer to WSC from another college or university must complete all of the admissions requirements and must provide the Enrollment Services Office with official and complete transcripts, showing all courses attempted and grades earned, from all colleges attended.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

REFERENCES

SBHE 402.4 Admission Policies – Transfer Applicants

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 467

Williston State College permits students to demonstrate college level competency and establish college credits recognizing both workplace and life experience that give the student significant experience in a CTE area as provided for in the limits and regulations listed in the procedure.

HISTORY

Faculty Council approved August 28, 2020

Approved by President

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 473

FINAL EXAMINATION/ACTIVITY

Final examinations/activities are a vital part of the college experience. They allow students to demonstrate learning in the subject area and instructors to assess the experience that their courses offer and deliver.

Students are required to take the final examinations or engage in the final activities on the date and at the time presented as part of the course syllabus. All examinations/activities must take place during final examination week unless otherwise approved.

HISTORY

Faculty Council approved August 28, 2020

Approved by Faculty Council December 8, 2015

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 476

Outside of normal operational hours a student may have supervised access to instructional space. Access is granted upon approval from the faculty member instructing the student. Labs that hold chemicals, hazardous materials, or other attractive nuisance may not be used without the presence of a faculty member. These spaces include but are not limited to the biology preparation and storage areas, the chemistry lab, the transportation lab, and all lab spaces in the Western Star Building. Williston State College follows guidelines for security based on the Williston State College (WSC) Student Code of Conduct, WSC Student Rights and Responsibilities, WSC Staff Handbook, and SBHE/NDUS Policy 916.

HISTORY

Faculty Council approved August 28, 2020

Approved by Faculty Council March 23, 2016

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 480

For academic purposes:

Lecture hours: Instructional hours consisting of theory or new principles.

Lecture credit hours: Semester credits- must teach a minimum of 15 lecture hours to award 1 semester credit hour (divide lecture hours by 15).

Laboratory hours: instructional hours consisting of supervised student practice of a previously introduced theory/principle during which practical skills and knowledge are developed and reinforced.

Laboratory credit hours: semester credits- must teach a minimum of 30 laboratory hours to award 1 semester credit (divide laboratory hours by 30).

Externship/internship/cooperative education hours: instructional hours consisting of supervised work experience activities related to skills/knowledge acquired during the training program.

Externship/internship/cooperative education credit hours: semester credits- must teach a minimum of 45 externship hours to award .5 semester credit (divide externship/internship hours by 90).

For purposes of Title IV Federal Financial Aid:

The US Department of Education has added a definition of credit hour that measures credit hour in terms of the amount of time in which a student is engaged in academic activity as follows:

Credit hour:

1. One hour of classroom or direct faculty instruction and a minimum of two hours of out of the class student work each week for approximately 15 weeks for one semester.

2. At least an equivalent amount of work as required in the #1 above for other academic activities including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours; or
3. Institutionally established reasonable equivalencies for the amount of work required in #1 above for the credit hours awarded, including as represented in intended learning outcomes and verified by evidence of student achievement and in accordance with accreditation standards.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 482

All courses taught in a fully online format must follow the WSC Online Course Delivery Standards.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SUBJECT: Academic Affairs

EFFECTIVE: August 28, 2020

Section: 483

All Williston State College instructors shall require WSC students to submit an ePortfolio assignment as a part of the course, except for courses under 100 level and those courses which are part of consortium collaborative programs.

Rationale: The student ePortfolio assessments are used in both Williston State College program reviews and as a part of the Systems Portfolio that is reported to the Higher Learning Commission. In addition, the ePortfolios are designed to allow students to showcase their accomplishments beyond WSC. Therefore, more ePortfolio submissions aid the faculty in college assessment and the students in their future endeavors.

HISTORY

Approved by Faculty Senate on March 20, 2018

Approved by Faculty Council on April 20, 2018

SUBJECT: Student Affairs

EFFECTIVE: August 28, 2020

Section: 510

1. A student not on active military service at the beginning of an academic term who is called or ordered to active military service for fourteen consecutive days or longer during the term shall have the right, at the student's option:
 - a. To withdraw from any or all classes in which the student is enrolled, even if after the established deadline for withdrawal, and be entitled, subject to applicable laws or regulations governing federal or state financial aid programs and allocation or refund as required under those programs, to a full refund of tuition and mandatory fees. The student shall not receive credit or a grade for classes from which the student withdraws. A student in good standing at the time of exercising this right shall have the right to be readmitted and reenroll, without penalty or redetermination of admission eligibility, within one year following release from active military service;
 - b. To request an incomplete under the institution's incomplete policy; or
 - c. Except for science labs, internships and other classes for which attendance or in-person participation is an essential part continue and complete the course for full credit if, in the opinion of the faculty member teaching the class, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the award of credit and grade. Upon a student's request and at the discretion of the faculty member, this option may be made available for a science lab or internship.
2. A student called or ordered to active military service during a term shall have the right to a refund of fees other than mandatory fees for that term as follows:
 - a. A refund on a pro rata basis for a housing contract and a traditional term board contract, and a full refund of any unused balance for a "declining balance" board contract, or a board contract by which a student purchased a specified number or dollar value of meals;
 - b. A refund on a pro rata basis of parking fees and other optional fees;
 - c. No refund is due for course challenge or similar fees for classes for which the student is awarded full credit;
 - d. No refund is due for flight training or similar fees for specialized training.

3. The chancellor may adopt procedures implementing this policy.

HISTORY

Faculty Council approved August 28, 2020

REFERENCES

SBHE Policy 510 – Rights of Student Called to Active Military Services

SUBJECT: Student Affairs

EFFECTIVE: August 28, 2020

Section: 514.1

In accordance with the WSC Student Code of Conduct and SBHE/NDUS Policy 514 (due process for student conduct), students have the right to appeal an assigned grade.

HISTORY

Faculty Council approved August 28, 2020

REFERENCES

NDUS Policy 514

SUBJECT: Student Affairs

EFFECTIVE: August 28, 2020

Section: 515

Williston State College shall establish appropriate rules and regulations for issuing term and degree academic honors.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Student Affairs

EFFECTIVE: August 31, 2015

The purpose of the Academic Probation and Suspension policy is to support a successful learning experience at Williston State College. Its intent is to alert students to a potential academic problem and to encourage early corrective action.

Students who do not maintain minimum academic requirements will, at the end of the term in which they fail to meet the minimum standards, be placed on academic deficiency as indicated in the procedure below.

1. Students are to maintain a minimum institutional GPA of 2.00 (C).
2. Students with a GPA of 2.00 or greater remain in good academic standing and will be eligible to continue their studies and/or to graduate upon completion of all required courses.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Student Affairs

EFFECTIVE: August 31, 2015

Williston State College will permit students to demonstrate college level competency and establish college credits by successfully passing “credit-by-exams programs” as defined by SBHE Policy 403.7 (3)(C) and as provided for in the following limits and regulations.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

REFERENCES

NDUS Procedure 403.7.4 - Common Credit-By-Exam Guidelines

SUBJECT: Student Affairs

EFFECTIVE: August 31, 2015

Section: 518

Students enrolled in college classes as auditors have a status and responsibility in class distinctly different from that of those taking the course for credit. Auditors are not required to participate in the oral or written work of the class. They take no examinations. They will receive no credit for the course. They are identified as auditors on official class lists. Auditors may not later establish credit in an audited course by taking a special examination; the course must be repeated in residence to earn credit.

Tuition is waived for senior citizens that are over the age of 65 and electing to audit courses. Senior citizens utilizing this audit fee waiver will be still be responsible for all fees.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Student Affairs

EFFECTIVE: March 14, 2016

Section: 519

Attendance and participation in class activities are considered integral parts of education. It is the WSC policy that attendance in classes is expected of all students. If attendance and/or participation are required and will impact grading, it is the responsibility of the instructor to clearly communicate the policy to students during the first week of class in the course syllabus.

Cancellation for non-attendance occurs when WSC is unable to verify that a student is actively attending classes or has engaged in activity through Blackboard. Reporting of students for non-attendance purposes is vital for Financial Aid, Veteran, and Enrollment reporting purposes. It is the instructor's responsibility to report students who have no activity within their course(s) to the Registrar. Student information must be reported to the Registrar by the set dates for the course sessions.

HISTORY

Faculty Council approved August 28, 2020

Approved by Executive Cabinet on March 14, 2016

SUBJECT: Student Affairs

EFFECTIVE: August 13, 2020

Section: 520

TITLE IX

Williston State College is committed to a positive learning, working, and living environment. WSC will not tolerate acts of sexual misconduct or related retaliation against or by any employee or student. In working to achieve this intent, WSC commits to: (1) taking action to stop sexual misconduct; (2) taking action to remedy its effects by providing advocacy, support and appropriate referral services for recipients of the behavior; (3) taking action to prevent recurrence; (4) educating individuals and promoting discussions on interpersonal abuse and violence; and (5) conducting impartial investigation of all reports/notices of sexual misconduct through fair, equitable and prompt procedures. Investigations will be independent of and separate from law enforcement investigations of criminal activity.

This policy is required by federal law and implementation of this policy is guided by the U.S. Department of Education, Office of Civil Rights and the State Board of Higher Education's policy 520.

- a) Sexual misconduct is prohibited in all forms, regardless of intent to harm. Sexual assault, sexual exploitation, coercion, and sexual harassment are examples of sexual misconduct, and all are prohibited.
- b) Also prohibited under Title IX is any rule violated on the basis of the recipient of the behavior's sex/gender which is severe enough to cause a discriminatory effect.

Definitions:

1. Definitions. For the purposes of this Policy, the listed terms shall have the following definitions:

- a. Actual Knowledge. Notice of sexual harassment or allegations of sexual harassment to an institution's Title IX Coordinator or any institution official with authority to institute corrective measures on the institution's behalf.

