

DRAFT
North Dakota Board of Higher Education
March 26, 2020, Meeting Minutes

The State Board of Higher Education met on Thursday, March 26th, at 8:30 a.m. CT, via Interactive Video Conferencing (IVN), originating from Bismarck State College, National Energy Center of Excellence, Room 335, 1200 Schafer Street, Bismarck, ND 58501.

Chair Hacker called the meeting to order at 8:30 a.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair	Dr. Casey Ryan, Vice Chair
Mr. Kaleb Dschaak	Mr. Tim Mihalick
Ms. Kathleen Neseť	Ms. Jill Louters
Mr. Don Morton	Ms. Retha Mattern, Staff Adviser
Dr. Debora Dragseth, Faculty Adviser	

Chancellor present: Dr. Mark Hagerott

Institution Representatives Present:

Dr. Brian Van Horn, President, MaSU
Dr. Alan LaFave, President, VCSU
Dr. Steve Shirley, President, MiSU
Dr. John Miller, President, WSC
Dr. Jerry Migler, Dean, DCB
Dr. Doug Darling, President, LRSC
Dr. John Richman, President, NDSCS
Dr. Dean Bresciani, President, NDSU
Mr. Dan Leingang, VP for Academic Affairs, BSC
Mr. Stephen Easton, Interim President, DSU
Dr. Joshua Wynne, Interim President, UND

NDUS Senior Staff Participating:

Mr. Tammy Dolan, Vice Chancellor for Admin/CFO
Ms. Lisa Johnson, VC of Academic and Student Affairs
Mr. Darin King, VC of IT/CIO
Ms. Terry Meyer, Chief of Staff
Ms. Billie Jo Lorius, Director of Communication/Media Relations
Ms. Kristie Hetzler, Executive Assistant to the State Board of Higher Education
Mr. David Krebsbach, Director of Finance

Others Participating:

Mr. Eric Olson, Attorney General's Office

1. **Agenda**

Morton moved, Mihalick seconded, to approve the agenda.

Louters, Neseť, Morton, Dschaak, Mihalick, Ryan, and Hacker voted yes.

Board Consent Agenda (2 - 5)

- 2. February 25, 2020, Meeting Minutes
SBHE Governance Committee
- 3. President Evaluation Study, [tiered evaluations](#)
- 4. [Renewal Presidential Contract](#)
- 5. SBHE [Development Instrument](#)

Ryan moved, Louters seconded, to approve the consent agenda, items 2 – 5.

Morton, Louters, Neset, Dschaak, Mihalick, Ryan, and Hacker voted yes.

Chair Hacker gave opening comments and presidential search co-chairs, Mr. Tim Mihalick and Dr. Dan Leingang, gave a brief on the search process, final candidates, and today’s interviews.

The Board interviewed the following candidates for the Bismarck State College Presidency, via IVN:

- [Dr. Clark Harris](#)
- [Dr. Douglas Jensen](#)
- [Dr. Philip Klein](#)

6. Executive Session

Ryan moved at 12:32 p.m. CT., Louters seconded, to enter Executive Session to (1) consider the appointment of, and contract terms for, the next President of Bismarck State College; (2) to discuss negotiating strategy and provide negotiating instructions to its counsel and/or negotiators related to the same; and (3) limit the executive session to voting board members, nonvoting advisors, the chancellor, invited NDUSO staff, board counsel, and co-chairs of the presidential search committee.

The legal authority for closing this portion of the meeting is North Dakota Century Code sections 15-10-17(1)(a), 44-04-19.1(9) and 44-04-19.2.

Dschaak, Neset, Morton, Louters, Ryan, Mihalick, and Hacker voted yes.

Executive session began at 12:42 p.m. CT.

SBHE Members participating:

- | | |
|--------------------------------------|----------------------------------|
| Mr. Nick Hacker, Chair | Dr. Casey Ryan, Vice Chair |
| Mr. Kaleb Dschaak | Mr. Tim Mihalick |
| Ms. Kathleen Neset | Mr. Dan Traynor |
| Ms. Jill Louters | Mr. Don Morton |
| Dr. Debora Dragseth, Faculty Adviser | Ms. Retha Mattern, Staff Adviser |

Others Participating:

- Dr. Dan Leingang, BSC, Presidential Search Committee Co-chair
- Chancellor Hagerott, NDUS
- Ms. Kristie Hetzler, NDUS
- Ms. Terry Meyer, NDUS
- Mr. Eric Olson, Attorney General's Office

Executive session adjourned at 1:32 p.m. CT.