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- b. Complainant. An individual who is alleged to be the victim of conduct which could, after investigation, constitute sexual harassment.
- c. Dating Violence. Violence committed by the respondent:
- i. Who is or has been in a romantic or intimate relationship with the complainant; and
 - ii. Where the existence of such a relationship shall be determined by considering the length of the relationship, the type of relationship, and the frequency of interactions between the complainant and respondent.
- d. Deliberate Indifference. When an institution's response to sexual harassment is clearly unreasonable in light of the information known to the institution at the time.
- e. Domestic Violence. Violence committed by the respondent, who is:
- i. a current or former spouse or intimate partner of the complainant;
 - ii. a person with whom the complainant shares a child in common;
 - iii. cohabiting with or has cohabited with the victim as a spouse or intimate partner;
 - iv. similarly situated to a spouse of the complainant; or
 - v. any person against whose acts the complainant is protected by N.D.C.C. ch. 14-07.1.
- f. Education program or activity. Includes locations, events, or circumstances over which an institution exercises substantial control over both the respondent and the context in which the sexual harassment occurs, as well as in any building owned or controlled by a student organization that is officially recognized by an institution.
- g. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- h. **Formal Complaint.** A document filed by a complainant (which either contains the complainant's signature or indicates that the complainant is the one filing the complaint) or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate.
- i. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- j. **Rape.** Penetration, no matter how slight, of the vagina or anus of the complainant with any body part or object by the respondent, or oral penetration of the complainant by a sex organ of the respondent, without the consent of the complainant.
- k. **Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- l. **Sexual Assault.** Either rape, fondling, incest, statutory rape or any of the sexual offenses listed in N.D.C.C. ch 12.1-20 or by the FBI's Uniform Crime Reporting system.
- m. **Sexual Harassment.** Conduct, on the basis of sex, constituting one (or more) of the following:
- i. An employee of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity;
or
 - iii. Sexual assault, dating violence, domestic violence, or stalking, as defined in this section.
- n. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

o. Statutory Rape. Sexual intercourse with a person who is under the statutory age of consent.

p. Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate (as reasonably available) and without fee or charge to the complainant or respondent.

To ensure a fair and equitable process for all parties, WSC's Title IX Staff receives annual training on issues related to sexual and gender based harassment, domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct as well as training on properly conducting investigations and hearing processes in order to protect the safety of victims and to promote the accountability of staff members. In addition, all WSC students, staff and faculty members are provided with training regarding sexual violence and mandatory reporting responsibilities. All WSC Students are required to complete a Sexual Violence Prevention training before the end of their first term. Failure to complete will result in the inability to enroll for subsequent terms. All WSC Employees are required to complete annual Sexual Violence Prevention Mandated Reporter training. Failure to complete will result in a written statement placed in the employee's personnel filing stating they did not complete on the required date. They will have 10 days to complete or another written notice will be placed in their file.

HISTORY

Approved by Faculty Council July 30, 2020

SUBJECT: Student Affairs

EFFECTIVE: August 28, 2020

Section: 521

Student Withdrawal Policy

Class attendance is deemed an essential part of education at Williston State College. It is also a federal requirement for financial aid recipients that class attendance is monitored.

Students who find that they are unable to continue attending classes should officially withdraw from those classes. Obtaining and completing a Withdraw Form from the Academic Records Office will accomplish this.

Students cannot withdraw online or drop their last class online; attempting to do so may result in loss of refund and increased processing times. Definition of withdrawal: Cancellation of Registration and Withdrawing from a term occurs when a student wishes to withdraw completely from WSC for a term.

Dropping a course or withdrawing from a term can also affect future financial aid eligibility. Pursuant to Standards of Satisfactory Academic Progress, students must complete 66.667% of attempted credits. Dropping a course or withdrawing from a term can result in a student failing to meet the requirement.

Unofficial Withdraws

Any federal financial aid recipient who leaves the college without completing the official withdrawal procedure may receive an F in all courses. Faculty will inform the Financial Aid Office of a student's last date of attendance in classes where an F is received. As required by law, either the provided last day of attendance or the mid-point of the term (50%) will be used to calculate a refund for students who have unofficially withdrawn. This refund must be returned to the appropriate aid program and will then become a tuition and fee charge to the student. The Business Office will email final account statements to the students officially provided Williston State email address. Paper statements will also be mailed to the home address on file. Enrollment in future terms will be denied until the students account statement is paid in full.

Dropping

Dropping occurs when a student wishes to discontinue enrollment in a particular class, but wants to remain enrolled in at least one other class during the term. To receive a 100% refund the class must be dropped before 9% of the class length has elapsed. A grade will not be recorded for a course dropped during this time period.

- The class length calculation is based on the start and end date of the class dates listed on the Class Schedule on Campus Connection and includes all calendar days, not just class days.

After 9% of the class length has elapsed, no refund will be issued for a dropped class and student will receive a W grade for the class.

Students cannot drop their final class online. Dropping the last class is considered withdrawing from the term and must be processed using the Withdraw to Zero Credits Form.

Withdrawing

Definition: Cancellation of Registration and Withdrawing from a term occurs when a student wishes to withdraw completely from WSC for a term.

Students cannot withdraw by attempting to drop all of their classes online.

- Campus Connection will not allow a student to drop their last class online.

To withdraw, a student must electronically submit the Withdraw to Zero Credits Form. Immediately after submission. This confirmation serves as proof of the student's timely submission in accordance with WSC's published Dates and Deadlines.

Students wishing to withdraw will not receive any academic credits for classes within that term.

- This includes classes that have already been completed.
- This includes classes that may start in a session that has yet to begin.

Once a withdrawal is processed the student cannot re-enroll for the term.

Students Reported as Non-Attending

Students who are reported for courses as non-attending based on the important dates rubric, will be charged 25% of the tuition and fees for that course.

Refund Policy for Complete Cancellation

WSC follows the North Dakota State Board of Higher Education Refund Policy 830.2 and the North Dakota University System Refund Procedure 830.2

Institutional costs at Williston State College include tuition, fees, and on-campus room and board. Rates are determined based on the date of official withdrawal or in the case of unofficial withdrawal, the mid-point of the term.

The state refund policy for tuition and fees for all students are based on the length of the class measured in calendar days as noted below. The class length calculation is based on the start and end date of the class dates listed on the Class Schedule on Campus Connection and includes all calendar days, not just class days.

Room and board contracts (meal plans) are refunded based on a weekly percentage. It is possible that classes withdrawn in the same term could have different refund percentages if the class lengths are different.

Deadline Dates

Tuition and Fee
Refund Schedule

Dropping a Class

****Withdrawing ****

Percent of Course Completed

0.000% - 8.999%	100%	100%
9.000% - 34.999%	0%	75%
35.000% - 59.999%	0%	50%
60.000% - 100.000%	0%	0%

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Student Affairs

EFFECTIVE: August 28, 2020

Section: 522

Williston State College will permit students to demonstrate college level competency and establish college credits by successfully passing “credit-by-exams programs” as defined by SBHE Policy 403.7 (3)(C) and as provided for in the following limits and regulations.

Williston State College awards credit for completion of College Level Examination Program (CLEP) subject exams following the minimum requirements for CLEP test scores and credits approved by the North Dakota University System. WSC does not award credit for CLEP general exams.

HISTORY

Faculty Council approved August 28, 2020

REFERENCES

SBHE Policy 403.7 – Common General Education Requirement and Transfer of General Education Credits

NDUS Procedure 403.7.4 - Common Credit-By-Exam Guidelines NDUS Credit-By-Exam Chart

SUBJECT: Student Affairs

EFFECTIVE: August 31, 2015

Section: 523

Williston State College will permit students to demonstrate college level competency and establish college credits by successfully passing “credit-by-exams programs” as defined by SBHE Policy 403.7 (3)(C) and as provided for in the following limits, regulations, and procedures.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

REFERENCES

SBHE Policy 403.7 - Common General Education Requirement and Transfer of General Education Credits

NDUS Procedure 403.7.4 - Common Credit-By-Exam Guidelines, NDUS Credit-By-Exam Chart

SUBJECT: Student Affairs

EFFECTIVE: August 31, 2015

Section: 524

Williston State College has authorized the National Student Clearinghouse to provide official transcript ordering online. This service allows students to order official transcripts securely via the web.

HISTORY

Faculty Council approved August 28, 2020

Approved by the Executive Cabinet on August 31, 2015

SUBJECT: Student Affairs

EFFECTIVE: October 2, 2017

Section: 525

WSC places transcript notations on unofficial and official transcripts for any student who receives any type of Student Code of Conduct disciplinary suspension and for any student who withdraws from the institution while a conduct proceeding is pending final decision.

HISTORY

Faculty Council approved August 28, 2020

Approved by WSC Executive Cabinet October 2, 2017

REFERENCES

Transcript Disciplinary Notations: Guidance to AACRAO Members, June 2017

<http://www.aacrao.org/docs/default-source/TrendTopic/Disciplinary-Notations/transcript-disciplinary-notations-guidance.pdf?sfvrsn=0>

SUBJECT: Student Affairs

EFFECTIVE: March 19, 2008

Section: 526

[514](#), Due Process Requirements for Student Conduct That May Result in Suspension or Expulsion

All policies in the Student Code of Conduct must be followed.

A student's failure to follow the Student Code of Conduct may result in removal from the classroom or online courses. Faculty reserve the right to remove students from the classroom or online classes.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Student Affairs

EFFECTIVE: March 19, 2008

Section: 527

Williston State College returns unearned military tuition assistance funds on a proportional basis through at least the 60% portion of the term for which they were provided regardless of the reason for the withdrawal (service related or otherwise). Any unearned TA funds will be returned directly to the military service, not to the service member.

Procedure

WSC will work with service members that stop attending due to military service obligation in identifying solutions that will not result in a student debt for the returned portion. Military tuition assistance is awarded based on students completing the entire term it was awarded. When a student withdraws, they may no longer be eligible for the full amount.

Tuition Assistance eligibility will be recalculated for students who officially withdraw from the course prior to completing 60% of the enrollment period. The official last date of attendance is used to determine the number of days completed. Recalculation of eligibility is based on the percentage of TA benefits earned using the following chart:

0 to 8.99% of the enrollment period	100%
9.00 - 34.99% of the enrollment period	75%
35.00 - 59.99% of the enrollment period	50%
60% - 100% of the enrollment period	No refund

The Department of Defense requires that WSC return any unearned TA applied to institutional charges. The student will then owe WSC the amount that was returned. As stated above, WSC will work with the service member that stops

attending due to military service obligation in rectifying the above charges through the WSC Financial Appeal Process.

HISTORY

Faculty Council approved August 28, 2020

REFERENCES

WSC Financial Appeal Policy

SUBJECT: Personnel

EFFECTIVE: March 19, 2008

Section: 602.3

**CRIMINAL HISTORY RECORD CHECKS-JOB
APPLICANTS/EMPLOYEES**

Effective March 19, 2008, criminal history records checks are authorized and/or required before a person may begin employment with Williston State College as outlined in procedure 602.3.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 603.1

HARASSMENT AND DISCRIMINATION

It is the policy of Williston State College to provide an environment that is free from sexual harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment.

This policy applies to all members of the college community, who are encouraged to report promptly complaints about sexual harassment. Persons found to be in violation of this sexual harassment policy shall be subject to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, or dismissal.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Personnel

EFFECTIVE: March 19, 2008

Section: 603.1.2

Williston State College discourages all such consensual relationships, because of the possible difficulties associated with the power differential and because of potential conflicts of interest.

If a romantic or sexual relationships exists or develops between individuals having a power differential within the college, the person with greater power shall report it to an appropriate supervisor.

Rationale

1. There is a potential conflict of interest when individuals evaluate the work or academic performance of other individuals with whom they have intimate relationships. It is a generally accepted ethical principle in our society that one avoids situations in which one makes official evaluations of relatives, family members, spouses, or other persons with whom one has an intimate relationship. Such a relationship, combined with a responsibility for evaluation, is considered a “conflict of interest.” In a college, examples of such evaluations are the assignment of grades, and participation in decisions to hire, retain, promote, discipline or determine salaries.
2. Any relationship involving a power differential has the potential for serious consequences because the relationship may exist only as a result of the power differential. This may lead to sexual harassment charges at a later time.

Explanation

1. Consenting romantic and sexual relationships between instructor (meaning all who teach at the College--faculty members, other instructional personnel), and student (meaning any person studying with or receiving advising from the instructor); between supervisor (meaning any person in a position of authority over another--to hire and fire, to grant raises and oversee task performance) and employee (meaning any

person working for the supervisor); and between employee and student (where there is an instructional, advisory, or an employment relationship between them) have the potential for extremely serious consequences and ought to be avoided. This list is not all-inclusive, but gives examples of the types of relationships that are covered by this policy.

2. Codes of ethics for most professional associations forbid professional-client sexual relationships. The relationships enumerated above should be viewed in this context. In the case of instructor and student, for example, the respect and trust accorded the instructor by the student, as well as the power exercised by the instructor in giving grades, advice, evaluations, and recommendations for further study and future employment, may greatly diminish the student's actual freedom of choice concerning a romantic or sexual relationship.

For example, an instructor shall report the matter immediately to the department chair, and an employee shall report it to his/her supervisor. In each case, the administrative supervisor shall make suitable arrangements for the objective evaluation of the student's, employee's, or prospective employee's academic or job performance and for the protection of individual and College interests.

3. All instructors, supervisors, and other employees should understand that there are substantial risks in consenting relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. An instructor's or supervisor's protection under state law and representation by the Attorney General may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to prove where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

HISTORY

Faculty Council approved August 28, 2020

Reference

State Board of Higher Education Policy Manual Section 603.1

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 603.2 Equal Employment Opportunity

1. Williston State College operates in accordance with Title VI of the Civil Rights Act of 1964, Title IX of Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 which provide that: “No person in the United States shall, on the basis of sex, race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance; and prohibit discrimination on the basis of handicap against existing employees, students and applicants for employment and admission.” Williston State College does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.
2. Every vacant position shall be filled based upon applicants' qualifications and performance requirements of the job. Discrimination against an employee or applicant based on sex, race, color, religion, age, physical or mental disability, pregnancy, status with regard to marriage or public assistance, sexual orientation, participation in lawful activity off the employer's premises during nonworking hours or on genetic information in appointment, promotion, salary, benefits or conditions of employment is prohibited.
3. Discrimination against an employee or applicant for employment, with respect to working conditions, work place assignment, or other privileges of employment, merely because the employee's or applicant's spouse is also an employee is prohibited. This prohibition does not apply to employment of the spouse of a person who has the power to hire or fire, or make evaluations of performance, with respect to the person involved. Employment in a department or institution headed or supervised by the employee's spouse is permitted only if the spouse does not have the power to hire or fire or make evaluations of performance and such employment is consistent with SBHE

Policy Section 603.3

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

NDUS Policy- 603.2, 603.3; N.D.C.C §14-02.4-03 and §34-11.1

Civil Rights Act of 1964, Education Amendment Act of 1972,
Rehabilitation Act of 1973

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 604.4

SBHE Policy Manual, Section 612 Faculty Grievances:

1. Each institution shall establish procedures to attempt mediation or resolution of faculty grievances.

2. “Grievance” means an allegation of a violation of a specific Board or institutional policy, procedure or practice pertaining to the employment relationship. This includes the terms of the grievant contract and this policy. Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine:

(a) whether the discretionary action was made in accordance with relevant Board or institutional policies, practices, procedures or criteria; and

(b) whether the action constitutes a clear abuse of discretion. Complaints involving many matters covered under SBHE Policy, Sections 605.3 or 605.4 are not grievances. Grievances cannot be filed against written Board and institutional policies, per se.

3. This policy applies only to faculty as defined in SBHE Policy, Section 605 [Academic Freedom and Tenure; Academic Appointments]. It does not apply to classified staff or administrators or coaches.

4. The faculty governance structure at each institution shall by policy define the procedures for filing a grievance in accordance with SBHE Policy, Section 305.1 [College and University Presidents' Authority and Responsibilities].

For purposes of these operational rules Faculty shall mean any employee who is contracted to teach for Williston State College. Complainant shall be the faculty member who is bringing the grievance. Respondent (s) shall be the person or persons against whom the grievance is brought.

Timeline: According to North Dakota University System Resource Policy Manual on Grievance Procedures, Section 28.5.1.3 states “A grievance must be brought within twenty working days from the act causing the grievance unless a longer period of time is provided by law or written agreement.”

HISTORY

Faculty Council approved August 28, 2020
Approved by President November 2013

REFERENCES

State Board of Higher Education Policy Manual, Section 612-Faculty Grievances -

NDUS Human Resource Policy Manual, Section 28, Grievance Procedures

SUBJECT: Personnel

EFFECTIVE: May 10, 2021

Section: 605.1.1

The North Dakota State Board of Higher Education (SBHE) retains unto itself the final and absolute authority to grant Tenure. To assist in this decision, the Board takes into consideration the recommendations of the institution's faculty and the endorsement of the institution's President. Therefore, to qualify for consideration of Tenure, a faculty member at Williston State College (WSC) must both be recommended for tenure by the WSC Rank and Tenure Committee and receive the endorsement of the College President.

This Tenure policy will strengthen the capability of the college to attract and retain superior teachers and scholars as members of the faculty. Pursuant to the terms and ideals laid out within the SBHE Policy 605.1 regarding Academic Freedom and Tenure, WSC will have a systematic policy of faculty ranking intertwined with its policy on faculty tenure will hereafter be referred to as the Faculty Rank and Tenure Policy. These two systems will also, therefore, have an intertwined procedure as well and shall be found in WSC Procedure 605.1.1: Faculty Ranking and Tenure.

Details of the faculty ranks used at WSC and the process and criteria for the attainment and advancement of rank have been established and located within WSC Procedure 605.1.1 to assure that quality performance is recognized and rewarded.

Definitions (These definitions apply to both this policy and to WSC Procedure 605.1.1):

Tenure-track contract – This type of contract may be awarded to a faculty member either upon first hiring or upon issuing a new annual contract, as decided by the College President. Once a faculty member is on a tenure-track contract, they shall remain on that type of contract until (1) the faculty member provides the College President a written statement expressing interest in moving off of a tenure-track contract, (2) the faculty member chooses not to apply for Tenure when available, (3) the faculty member is granted Tenure per WSC Procedure 605.1.1: Faculty Ranking and Tenure, or (4) the faculty member's contract is not renewed. In

accordance with SBHE Policy 605.1 – the college may, at its discretion, grant tenure credit not to exceed three years for any previous professional experience. Any faculty member who is being awarded tenure credit must be informed of this by the College President in writing before or at the time of being granted a tenure-track appointment.

Tenure - At WSC this status is awarded as recognition of excellent service to the college and to the community at large. The awarding of Tenure status is not an entitlement but a recognition of service; as such, granting it must be approved by both peers and WSC administration. As a reward of the recognition, tenured faculty members are assured academic freedom, as per SBHE Policy 605.1. As its fundamental purpose, Tenure offers the protection of academic freedom to maintain a free and open intellectual atmosphere. The justification lies in the character of scholarly activity, which requires protection from improper influences from inside or outside the college. A faculty member is eligible to apply for Tenure status during their sixth year of service to WSC on a tenure-track contract, adjusted by any tenure credit granted as previously described.

CTE faculty – A faculty member whose course load each semester consists of more than 50% being courses that are under an A.A.S. prefix.

Liberal Arts faculty – A faculty member whose course load each semester consists of more than 50% being courses that are under an A.S. or A.A. prefix.

Faculty rank - The various faculty ranks at WSC are meant to locally acknowledge and reward faculty members for professional competence and service to the institution. Unlike Tenure status, faculty rank is specific for WSC and has no meaning outside of WSC. The names of WSC's faculty ranks are aligned with faculty ranks at other academic institutions to increase familiarity. No faculty member is required to seek a faculty ranking promotion as a condition of their continued employment; it shall remain a personal choice whether to seek a rank promotion or not.

Rank and Tenure Committee – This Committee operates under the WSC Faculty Senate to review applications for both faculty rank promotion and Tenure status. The committee shall consist of three (3) tenured faculty members, one of whom will serve as Chair of the committee for a year term; the committee must consist of at least one CTE faculty member and at least one Liberal Arts faculty member.

Although this Committee operates under the WSC Faculty Senate, the members of the committee are not required to be current senators. The members of the committee are appointed by the Faculty Senate to serve a three-year term, subject to repeat as needed. The members shall be from different academic departments to promote diversity and unbiased feedback. If one of the members of the committee is applying for a rank promotion, the presiding officer of the Senate shall appoint a replacement for that individual for that year.

HISTORY

Faculty Council approved April 30, 2021

Approved by President May 10, 2021

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 611.10

Each employee, as a basic condition of employment, assumes responsibility for safeguarding and preserving the assets and resources of the state and university system and its institutions, particularly those for which the employee is responsible.

Each employee is expected to report suspected theft, fraud or unlawful or improper use of public resources to a supervisor, department head, chief fiscal officer or other institution officer designated with responsibility for receiving and investigating such reports.

Williston State College has designated the CFO of alleged violation(s), the CFO shall determine reasonable and appropriate action(s) to address the allegation(s). Such action(s) may include an internal investigation, commission of an audit, referral to law enforcement officials, and a recommendation for policy or procedure amendments. A report summarizing findings and actions taken shall be prepared by the CFO. This report shall be presented to the President's Staff and filed in the office for Financial Affairs. The President's Staff including the CFO are also responsible for periodic review of WSC policies and procedures concerning safeguarding and preservation of assets and resources of the state and university system, making recommendations for appropriate controls and staff training to minimize opportunities for theft or fraud.

An employee found to have engaged in theft, fraud or unlawful or improper use of public resources, or an employee with knowledge of such acts by another who unreasonably fails to report such information as required by this policy, is subject to discipline, up to and including dismissal.

As used in this policy, "theft, fraud or unlawful or improper use of public funds or property" includes:

- a. stealing, larceny or embezzlement;
- b. making or altering documents or files with the intent to defraud;
- c. purposely inaccurate accounting or financial reporting at any level;
- d. fraudulent conversion or misappropriation of public resources, including funds, supplies or other property;

-
- e. improper handling or reporting of financial transactions;
 - f. authorizing or receiving compensation for goods not received, services not performed or hours not worked, including payment or receipt of a bribe, kickback or other unlawful or unauthorized payment.