7. **Reconvene Open Meeting (1:40)**

Mihalick moved, Morton seconded, to appoint Dr. Douglas Jensen as the next Bismarck State College President, with a start date of July 1, 2020, and contract terms as negotiations by Chair Hacker and the Chancellor, with assistance from legal counsel.

Ryan, Neset, Dschaak, Morton, Louters, Mihalick, and Hacker voted yes.

Chair Hacker, Chancellor Hagerott, and Mr. Eric Olson temporarily left the regular meeting to negotiate contract terms with Dr. Douglas Jensen.

Other Reports:

8. NDSA report was provided by Mr. Kaleb Dschaak.

9. CCF report was provided by Dr. Debora Dragseth. Dr. Dragseth has been voted by CCF to serve another year on the SBHE as the Faculty Advisor.

10. Staff Senate report was provided by Ms. Retha Mattern. Ms. Mattern has been voted by the Staff Senate to serve another year on the SBHE as the Staff Advisor.

11. **Waive Policy and Procedure 601.1**

Morton moved, Ryan seconded, to waive the requirements of Sections 2-4 and Section 6 of [Policy 601.1](#) and [Procedure 601.1](#) for the purpose of considering a candidate for permanent president for Dickinson State University.

Dschaak, Morton, Neset, Mihalick, Ryan, and Hacker voted yes. Louters voted no.

12. **Dickinson State University Presidential Interview**

At the February 25, 2020, SBHE meeting, the Chancellor requested the Board consider appointing Interim President Stephen Easton to the permanent president position at Dickinson State University. He will follow up with Board leadership to determine if it should be on the Board's March agenda. Prior to today's meeting, feedback from DSU students, faculty, and staff, along with the community of Dickinson has been provided to the Board.

The Board interviewed the current DSU Interim President, [Mr. Stephen D. Easton, J.D.](#), for the permanent position of DSU President.

13. **Executive Session**

Louters moved at 2:47 p.m. CT., Ryan seconded, to enter Executive Session to (1) consider the appointment of, and contract terms for the President of Dickinson State University (2) to discuss negotiating strategy and provide negotiating instructions to its counsel and/or negotiators related to the same; and (3) limit the executive session to voting board members, nonvoting advisors, the chancellor, invited NDUSO staff, and board counsel.

The legal authority for closing this portion of the meeting is North Dakota Century Code sections 15-10-17(1)(a), 44-04-19.1(9) and 44-04-19.2.

Mihalick, Ryan, Dschaak, Morton, Louters, Neset, and Hacker voted yes.

Executive session began at 2:54 p.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair

Dr. Casey Ryan, Vice Chair

Mr. Kaleb Dschaak
Ms. Kathleen Neset
Ms. Jill Louters
Dr. Debora Dragseth, Faculty Adviser

Mr. Tim Mihalick
Mr. Dan Traynor
Mr. Don Morton
Ms. Retha Mattern, Staff Adviser

Others Participating:

Chancellor Hagerott, NDUS
Ms. Kristie Hetzler, NDUS
Ms. Terry Meyer, NDUS
Ms. Tammy Dolan, NDUS
Mr. Eric Olson, Attorney General's Office

Executive session adjourned 3:20 p.m. CT.

14. Reconvene Open Meeting (3:27)

Neset moved, Dschaak seconded, to appoint Mr. Stephen D. Easton, as the Dickinson State University President, with a start date and contract terms based on negotiations by Chair Hacker and Chancellor Hagerott, with assistance from legal counsel.

Ryan, Neset, Dschaak, Morton, Louters, Mihalick, Traynor, and Hacker voted yes.

Morton moved, Ryan seconded, to grant Mr. Easton tenure.

Dschaak, Neset, Morton, Louters, Ryan, Mihalick, and Hacker voted yes.

Chair Hacker, Chancellor Hagerott, and Mr. Eric Olson temporarily left regular meeting to negotiate contract terms with Mr. Easton.

Board Reports and Discussion

Committee Chairs provided their update on the committee's work:

- 15. SBHE ASAC Committee was provided by Ms. Jill Louters.
- 16. SBHE Audit Committee was provided by Ms. Kathleen Neset
- 17. SBHE Governance was provided by Mr. Don Morton.

18. Honorary Degrees

Ms. Lisa Johnson reviewed NDSU and UND proposals to grant honorary degrees.

Mihalick moved, Dschaak seconded, to approve granting an honorary degree from NDSU to Dr. Prakash Mathew and an honorary degree from UND to Mr. Henry D. Herr.