Legal Authority

Sexual harassment is a form of sex discrimination which is prohibited by Title VII of the Civil Rights Act of 1964, by Title IX of the Education Amendments of 1972, and by the North Dakota State Board of Higher Education Policy 603.1.

Definition

- A. Harassment on the basis of sex is a violation. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when
- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting an individual, or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. In determining whether alleged conduct constitutes harassment, the College will look at the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.
- C. Williston State College is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the College and regardless of whether the college's administration knew or should have known of their occurrence.
- D. With respect to conduct between fellow employees, the College is responsible for acts of sexual harassment in the workplace when the College (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.
- E. The College also may be responsible for the acts of non-employees, with respect to sexual harassment of Williston State College employees in the workplace, when the College (or its agents or supervisory employees) knows or should have known

of the conduct and fails to take immediate and corrective action. College policy on equal opportunity and nondiscrimination is in effect.

This policy includes sexual harassment under sex discrimination guidelines and covers academic and classified staff. Title IX of the Education Amendments of 1972 covers students in federally assisted programs. The State Personnel Board has adopted sexual harassment policies for state employees. These policies prohibit sexual harassment and prohibit retaliation against a person filing a sexual harassment complaint.

Questions concerning the applicability of these guidelines to specific situations or incidents should be directed to the Director for Human Resources at 701-774-4204.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

North Dakota State Board of Higher Education Policy 611.10 include, but is not limited to, written warning, demotion, transfer, suspension, or dismissal.

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 617

FACULTY QUALIFICATION

Williston State College (WSC) is committed to following the guidelines set by the Higher Learning Commission (HLC). WSC employs qualified faculty to teach all courses, including on-campus, online, over IVN, at off-campus locations and through dual credit/early entry. WSC evaluates each faculty member as part of the hiring process and follows the policy for determining qualified faculty.

The faculty qualifications are determined by the HLC's Assumed Practice B. Teaching and Learning: Quality, Resources, and Support which is available at: <https://www.hlcommission.org/Policies/assumed-practices.html>. Faculty at WSC shall meet the qualifications as set in this WSC policy and procedure.

Definitions:

- Faculty - The term faculty in this policy includes, but is not limited to, full and part-time faculty whose primary responsibility is instructing through any mode of delivery.
- Liberal Arts/General/Transfer Faculty – Faculty whose primary teaching assignments are for classes that are considered general education and transfer to baccalaureate degree granting institutions.
- Career and Technical Education (CTE) Faculty – Faculty whose primary teaching assignments are for classes that prepare students for the workforce following graduation.
- Academic Skills Faculty – Faculty whose primary teaching assignments are for developmental courses that are prep courses and do not count towards graduation.
- HPER/Coaching Faculty – Faculty whose primary teaching assignments are for classes with an HPER prefix.
- UNIV Faculty – Faculty whose primary teaching assignments are for classes with a UNIV prefix.
- Lab Faculty - Faculty whose primary teaching assignments are for laboratory components of a companion lecture or didactic course.

Faculty Qualifications Standards:

Liberal Arts/General/Transfer Faculty – Faculty teaching general education courses are required to

- 1) hold a master's degree or higher in the field they teach,
 - 2) hold a master's degree with 18 graduate credits in the field they teach, or
 - 3) have a combination of 9 points or less of tested experience and a minimum of 9 credits of graduate credits in the field they teach.
- 3) Option 3, the number of tested experience points plus the number of graduate credits must equal 18.

All master's degrees are included (e.g. MS, MA, MEd, MAT, etc.)

Career and Technical Education (CTE) Faculty- Faculty teaching in a CTE field should hold a bachelor's degree in the field. If they hold less than a bachelor's degree, a combination of academic credentials, work experience in the field and tested experience will be used to determine if they are qualified in their teaching field.

Academic Skills Course (ASC) Faculty – Faculty teaching in the academic skills area should hold a bachelor's degree in the field

HPER/Coaching Faculty - Faculty teaching in the HPER area and/or coaching a varsity sport should hold a bachelor's degree in the field. If they hold less than a bachelor's degree, a combination of academic credentials, work experience in the field, and tested experience will be used to determine if they are qualified in their teaching field.

UNIV Faculty – Faculty or staff teaching in the UNIV area should hold faculty qualification standards as outlined by transfer degrees.

Lab Faculty – Faculty teaching the lab component of a course should hold a bachelor's degree in the field or closely related field in which they are teaching.

Tested Experience:

Experience that a faculty has outside of the classroom is significant and quantifiable. Examples of tested experience include:

-
- Professional work and/or teaching experience that provides the individual with knowledge that is equal to a formal course of study. (0-9 points per experience; evaluated by prior learning criteria or teaching evaluations)
 - Documented professional development that is relevant to the field or discipline. (0-3 points)
 - Industry certification or specialized training. (0-3 points)
 - Professional license. (0-3 points)
 - Professional publications. (0-3 points)
 - Professional presentations. (0-3 points)
 - Awards of recognition in field. (0-3 points)
 - Professional memberships. (0-1 point)
 - Conference attendance relevant to field. (0-1 point per conference with a maximum of 3 points)
 - Documented military training or experience that is relevant to the field or discipline. (0-9 points per experience evaluated by WSC military liaison)
 - Training or education (i.e., bachelor's degree) in a closely related field and the capabilities required to teach to the course objectives. (maximum of 9 points)
 - Renowned in the field, such as artists, authors, performers, etc. that have developed skills and knowledge to teach in their field. (maximum of 9 points)

HISTORY

Faculty Council approved August 28, 2020

Approved by WSC Executive Cabinet

REFERENCES

<https://www.hlcommission.org/Policies/assumed-practices.html>

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 618

SUBSTANCE ABUSE POLICY FOR FACULTY AND STAFF

PURPOSE

Williston State College recognizes that the use of illegal drugs, and abuse of alcohol and prescription drugs is a serious problem within our society. In response to this concern, Williston State College is committed to the following goals:

- (1) to establish and enforce clear campus policies regarding the use of alcohol and illegal drugs;
- (2) to educate members of the campus community for the purpose of preventing alcohol abuse and illegal drug use;
- (3) to create a campus environment that promotes the individual's responsibility to him/herself and to the campus community; and
- (4) to provide resources through counseling and referral services for students, faculty, and staff who experience alcohol and other drug abuse problems.

POLICY

Williston State College policy prohibits the abuse of alcohol or use of illegal drugs, as well as reporting for work or engaging in work or other College-related activities under the influence of alcohol or illegal drugs. Behaviors which suggest alcohol/drug abuse include (but are not limited to) the following:

1. Repeated accidents (on or off campus)
2. Repeated illness absences
3. Chronic lateness or early departures
4. Significantly diminished task performance (with no other explanation)
5. Odor of alcohol, slurred speech, unsteady gait, disorientation, paranoia, hallucinations, and other physical signs of impaired function, not caused by a known medical condition

A faculty or staff member who suspects that a colleague or co-worker is under the influence of alcohol or illegal drugs should contact his/her department chair or supervisor immediately. A faculty or staff member who suspects that a supervisor or department head is under the influence of alcohol or other illegal drugs should contact the next level of supervision or administration.

If a department chair, supervisor, or administrator has been contacted or suspects that an individual is under the influence of drugs or alcohol, he/she should contact the next level of administration for assistance. A person suspected or found to be under the influence of alcohol or other drugs and/or who may be incapable of performing his/her job will be sent home. The individual will be taken home or be sent home in a taxi. Anyone who insists on driving while suspected of being under the influence of alcohol or other drugs will be reported to authorities.

If a person admits to being under the influence of alcohol or illegal drugs, drug or alcohol testing of the individual may not be necessary. In these cases, a mandatory referral will be made for evaluation by a licensed addiction counselor on or off campus.

If it is determined that testing is necessary because of a critical incident in the workplace or because of safety concerns for the individual, colleagues, or co-workers, blood and/or urine testing procedures will be used. Williston State College will pay the costs of all required drug or alcohol testings. Drug or alcohol testing may be conducted at the appropriate health agency with test samples sent to a certified laboratory for analysis. Random drug or alcohol testing is not explicit or implicit in this policy.

An individual suspected or found to be under the influence of alcohol and/or illegal drugs will be referred for evaluation to a licensed addiction counselor, and, if indicated, will be expected to participate in an appropriate treatment program for rehabilitation. If an individual refuses evaluation, refuses to participate in the appropriate treatment program, if it is indicated, or does not successfully complete the program, he/she will be subject to disciplinary actions up to and including dismissal.

If the individual is able to continue working while involved in the treatment program, his/her supervisor, department head, or department chair will determine if the individual is capable of performing regular job duties. If it is decided that the person should not work at his/her regular job, a temporary alternate job may be offered if one is available for which the person is qualified, or he/she will be placed on leave of absence with or without pay based on the appropriate leave of absence policy.

Conviction of Criminal Drug Statute Violation

Any faculty or staff member convicted of violating a criminal drug statute in this workplace must inform his/her department chair or the supervisor of such conviction (including pleas of guilty and nolo contendere) within five working days of the conviction. Failure to so inform will subject the individual to disciplinary action, up to and including dismissal for the first offense. Under the Drug-Free Workplace Act of 1988, Williston State College will notify the federal contracting officer within 10 days of receiving such notice from a faculty or staff member on a federal grant or contract or otherwise receiving notice of such a conviction.

Williston State College reserves the right to offer individuals convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug assistance program as an alternative to discipline. If such a program is offered, and accepted by the faculty or staff member, then he/she must satisfactorily participate in the program as a condition of continued employment. Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program. As a part of the aftercare program, monthly reports from the licensed alcohol/drug treatment program will be submitted to the supervisor or department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program. Noncompliance in the above-stated elements of the aftercare program will result in disciplinary actions up to and including dismissal.

Aftercare

Upon completion of the initial alcohol/drug treatment program, the individual may be monitored for up to two years by the supervisor/department head as determined by the treatment program.

As a part of the aftercare program, monthly reports from the licensed drug/alcohol treatment program will be submitted to the supervisor or department chair on the individual's progress while he/she is in the program. Reports of relapses and/or missed aftercare meetings will also be reported to the supervisor or department chair by the licensed alcohol/drug treatment program.

Non-compliance in the above-stated elements of the aftercare program will result in disciplinary action up to and including dismissal.

Prescription Drugs

Although prescription drugs and over-the-counter drugs are legal, their use may be unsafe under certain circumstances. A person who is using a drug which impairs mental or physical functioning should inform his/her supervisor or department chair. The supervisor will be responsible for evaluating the individual's ability to work. If necessary, the faculty or staff member may be requested to obtain a statement from the prescribing physician, authorizing the individual to work. If it is determined that it would be unsafe for an individual to work in the regular work setting, an alternative, temporary job may be offered if one is available for which the person qualifies. If no suitable job is available, the impaired person will be sent home.

Sale, Transfer, Possession of Illegal Drugs

Possession of illegal drugs (except possession of current prescription drugs) is prohibited and anyone in violation shall be subject to discipline. Any person who sells, manufactures, or distributes any illegal drugs on College property will be reported to the authorities and will be subject to dismissal.

Legal Sanctions

Under the North Dakota Century Code, persons in the workplace suspected of violating either alcohol or drug statutes may be referred to civil authorities for prosecution. Conviction of either state or federal alcohol or drug statutes will subject an individual (faculty or staff) to disciplinary action including, but not limited to, a required rehabilitation program, suspension, demotion, or dismissal. The classification of offenses and the sanctions for violating specific alcohol or drug statutes are as follows:

Chapter 12.1-32-01. Classification of Offenses-Penalties. Offenses are divided into seven classes which are denominated and subject to maximum penalties, as follows:

1. Class AA felony: up to life imprisonment.
2. Class A felony: up to 20 years in prison, \$10,000 fine, or both.
3. Class B felony: up to 10 years in prison, \$10,000 fine, or both.
4. Class C felony: up to 5 years in prison, \$5,000 fine, or both.
5. Class A misdemeanor: up to one year prison, \$1,000 fine, or both.

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6. Class B misdemeanor: up to 30 days in prison, \$500 fine, or both
 7. Infraction: up to a \$500 fine

ALCOHOL

Chapter 5-01-09. Alcoholic Beverages: Delivery to certain persons unlawful. Penalty for knowingly delivering alcoholic beverages to a person under twenty-one years of age, ..., or an obviously intoxicated person is guilty of a Class A misdemeanor, subject to NDCC sections 5-01-08, 5-01-08.1, 5-01-08.2, or as excepted under section 5-02-06.

Chapter 39-08-01. Persons under the influence of intoxicating liquor or other drugs or substances are not to operate a vehicle - Penalty.

Chapter 39-08-18. Open container law-Penalty.

Chapter 48-05-06. Alcoholic beverages and drugs in charitable institutions prohibited. Penalty for taking, sending, or introducing any alcoholic beverage or controlled substance into any building or upon the premises of any institution, except as stated in NDCC 48-05-06, is guilty of a Class A misdemeanor.

Chapter 19-03.1. Uniform Controlled Substance Act.

Conviction under the Uniform Controlled Substance Act carries penalties that range from 1 year imprisonment, \$1,000 fine or both, to 30 years imprisonment, \$10,000 fine or both.

Chapter 19-03.2. Imitation Controlled Substances.

Penalties range from a Class B misdemeanor for a person to use, or to possess with intent to use, an imitation controlled substance to a Class C felony for the purpose of manufacturing, distributing, or possession with the intent to distribute, an imitation controlled substance.

Chapter 19-04-08. Distribution of Anabolic Steroids Prohibited.

Penalty for distributing or possessing with the intent of distribute an anabolic steroid for use in humans other than the treatment of disease under the prescription of a physician is a Class B felony.

12.1-31.1-03. Unlawful possession of drug paraphernalia is a Class A misdemeanor.

12.1-21.2-04. Unlawful manufacture or delivery of drug paraphernalia is a Class A misdemeanor.

12.1-31.1-05. Unlawful delivery of drug paraphernalia to a minor is a Class C felony.

12.1-31.6-06. Unlawful advertisement of drug paraphernalia is a Class B misdemeanor.

Other drug or alcohol-related statutes may apply in specified circumstances for which a person may be disciplined or prosecuted by appropriate Williston State College or civil authorities, respectively. Disciplinary and appeal procedures for faculty are found in the Faculty Handbook and for staff in the Staff Personnel Policy Manual.

Federal statutes are attached as printed in the August 16, 1990, Federal Register as part of the final regulation for the Drug-Free Schools and Campuses Act.

SOURCES OF EDUCATION AND COUNSELING

Williston State College offers an Employee Assistance Program (EAP) which can be used for referral to appropriate support agencies or services. The Director for HR and the Mental Health Counselor are the college contacts.

Northwest Human Service Center offers educational programs for persons seeking assistance in drug and alcohol evaluation, intervention, treatment, and aftercare. Other agencies or licensed addiction counselors are listed in the yellow pages of the telephone book under "Alcoholism Treatment" and "Drug Abuse Information and Treatment."

HEALTH RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS & ALCOHOL

There are many known health risks associated with the use of alcohol and drugs. The health risks range from decreased reaction time and motor coordination to more severe risks of cancer, heart attacks, and even death. More information can be found by using the links below.

<http://niaaa.nih.gov/alcohol-health/alcohols-effects-body>

<http://www.dea.gov/druginfo/factsheets.shtml> <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts>

REPORTING REQUIREMENTS AND RECORDS RETENTION

A department chair or supervisor who has disciplined a faculty or staff member for alcohol or drug-related workplace problems or who has knowledge of an alcohol or drug-related conviction, shall notify the appropriate vice president in whose area the faculty or staff member is employed. The following information will be retained: Faculty or staff member's name, department, date and type of offense, date and type of action taken, and any follow-up or aftercare required. Disciplinary reports on staff shall be submitted to the director for business affairs, who shall be

the official repository of this data. Disciplinary reports on faculty shall be placed in their official personnel file. Referral data for evaluation, treatment, or aftercare that are non-disciplinary or contain medical information shall be retained by the director for instruction or the director for business affairs.

Williston State College will undertake, at minimum, a biennial review of the program starting in 1991 to (1) determine effectiveness of and changes to the program and (2) to ensure that disciplinary sanctions are consistently enforced.

HISTORY

Faculty Council approved August 28, 2020

BEFORE SIGNING THIS ACKNOWLEDGEMENT, BE SURE YOU HAVE
READ THE ATTACHED SUBSTANCE ABUSE POLICY

ACKNOWLEDGEMENT

I, _____, an employee of
WILLISTON STATE COLLEGE, hereby certify that I have received a copy of
Williston State College's Substance Abuse Policy regarding the maintenance of a
drug-free workplace. I realize that unlawful manufacture, distribution,
dispensation, possession or use of a controlled substance is prohibited at my
workplace, and violation of this policy can subject me to discipline up to and
including termination. I realize that as a condition of employment, I must abide by
the terms of this policy and will notify my supervisor of any criminal drug
conviction for a violation occurring in the workplace no later than five (5) days
after such a conviction. I further realize the federal law may mandate that the
agency appointing authority communicate this conviction to an appropriate federal
agency, and I hereby waive any and all claims that may arise for conveying this
information to a federal agency.

EMPLOYEE'S SIGNATURE _____

DATE _____

SUBJECT: Personnel

EFFECTIVE: February 22, 2018

Section: 618.1

TOBACCO

North Dakota Century Code

Williston State College complies with all North Dakota Century Code provisions pertaining to tobacco and smoke free places. Specifically:

[23-12-09](#) Smoking in public places and places of employment - Definitions

[23-12-10](#) Smoking restrictions - Exceptions - Retaliation - Application

North Dakota State Board of Higher Education Policy

Williston State College complies with all North Dakota State Board policies pertaining to tobacco and smoke free places. Specifically:

1. Except as provided by subsection 2, smoking is prohibited in all North Dakota University System buildings and enclosed structures and facilities.
2. Institutions may establish smoking and nonsmoking apartments and residences, including private rooms in residence halls or dormitories, provided that smoking is prohibited in all common areas and areas to which the public has access. Institutions may permit smoking areas in outdoor arenas, provided that smoking is prohibited in all restrooms and other enclosed areas.

Williston State College Tobacco and Smoke Free Campus Procedure

Purpose

Williston State College (WSC) is committed to creating a safe, clean, and healthy educational environment for all students, employees, and visitors. WSC's tobacco and smoke free campus procedure promotes a healthy working and learning environment that:

- encourages tobacco and smoke free lifestyles,
- establishes a campus culture of wellness,
- reduces health insurance and health care costs, and

- reduces harm from secondhand smoke.

The 2014 US Surgeon General's comprehensive report chronicles the devastating consequences of 50 years of tobacco use in the United States.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 619

NONDISCRIMINATION POLICY

Williston State College operates in accordance with Title VI of the Civil Rights Act of 1964, Title IX of Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 which provide that: “No person in the United States shall, on the basis of sex, race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance; and prohibit discrimination on the basis of handicap against existing employees, students and applicants for employment and admission.” Williston State College does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The Coordinator for Title IX, Section 504 and Section 35.107 of the Department of Justice regulations is Megan Kasner, Williston State College, 1410 University Avenue. Phone is 701-774-4295. Email is megan.kasner@willistonstate.edu

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 620

COPYRIGHT

Context of Policy

1. **Impetus:** At the request of the Senate and the verbal director of the President, a subcommittee of faculty and classified staff was formed to develop a written policy to guide Williston State College and its employees and students in complying with the laws and guidelines regulating establishment of copyright ownership and use of copyrighted material.

2. Key Definitions:

a. **Copyright:** Williston State College recognizes the professional and legal obligation of administration, staff, faculty, and students to respect the copyrights holders have over their creations. Section 106 of 17 USCS defines the five rights of holders: 1) to reproduce the work; 2) to prepare derivative works based on the work; 3) to distribute copies or audiovisuals of the work to the public by sale or other transfer of ownership, or by rental, lease or lending; 4) to perform the work publicly; and 5) to display the work publicly. Violation of holder's copyrights is infringement.

b. **Fair Use:** Section 107 of 17 USCS defines fair use as a combination of four factors: 1) purpose & character use; 2) nature of copyrighted work; 3) amount and substantiality of portion copied relative to the entire work; 4) effect of copy upon potential market for or value of the copyrighted work. This does not give schools "open license" to copy anything to any amount. While the section specifically mentions that fair use may include "criticism, comment, . . . teaching (including multiple copies for classroom use), scholarship, or research. . .", Bruwelheide (1995), referring to case law, explicitly states, "Schools and libraries can be guilty of violating the copyright law despite their educational purposes" (p. 13).

c. **Public Domain:** Works which are in the public domain are those whose copyrights have expired or been non-renewed, those created by the federal government, or those for which copyright was never claimed. Bruwelheide (1995) points out that, "Absence of a copyright notice on software or other media does not mean that the material is automatically in the public domain . . . Since March 1,

1989, the inclusion of a copyright notice on any form of material has been optional, but recommended" (p. 69).

d. **Work for Hire:** Weinstein (1987) defines work for hire as either something done as an employee of another person within the scope of said employment or something which is a product of a contractual agreement between the maker and the owner of the product (p. 39). Usually the employer or patron owns all copyrights attached to the work created, although the employer or patron may allow the creator to have ownership of copyrights of works created in a work for hire situation if, in writing, the specific rights and the specific works are enumerated and both employer/patron and creator sign the document (p. 41). Weinstein does point out that an exception to the standard work for hire definition exists in the education realm, however. "The employer (the educational institution) will not automatically be the initial copyright owner of such works, even though [the works] might otherwise be thought to fall within the scope of employment. Here, as a result of generally accepted practices, teachers and professors are entitled to possess initial copyright ownership" (p. 42).