Mihalick, Dschaak, Morton, Louters, Neset, and Ryan voted yes. (Hacker temporarily absent).

19. Waive the following ACT/SAT policies

Ms. Johnson explained the waivers to portions of the following three policies in regards to ACT/SAT tests, which are impacted by the COVID-19 situation:

- a) [Policy 402.1](#) (Paragraph 3(b))
- b) [Policy 402.1.1](#) (Paragraph 1)
- c) [Policy 402.2](#) (Paragraphs 3(b) and (4))

Mihalick, Dschaak, Morton, Louters, Neset, and Ryan voted yes. (Hacker temporarily unavailable).

Chancellor Approval to Waive Components of Policies due to COVID Crises

The Board discussed how NDUS and its institutions are adapting operations in response to this unprecedented COVID-19 crisis. As the situation evolves, rapid responses will be necessary to ensure decisions can be made in the best interest of the students, faculty & staff of the NDUS. The need to enable the NDUS & its institutions to make decisions in a nimble & responsive manner,

Dschaak moved, Mihalick seconded, to authorize the Chancellor, after consulting with the SBHE chair and/or vice chair, to waive SBHE policies or policy sections as necessary during the COVID-19 crisis. The Chancellor's additional authority will expire on May 31, 2020. All waivers must be presented at the next SBHE meeting for consideration and ratification.

Morton, Louters, Neset, Mihalick, Ryan, Dschaak, and Hacker voted yes.

20. ND Ag Coalition Nomination

Chancellor Hagerott reviewed the [nomination](#) for the ND Ag Coalition. As per North Dakota law: section 4-05.1-16 of the 1997 supplement to the North Dakota Century Code establishing the State Board of Agricultural Research and Education (SBARE).

Mihalick moved, Dschaak seconded, to approve the Ag Coalition nomination of Mr. Hoffman for a four-year term, which would begin July 1, 2020.

Mihalick, Dschaak, Morton, Louters, Neset, and Ryan voted yes. (Hacker temporarily unavailable).

21. 2020 – 2021 Academic Year Tuition Rates

Ms. Tammy Dolan reviewed the 2020/2021 academic year [tuition rates](#). She informed the Board that the UND School of Medicine and Health Sciences plans to transition from semesters to trimesters by July 2020. The annual tuition rate will remain the same with students being billed 1/3 of the annual tuition for each trimester regardless of the number of hours they are enrolled.

A board member requested more information on NDSU offering dual credit classes. Ms. Johnson indicated the SBHE Academic and Student Affairs Committee will have it on their April agenda to gather more input from NDSU and will follow-up with the Board. In April.

Mihalick moved, Neset seconded, to approve the 2020 – 2021 academic year tuition rates.

Neset, Morton, Dschaak, Louters, Mihalick, Ryan, and Hacker voted yes.

22. 2020 – 2021 Room Board and Fee Rates

Ms. Tammy Dolan reviewed the [2020 – 2021 room board and fee rates](#) documentation attached.

Ryan moved, Mihalick seconded, to approve the room 2020 – 2021 room board and fee rates, as presented.

Neset, Mihalick, Morton, Louters, Ryan, Dschaak, and Hacker voted yes.

23. New Master Lease-Purchase Agreement for Equipment Purchases

Mr. Eric Olson provided an overview of the [new Master Lease-Purchase Agreement](#) ("Master Lease") for Equipment Purchases.

Mihalick moved, Morton seconded, to approve the resolution attached to the agenda item at numbered pages 3-5 and authorize the NDUS and the SBHE Chair to take such other and further actions as are required to carry out the purpose of the Master Equipment Lease-Purchase Agreement.

Mihalick, Ryan, Dschaak, Morton, Louters, Neset, and Hacker voted yes.

24. 2nd Reading of Policy 340.2

Ms. Robin Putnam reviewed amendments to [Policy 340.2](#) Nonprofit Affiliates.

Ryan moved, Neset seconded, to approve 2nd reading and final adoption of policy 340.2.

Neset, Morton, Dschaak, Louters, Mihalick, Ryan, and Hacker voted yes.

Chancellor Report

Chancellor Hagerott and NDUS representatives provided an update on the following:

- 25. COVID-19 Update
- 26. NCAA Federal & State Working Group "Name, Image & Likeness Benefits" by NDSU President Bresciani.
- 27. Strategic Plan update by Mr. Phil Wisecup.
- 28. Public Comment
No public comment made.

The meeting adjourned at 4:50 p.m. CT.

Approved April 29, 2020.