Purposes of Policy

1. **Ethical:** As an institution valuing intellectual property as both creation and as tool, Williston State College shall value copyrights and shall expect employees and students to respect the right of holders to control dissemination and reproduction of works.

2. **Exemplary:** The University can serve as a lasting example for its students by adhering, at all levels from classroom to administrative office, to 17 USCS, case law decisions and interpretations, and guidelines provided for use by higher education institutions.

3. **Legal:**

"Q: In case of an alleged infringement, who would be sued...?"

A: Clearly, the librarian or the teacher can be sued, but the . . . university, even the equipment operators [i.e., students or classified staff JES] may also be named in a lawsuit. In fact, anyone who had something to do, even remotely, with the alleged infringement may be named. The person who does the infringing is the prime offender. Thus, copyright policies are extremely important for protection and clarification of responsibilities." (Bruwelheide, 1995, p. 10).

"Q: What is sovereign immunity?"

"A: [In addition to recent federal court rulings and consequent revision in North Dakota statutes,] [i]n November 1990, Section 511 was added to the Copyright Law to clarify the issue. It stated that state entities, agencies, and employees were not immune from suits for copyright infringements and could be held liable for copyright violations." (Bruwelheide, 1995, p. 11).

"Q: What are the penalties if the court finds that the teacher or librarian or employee knowingly infringed upon the copyright?"

"A: The awards to the copyright owner can be substantial: \$500 to \$20,000 per work infringed upon and up to \$100,000 in cases of willful, or knowledgeable, infringement. If the defendant is able to prove that the infringement was 'innocent,' such damages may be remitted, or not levied, by the court if there was honest belief and reasonable grounds to consider the use of copyrighted works as 'fair use,' as described in Section 107. (Bruwelheide, 1995, p. 9).

"Q: What efforts can underscore the 'innocence' of libraries, educational institutions, and their employees?"

"A: They can make every effort to show compliance by:

1. Applying the fair use factors. . . ;
2. Applying the educational and library exemptions. . . ;
3. Applying the various guidelines, when appropriate. . . ;
4. Labeling all equipment capable of copying (not just photocopiers); and
5. Seeking permissions and retaining records." (Bruwelheide, 1995, p. 9).

Statement of Policy

1. Employees and students of Williston State College shall abide by the conditions of the Copyright Act of 1976, as amended in 1994 (17 USCS), end by Title 37 of the Code of Federal Regulations (updated whenever the Copyright Act is amended).

The "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions With Respect to Books and Periodicals" (HR 94-1476) is also a basis for sections of this policy; Bruwelheide (1995) reports that a 1994 report by the U. S. Department of Commerce Information Infrastructure Task Force says HR 94-1476 "has been endorsed by court decisions" (p. 14).

Thomas (1992) includes the text of the 1981 "Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes," which she claims is "a retroactive part of the 1976 Copyright Act (pp. 22-23);

section I of the "Guidelines" states that they "apply only to nonprofit educational institutions, which are further 'expected to establish appropriate control procedures to maintain integrity of these guidelines'" (p. 23).

Section 117 of PL96-517 is also applicable to matters of computer programs.

2. The Director of Finance and Operations is designated as the University Copyright Administrative Officer.

3. The University shall develop and have in place by the beginning of Fall Semester 1996 an operating system for maintaining records documenting copyright holders. These records shall include but not be limited to copies of requests for permission, copies of holders' responses to requests for permission, copies of all licenses and licensing agreements for works.

4. The University shall not be a contributor to copyright infringement. **Liability for willful infringement of copyright rests on the individual or individuals committing the infringement.** In order to actively comply with copyright law, the University shall post the following on all printers, Thermofax machines, photocopying equipment, scanners, digitizers, transparency machines, and other devices developed to make reproductions: "Notice: The copyright law of the United States (Title 17 U. S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement."

5. All employees shall read and sign a statement attesting to their reading of, and acceptance of responsibility for choice for complying with, this policy.

6. Obtaining Permission

a. Whenever possible, employees shall obtain permission of the copyholder before making and/or distributing copies; permission may take the form of license or licensing agreement. Obtaining permission requires finding the works and planning for their use long before the class session.

b. Employees or students requesting permission are encouraged to use "Request for Permission to Copy" for text works, purchase of new non-text works, and

"Audiovisual Permission Request for Media" for use of media already purchased. If these forms are not used, letters, FAX messages, or e-mail messages requesting permission to copy material or works should contain the same substantial information as does the appropriate form.

c. Copies of all requests made by University personnel, and of all responses from copyright holders, shall be given to the Copyright Administrative Officer, who shall maintain a record of all requests and responses.

7. Teaching situations: text

a. If the decision to use the work and the moment of its use for maximum effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission, the following policies apply. (HR 94-1476)

b. Faculty or others so directed by faculty (ex. secretaries, student aides) may make single copies of a chapter of a book or of an excerpt of no more than 1,000 words or 10 percent of the work, whichever is less; a periodical or newspaper article of less than 2,500 words; a short story or short essay of less than 2,500 words; a poem of less than 250 words and if not printed on more than two pages OR an excerpt not to exceed 250 words from a longer poem; or one chart, graph, diagram, drawing, cartoon, or picture from a book, periodical (one per issue), or newspaper (one per issue) for individual research or use in teaching only one course or preparation to teach one course. (HR 94-1476)

c. Faculty or others so directed by faculty shall only copy one short poem, article, story; or two excerpts from the same author during one class term. Faculty shall copy three or less items from a single collective work or periodical volume during one class term. Faculty shall not make more than nine spontaneous copies without copyholders' permission per course per term. (HR 94- 1476)

d. Multiple copies not exceeding one per pupil per course may be made for classroom use or discussion, provided they meet the criteria of the preceding three paragraphs and each copy includes a copyright notice (HR 94-1476)

e. Charges to students for copies made under these provisions shall not exceed the actual cost of photocopying or electronic reproduction. (HR 94-1476)

f. Faculty or others directed by faculty shall not copy the same item from term to term, nor shall they copy all or part of workbooks, exercises,

standardized tests, test booklets, answer sheets, and like consumable material. (HR 94-1476)

g. No employee shall assume that works no longer in print are in the public domain.

h. Faculty or others so directed by faculty shall place a copyright notice on all reproduced works. The notice shall state: "This material may be protected by copyright law (Title 17 U. S. Code)."

8. Teaching Situations: Digitized/scanned material

a. Employees and students shall obtain explicit permission from, and payment of required royalty fees to copyright holders prior to digitizing or scanning copyrighted materials into computer ("machine-readable" in HR 94-1476, Circular 21, 19) format, unless the original was in digital format. (HR 94-1476, 74-79) Bruwelheide (1995) states that "many legal experts say [digitizing or scanning texts into computer format] is not [legal] in most instances. The Association of American Publishers issued a report in 1994 stating that digitizing of copyrighted materials was not permissible without permission....Unfortunately, this is an area of the law where needed guidelines are still absent" (p. 64).

9. Teaching Situations: Audiovisuals & Software

a. Faculty or students shall only display lawfully made motion pictures or other audiovisual works, whether all or only a portion of the work is displayed. (HR 94-1476)

b. Provided that all conditions of section 110(1) are met, videotapes labeled "For Home Use" only may be shown. (HR 94-1476) Whenever possible, departments and the library shall purchase videotapes with explicit "Public Performance Use" permission.

c. Without explicit permission of the copyright holder, audiovisual displays whose rights are held by others shall be for educational purposes within the limitations of fair use, not for recreational purposes. (HR94-1476)

d. Employees and students shall only copy and distribute legally-made phone records; audiotapes; videotapes; computer tape, disk, or other medium embodying a program. (109 of 17 USCS)

i. No employee or student shall copy audiovisuals labeled "For Home Use Only" without expressed permission of the copyholder.

ii. Computer programs may be copied for either of the two following purposes:

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1. Creation of duplicate is an essential step to allow the software to run; or
 2. To create a backup/archival copy, which is then stored--not used. Only one archival copy shall exist at one time. (117 of PL 96-517)
 - iii. Employees and students shall only sell, lease, or transfer computer program copies if the legally-made copy and the original program are BOTH included in the transaction. (117 of PL 96-517)
 - iv. Videotaped recordings may be kept for no more than 45 calendar days after the recording date, at which time the tapes must be erased, ("Guidelines" cited in Thomas. p. 23)
 - v. Videotaped recordings may be shown to students only within the first 10 school days of the 45-day retention period. ("Guidelines" cited in Thomas, p. 23)
 - vi. Off-air recordings must be made only at the request of an individual teacher for instructional purposes, not by school staff in anticipation of later requests by teachers. ("Guidelines" cited in Thomas, p. 23)
 - vii. The recordings are to be shown to students no more than two times during the 10-day period, and the second time only for necessary educational reinforcement. ("Guidelines" cited in Thomas, p. 23)
 - viii. The taped recordings may be viewed after the 10-day period only by teachers for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future. ("Guidelines" cited by Thomas, p. 23)
 - ix. If several teachers request videotaping of the same program, duplicate copies are permitted to supply their request; all copies are permitted to the same restrictions as the original recording. ("Guidelines" cited by Thomas, p. 23)
 - x. The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety. ("Guidelines cited by Thomas, p. 23)
 - xi. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded. ("Guidelines" cited by Thomas, p. 23)
 - xii. Pirating of audiovisuals or computer programs is a copyright infringement. See "Misuse of Computer Facilities, Equipment or Programs" policy in Section IV of the Faculty Handbook.

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- e. Employees shall only place copyrighted material on local area or wide area networks when licensing agreement of the material expressly allows such use. At any one time, the number of network users of a software shall not exceed the number permissible by licensing agreement. (117 of PL 95-517)
 - f. The following notice shall be placed in a conspicuous location on all work stations, dumb terminals, and standalone microcomputers: "Many computer programs are protected by copyright, 17 U.S.C. sec. 101. The person using this equipment is liable for any infringement.
 - g. Lawfully made or obtained audiovisuals, in whole or in part, shall only be displayed by instructors and students in the course of:
 - Face-to-face teaching activities;
 - in a nonprofit educational institution;
 - in a classroom or similar place devoted to instruction. (110(1) 17 USCS)

10. **Works for Hire:** Refer to "Employee Responsibility and Activities: Copyrights" in Section III of the Faculty Handbook for University policy on works for hire.

11. **Student Works:**

- a. Faculty shall recognize that student musical works, dramatic works, pantomimes, choreographic works; literary works; pictorial, graphic & sculptural works; audiovisual works & motion pictures; sound recordings; and computer programs are works to which the student holds copyright. No student work shall be distributed or copied without expressed written consent of the student.
- b. The Williston State College faculty may use copies of works for assessment, examples for future courses, long-term files, etc., only with explicit written consent of the student.
- c. Under no circumstances shall any faculty coerce a student into signing away all copyrights, nor shall faculty ask student to remove names from compositions, nor shall faculty make student transfer of copyright a requisite for a course or assignment.

12. **Student Uses:** Instructors should inform students of legitimate academic uses of copyrighted material used for course work. Students shall abide by copyright and honesty policies.

13. Library Uses:

a. Regarding texts and phone records and other works as allowed under subsection (h) of Section 108, the library and its staff shall abide by Section 108, 17 U.S.C.S. The library:

--Shall not reproduce or distribute works for patrons if the library or any of its staff is aware or has substantial reason to believe that such actions will involve the library in related or concerted reproduction or distribution of multiple copies or phone records of the same material, whether intended for aggregate use by one or more individuals or for separate use by individual members of a group.

--Shall not engage in systematic reproduction or distribution of single or multiple copies or phone records of material described in subsection (d) of Section 108, except for cases of legitimate, legal interlibrary loan arrangements which do not have, as their purpose or effect, that the library receiving such copies or phone records for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

--Shall not hold on reserve "For Home Use Only" videotapes unless students are able to view those videotapes outside the library.

b. As Bruwelheide (1995) states. "The library's duty is. . . merely to state the [work is] subject to the copyright laws: (p. 61); "There is room for a variety of approaches to this situation....While there is no clear duty to refuse to lend, there is a point at which a library's continued lending with actual knowledge of infringement could possibly result in liability for contributory infringement." (p. 62)

c. The library shall not use any system of reproducing single subscriptions or interlibrary loans to:

i. Substitute for subscriptions, purchases by library, by faculty and staff, or by students; nor to

ii. Create or replace or substitute for anthologies, compilations, collective works. (HR 94-1476)

d. The Congress established a Commission on New Technological Uses of Copyrighted Works (CONTU) Guidelines which in 1976 adopted guidelines which apply to Section 108 (g) (2) of the Copyright Act. The guidelines specifically apply to interlibrary loans situations. The guidelines, adapted for Williston State College Library application, are

--Periodicals published with five years of a patron's request are known as the "rule of five." Periodicals older than five years are not

addressed by the guidelines, but they are not to be considered as fair game for unlimited copying. Copyright term is still in effect. [The library shall] apply Section 108 or 107 criteria.

--During a calendar year, no more than five copies may be requests and reproduced from any single periodical title (not single issue). If the. . . library uses a periodical heavily, the library [shall] subscribe to it.

--"With respect to any other material described in 108(d), including poetry and fiction anthologies, filled requests will not exceed [five] copies or phone records within a calendar year." The library [shall] purchase a copy if a title is used that heavily.

--[The library] may request an item that it currently owns through interlibrary loan if its copy is currently unavailable. Such a request would not count in the annual tabulation. [The library] may also request a loan if the periodical is currently on order.

--[When requesting interlibrary loan items, the library] must use a requesting form that states that the CONTU guidelines are being followed. The American Library Association developed a form which complies with this requirement [; the library may use this form].

--.... [The library] [shall] maintain records of all requests and fulfillments for copies or phone records for three years after conclusion of the calendar year when the requests were made.

(Bruwelheide, 1995, pp. 18- 19)

14. Faculty/Employee/Administrative Directives

a. No faculty member or classified employee or administrator shall direct a subordinate or ancillary department (ex. library, faculty secretary) to violate this policy. (HR 94-1476)

b. "Often teachers or administrators believe that if students, aides or volunteers make copies, the law is circumvented. This is a misconception. Anyone who violates the law can be held liable. In fact, school administrators and teachers who fail to inform students or staff about copyright laws may be held liable under the concept of 'contributory infringement.' The [employing institution] of a teacher who infringes could be held liable with the teacher" (Thomas, pp. 12-13).

HISTORY

Faculty Council approved August 28, 2020

References

Bruwelheide, J.H. (1995). *The copyright primer for librarians and educators* (2nd ed.). Chicago/Washington, DC: American Library Association & American Education Association.

Library of Congress. Copyright Office. Circular 21: Reproduction of copyrighted works by educators and librarians. Washington, DC: author.

Thomas, G.J. (1992). Copyrights: The law, the teacher, and the principal. *Brigham Young University Journal of Law and Education*. 1-23.

Weinstein, D A. (1987). *How to protect your creative work: All you need to know about copyright*. New York: John Wiley & Sons.

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 621

HUMAN RESOURCE PERSONNEL CHANGE FORM

A Personnel Change Form must be submitted to the payroll office whenever a new employee is hired and whenever any change in payroll compensation, funding source or reclassification is to occur.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Personnel

EFFECTIVE: August 28, 2020

Section: 627

General Policy

1. Williston State College (known as “College” from now on) supports freedom of speech while providing guidance on the distribution of publications, banners, or chalking. This policy aims to:
 - a. ensure safety,
 - b. safeguard entrances and exits to and from College facilities,
 - c. provide clear and consistent directional signage,
 - d. minimize disruption of the educational mission, and
 - e. minimize litter and reduce clutter on College properties.
2. Material may not be distributed within 50 feet of exterior facility entrances.
3. Persons or groups distributing information are prohibited from:
 - a. coercing others by demands, threats, or other means to accept publications;
 - b. interfering with or impeding the normal flow of either vehicular or pedestrian traffic on campus; or
 - c. interfering with, disrupting, or otherwise advocating disruption or violation of any other lawful activity of any other person(s).
4. Removal
 - a. Facility managers (facilities management staff, department facility representatives) may remove materials that violate law, regulation, or College policy.

II. Postings

1. Publications may be posted on bulletin boards in College facilities expressly provided for public use. Use of departmental bulletin boards requires departmental approval. On campus grounds, distribution by posting is prohibited except at areas designated for posting. This includes the Teton Lounge, exterior seating area to Livdahl Lounge, Western Star Building, and Crighton Building.
2. Publications, including posters, flyers, and signs, must be posted in a way that makes them easy to remove and does not cause damage to or deface the surfaces to which they are attached.
3. Postings will be limited to one item per event, per bulletin board; violators may lose future distribution privileges. Postings cannot interfere with another that has already been posted, unless a posting is outdated (e.g. event date has passed) or exceeds the one posting per board limit.
4. The distributor of the publications is responsible for the removal of publications. Failure to remove outdated material, determined by the next date of publication or date of event, on a regular basis may result in billing for removal costs and/or loss of distribution privileges.
5. Posters, flyers, and signs for outdoor posting will be no larger than 14 inches by 22 inches (or equivalent area). Materials larger than this limit must comply with the guidelines in the Banners section. Posters, flyers, and signs may not be distributed on vehicles located on WSC property. All information within section 5 must go through the WSC Marketing Department.

III. Chalking

1. General Policy on Chalking
 - a. Chalking on campus is limited to members of recognized student groups and official College departments or offices.
 - b. Chalking is permitted only in open areas on a horizontal surface, such as sidewalks or plazas, not covered by an overhang.

- c. Chalking must be only for a campus-wide event or program, an event open to all students, or services provided by a College department.
- d. Chalking must bear the name of the sponsoring College department or registered student group.
- e. The material used to mark the walk must be non-toxic water-soluble chalk (sidewalk chalk.)
- f. Chalking may be in place for a maximum of 10 days.
- g. Violations of this procedure constitute grounds for removal of the material by the campus facilities management unit.

2. **Restrictions**

- a. The use of markers, paints, oil-based products, or sprayable chalk is prohibited.
- b. Chalking is prohibited on all vertical surfaces, as well as on the specific surfaces listed here: buildings, walls, benches, picnic tables, signs, poles, columns, mailboxes, light poles, and trees.
- c. Chalking cannot interfere with another message that has already been chalked.

IV. Distribution of Publications

1. Unless otherwise restricted, publications are limited to foyer and lobby areas via bins and racks. Distributing published materials in stairways, classrooms, offices, hallways, doorways, ramps, or elevators is prohibited. Distribution-free zones are established outside College facilities to maintain facility ingress and egress. Material may not be distributed within a 25' x 20' area immediately outside facility entrances.
2. Within College academic facilities, publications may distributed only in lobby or foyer areas via bins and racks. Publications distribution is

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- prohibited in nonacademic College facilities, including all College parking areas, parking ramps, and surface lots.
3. Non-college entities and recognized student organizations wishing to distribute publications in a bin or rack must contact Student Life Coordinator at 701-774-4200 or wsc.studentlife@willistonstate.edu. The designated unit will initiate an agreement with a timeline governing the use of the distribution bin/rack and then assign space in the designated areas in the following priority:
 - a. publications published by or for the College or its programs,
 - b. publications by a recognized student organization,
 - c. all other publications on a first-come, first-served basis.

V. Banners

1. Banners are defined as written or printed stationary or fixed matter that are larger than 14 inches by 22 inches (or equivalent area).
2. Banners smaller than 14 x 22 inches should follow guidelines in the Postings section.
3. Williston State College does not allow banners on the exterior of campus buildings or structures. Banners are allowed on a limited basis inside some campus spaces. Contact the WSC Marketing Department at 701-774-4200 or wsc.marketing@willistonstate.edu for details.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Compensation

EFFECTIVE: August 28, 2020

Section: 708.1

1. Compensation for Adult and Continuing Education:

- a. Compensation for continuing education, community education, and customized training instruction will be determined by the Regional Director for TrainND.

2. Compensation for Faculty Traveling to Distant Sites:

- a. Faculty are eligible for travel expense reimbursement for travel to off campus sites from the Office of Extended Learning.

3. Compensation for Off-Contract Work:

- a. Faculty will receive compensation for approved work done outside of their contracted time period.

4. Compensation for Leadership:

- a. Faculty will be compensated for their participation in leadership roles. A stipend will be disbursed for Department Chairs.
- b. Faculty will be compensated for the Faculty Senate President position.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Compensation

EFFECTIVE: October 21, 2020

Section: 708.2

FACULTY COMPENSATION POLICY

The purpose of the salary policy at Williston State College is to complement the stated goals of the College by attracting and retaining well-qualified faculty. At WSC, faculty are paid a salary that is based on years of teaching experience, workload, professorial rank, and a competitive market value. A salary schedule (detailed in the WSC Salary Procedure) identifies these salaries and is updated continuously in order to ensure that salary adjustment decisions are made as fairly as possible and communicated effectively to faculty. Faculty shall follow the steps outlined in the WSC Faculty Grievances Procedure and SBHE Policy 612 in order to address applicable salary-related issues.

HISTORY

Faculty Council approved October 21, 2020

REFERENCE

SBHE Policy 702.4, SBHE Policy 612, WSC Faculty Salary Procedure, WSC Faculty Grievances Procedure

SUBJECT: Financial Affairs

EFFECTIVE: August 28, 2020

Section: 803.4

1. NDUS institutions shall participate in the statewide purchasing card (p-card) program administered by the North Dakota office of management and budget.
2. Institutions will comply with the following for all p-card activities:
 - a. North Dakota Century Code,
 - b. SBHE policies,
 - c. NDUS Procedure 803.4, and
 - d. Institution policies.
3. Cardholders must be a NDUS employee. Students, including graduate students and student organizations, are not allowed to obtain a p-card. If an employee is also a student, the issuance of the p-card must be based on their status as an employee, and all transactions must be related to their employment.
4. Cardholders will complete training authorized by the NDUS office prior to issuance of a p-card for new cardholders and annually thereafter.

HISTORY

Faculty Council approved August 28, 2020.

REFERENCE

NDUS Procedure 803.4

SUBJECT: Financial Affairs

EFFECTIVE: August 28, 2020

Section: 804.2

Employees are responsible for the custody, proper use, reasonable care, and maintenance of equipment purchased for or assigned to the respective departments of the college. Equipment over the amount of \$750.00 must be tagged and inventoried annually.

A Disposition or Transfer of Equipment form must be completed for the disposal of property and transfer of property from one department to another. Forms are available in the Business Office.

Each employee is expected to report the disappearance, suspected theft, fraud, or unlawful or improper use of any college property to his/her supervisor.

HISTORY

Faculty Council approved August 28, 2020

SUBJECT: Financial Affairs

EFFECTIVE: August 28, 2020

Section: 806.4 Promotional Expenses

1. Promotional expenses must withstand the test of public scrutiny. Payments made for promotional purpose to external customers, when properly documented, are allowable College expenses.
 - b. The recipient of the promotional item must be an external party to Williston State College (WSC) who is a past, current, or prospective customer. External parties include students (including student employees), businesses, and other outside organizations.
 - c. Current WSC employees (including terminating or retiring employees) or departments must be considered internal parties. Promotional expenses directed to benefit internal parties are not allowable, regardless of funding source.
 1. Personal gifts to employees, or the employee's immediate family, must not be charged to college funds. A gift in lieu of additional compensation is not allowable, regardless of funding source. Examples include: candy, flowers, clothes (not including required uniforms), mugs, tickets, gift certificates, cash or checks.
 2. Payment of an employee's required university fees is not allowable, regardless of funding source. Example: parking permit.
 3. Promotional items received by employees that are clearly intended for the benefit of external parties, are allowable. For example: there may be rare cases where an employee, in a promotional role, purchases items to later be disbursed as small gifts for promotional purposes. The employee may be reimbursed in such cases.
 4. An exception to this guideline is made in cases of the employee length of service award and retirement awards.

- d. The promotional expense must support the mission and purpose of the College. This is a key point that distinguishes a promotional expense from a donation. A donation does not further the mission or purpose of the College.
- e. College officials must exercise prudent judgement, common sense, and restraint when determining whether an expense is appropriate.
- f. The reason for purchasing promotional items must be well documented. The explanation must include a description of what is being purchased (if that is not apparent from the invoice), the intended recipient, and reason for the purchase.
- g. The department should collect appropriate documentation to verify the intended recipient received the promotional item, for example, a record showing the promotional item given, the date received and the signature of the recipient.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SBHE Policy- 802.6

SUBJECT: Facilities

EFFECTIVE: August 28, 2020

Section: 916

1. Pursuant to N.D.C.C § 15-10-17.1 and in accordance with SBHE Policy 916, Williston State College (WSC) operates a Campus Security Department. WSC Campus Security shall comply with all requirements of the Student Right-to-Know and Campus Security Act, Clery Act and other applicable laws governing campus security, student notices and reporting.
2. WSC Campus Security's responsibilities include, maintaining a safe and secure environment for Students, Faculty, Staff and Visitors. This responsibility includes ensuring compliance with WSC Campus rules and regulations.
3. All injuries, incidents, or hazards occurring on property owned or controlled by WSC or involving WSC employees, students, or visitors while under the direction of the College must be reported to the WSC Campus Security within 24 hours. Incidents do not need to result in an injury or property damage to be reported – near miss incidents must also be reported. Emergency assistance should be requested by dialing 911 whenever a situation poses a threat to person or property. Serious injuries, incidents, hazards, or near misses must be reported immediately to Campus Security.
 - h. When notified, the supervisor or person in charge must immediately initiate any applicable corrective actions and is responsible for seeing that an Incident Reporting Form is completed online by the individual involved (or on his/her behalf) and sent to the Risk Management within 24 hours of the incident.
 - i. Workers compensation or liability insurance could be delayed or denied based on improper or delayed incident reporting.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SBHE Policy- 916; NDUS Procedure- 1901.0
N.D.C.C § 15-10-17.1

SUBJECT: Miscellaneous

EFFECTIVE: August 28, 2020

Section: 1902

Williston State College has an emergency notification system (ENS) called Assurance. This system allows the campus to contact students, employees, and designated people rapidly during an emergency. The emergency notification system will require emergency notification contact information from students, employees, and on-campus businesses. This information is how the campus can contact the employee, student, or designated person.

- Williston State College mandates all employees, including student employees, participate in the emergency notification system. Employees will be required to review their emergency notification information annually. In addition, employees will receive reminders twice a year to update their records. Emergency notification contact information includes campus email, campus phone, home phone, personal cellular phone, and work cellular phone. The college's Human Resource Officer will gather emergency information from non-campus personnel deemed appropriate.
- Students will have the ability to add and update their information in the Connect ND portal. The portal will allow students to enter campus phone, cell phone, email, texting information, and home phone. The system will periodically remind students to review their information. In addition, students can receive emergency notifications from other campuses depending on their class location. Students can "opt-out" of the emergency notification system in the Connect ND portal.
- The emergency notification system is only for emergencies as defined in NDUS policy 1902. An "emergency" means a situation that poses an immediate threat to the health or safety of someone in the institution or system community or significantly disrupts institution or system programs and activities. Williston State College's Emergency Management

- Committee is responsible for defining emergencies that warrant system use. WSC will conduct emergency notification tests at least once each semester.
- Students are allowed to leave cell phones on during class to receive emergency notifications unless instructed by faculty. If a faculty member instructs students to turn their cell phones off, the faculty member must be able to receive emergency notifications by one of the following methods: registered personal cell phone, registered campus email, campus phone, or nearby office personnel instructed to notify faculty.
- Emergency notification information will be populated in the notification system from PeopleSoft, and be refreshed a minimum of once per semester. This removes former employees and students from the system.
- To eliminate misuse of the emergency notification system, only the President; Vice President for Academic and Student Affairs; Vice President for Business Affairs; Director of Student Services; Director of Institutional Research, Planning, and Housing; the Human Resource Officer; and the Facilities Director will have access to deploy the system.
- ***All emergency situations should be reported to 911, if applicable, and then reported to a WSC administrator or designee at 701 570-2895.***
- During any emergency, WSC employees and students are asked to refer all media inquires to the Public Affairs Officer.
- Additional emergency notifications not outlined by the Emergency Management Committee can be deployed if necessary by designated personnel. WSC will use campus email and website for detailed updates, in addition to redeploying NotiFind.
- Employee emergency notification telephone numbers or other emergency notification information is exempt from the state's open records laws as provided in Policy 1912 and may be released only as provided in that policy. Student emergency notification information, or contact information such as phone numbers or email addresses submitted for purposes of participation in an emergency notification system, shall be excluded from directory information and is therefore confidential as provided under the Family Educational Rights and Privacy Act (FERPA). However, if a student phone number or email or other address submitted for the purpose of participation in an emergency notification system is also contained in other institution records used for other purposes, the information contained in the other institution records is directory information and not confidential, unless a

student has exercised his or her right to refuse disclosure of directory information.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

North Dakota State Board of Higher Education Policy 1902

SUBJECT: Miscellaneous

EFFECTIVE: August 28, 2020

Section: 1910

DISTRACTED DRIVING

1. Williston State College (WSC) does not condone distracted driving. Distracted Driving may take many forms and are all prohibited. Examples of Distracted Driving are not limited to, but include the following:
 - j. Texting,
 - k. Driving while fatigued,
 - l. Handling electronic instruments including mobile devices (N.D.C.C §39-08-23),
 - m. Eating,
 - n. Smoking

2. Employees found driving state vehicles while distracted may lose their state vehicle driving privileges and face disciplinary actions including, but not limited to:
 - o. Suspension,
 - p. Termination,
 - q. And Criminal charges.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

N.D.C.C. §[39-08](#); N.D.C.C §[39-01-03](#)

RELATED DOCUMENT

[NDDOT State Fleet Services Policy Manual](#)

SUBJECT: Miscellaneous

EFFECTIVE: August 28, 2020

Section: 1912.1

1. Records management is the practice of identifying, classifying, archiving, preserving, and destroying the records of an organization. SBHE Policy 1912 directs as follows:
 - r. The university system office and each institution shall maintain a continuing program for the management of records as required by N.D.C.C ch 54-46 using the North Dakota Colleges/Universities General Records Retention Schedule maintained and updated by the ND Information Technology Department and as supplemented by institution specific retention schedules maintained by individual institutions. Records received or created by Board members are governed by the systems office program.
2. The North Dakota Century Code (N.D.C.C 54-46-02) defines a record as a “document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business.” A “state record” is further defined as “a record of a department, office, commission, board, or other agency, however designated, of the state government.”
3. Williston State College (WSC) acknowledges compliance with the current North Dakota Colleges/Universities General Records Retention Schedule. All disposal of records made will be reported to the state by the end of the fiscal year.

HISTORY

Faculty Council approved August 28, 2020

REFERENCE

SBHE Policy- 1912; NDUS Procedure- 1912

RELATED DOCUMENT

Records Retention Schedule-

<http://www.nd.gov/itd/sites/itd/files/legacy/retention/215/215006/University-General-Records-Retention-Schedule.pdf>

SUBJECT: Miscellaneous

EFFECTIVE: August 18, 2021

Section: 1920

Facemask usage is optional, not mandated on campus. WSC will continue to make masks, hand sanitizer and temperature screeners available to students, employees, and guests. Everyone is encouraged to monitor their own health and if feeling ill, you are encouraged to stay home until feeling well again.

Faculty may mandate that students wear masks in their classrooms as long as there is a statement in the course syllabus.

Faculty may mandate that students wear masks in their office.

Noncompliance is a violation of the student code of conduct and may result in sanctions.

HISTORY

Approved by Faculty Council August 17, 2021

Approved by Instructional Administration August 18, 2021