

North Dakota Board of Higher Education

April 29, 2020, Meeting Minutes

The State Board of Higher Education met on Wednesday, April 29th at 9:00 a.m. CT., via Conference Call, originated from State Capitol, Fort Union room, 600 East Boulevard Avenue, Bismarck, ND, 58505.

Chair Hacker called the meeting to order at 9:00 a.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair
Mr. Kaleb Dschaak
Ms. Kathleen Neseť
Mr. Don Morton
Dr. Debora Dragseth, Faculty Adviser

Dr. Casey Ryan, Vice Chair
Mr. Tim Mihalick
Ms. Jill Louters
Ms. Retha Mattern, Staff 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
Dr. Larry C. Skogen, President, BSC
Mr. Stephen Easton, President, DSU
Dr. Joshua Wynne, Interim President, UND
Mr. Andy Armacost, Incoming 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. Kristie Hetzler, Executive Assistant to the State Board of Higher Education
Mr. Phil Wisecup, VC of Strategic Engagement

Others Participating:

Mr. Eric Olson, Attorney General's Office

1. **Agenda**

Ryan moved, Morton seconded, to approve the agenda.

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

Board Consent (items 2 - 7)

2. March 26, 2020, Meeting Minutes

SBHE Audit Committee

3. Transition Plan / [FY21 Audit Plan](#)

SBHE Governance

4. [Chancellor's Performance Evaluation](#)
5. Amend [SBHE 2020 Meeting](#) Schedule

SBHE Research Committee

6. Creation [Research Sub-Committee](#) of Research

SBHE Budget and Finance Committee

7. Ratify Chancellor's interim authorization, to the extent permitted by NDCC 15-12.1-17.6, for NDSU to increase the SBHE project authorization for [a Seed Cleaning Facility at the Williston REC](#) in Williston, ND, from \$725,000 to \$1,475,500.

Mihalick moved, Ryan seconded, to approve consent agenda items, 2 - 7.

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

8. **NDSU Science Hall Naming**

Ryan moved, Mihalick seconded, to approve NDSU to [name NDSU Science Hall \(formerly referred to as Dunbar II\)](#) as Sugihara Hall in honor of Dr. James M. Sugihara as per SBHE Policy 902.12.

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

9. **NDUS Capital Project Resolution**

Mihalick moved, Ryan seconded, (1) approve the attached resolution [authorizing North Dakota Bonding Authority](#) to issue notes and bonds to finance the construction of higher education projects authorized by the Sixty-sixth Legislative Assembly, and (2) authorize the execution of related documents necessary for financing the projects.

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

10. **Tenure Requests**

Ms. Lisa Johnson reviewed the [tenure](#) requests.

Louters moved, Ryan seconded, to approve tenure requests as presented.

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

11. **SBARE**

Chancellor Hagerott presented the [proposal to appoint John Dhuyvetter](#) to a four-year term on the State Board of Agricultural Research and Education beginning July 1, 2020,

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

12. **REAFFRM Policies - 1st Reading, Waive 2nd, and Final Adoption**

Ms. Karol Riedman reviewed the following policies for the Board to consider re-affirmation:

600's:

- a. Policy 609 Communications Proficiency
- b. Policy 604.3 Performance Evaluations: Benefited Employees
- c. Policy 606.1 Classification -- Higher Education Employees
- d. Policy 607.0 Application of Human Resource Policy Manual; Compensation and Benefits
- e. Policy 616 Career & Technical Program Instructor Certifications Standards

Louters moved, Ryan seconded, to approve 1st reading, waive 2nd and final adoption to re-affirm policies 609, 604.3, 606.1, 607.0, and 616.

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

Ms. Tammy Dolan and Ms. Lisa Johnosn reviewed the following policies, items 13(a-d), for Board consideration to ratify the Chancellor's interim approval:

13. **Ratification of Chancellor Interim Approval to Waive following Policies due to COVID-19**

Ratification of Chancellor Interim Approval to Waive following Policies due to COVID-19:

- a. Policy 830.1 Student Payment Policy -- Paragraph 1 (diii-v) and Paragraph 5
- b. Policy 406.1 Academic Calendars -- Paragraph 3 (g)
- c. Policy 402.1 Beginning Freshmen Applicants-Cert. Progr., Diploma, and Associate Degree Program -- Paragraph 3 (a)
- d. Policy 402.2 First Year Applicants - Baccalaureate Programs -- Paragraph 3 (a)

Mihalick moved, Morton seconded, to approve ratification of policies 830.1, 406.1, 402.1, 402.2.

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

The following procedures were provided to the Board as informational only, no Board action necessary:

- a. Procedure 830.2 Refunds – Entire procedure
- b. Procedure 402.3 NDUS Guidelines for Home Educated Students – Paragraph 4
- c. Procedure Procedure 402.9 Admissions Procedures/New Applicants with International Coursework – Paragraph 5 (l)

Ms. Lisa Johnson proposed new policies 503.2 and 503.3. She noted that students and legal counsel had a significant role drafting the policies:

14. **New Policies – 1st Reading of Policy 503.2 and 503.3**

- a. 503.2 - Policy 503.2 Student Data Privacy and Security Bill of Rights

Louters moved, Ryan seconded, to approve first reading of policy 503.2, with the implementation deadline to be set by the Chancellor in consultation with the Vice Chancellor of Information Technology.

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

b. 503.3 – Student Political Rights

Louters moved, Dschaak seconded, to approve first reading of policy 503.2.

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

The following policies were reviewed:

15. **AMEND Policies - 1st Reading:**

- a. Policy [611.5](#) Employee Responsibility and Activities: Outside Employment or Consulting Practices; Use of Institution Property

Ryan moved, Morton seconded, to approve 1st reading, waive 2nd and final adoption of policy 611.5.

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

- b. Policy [1200.1](#) Consolidated IT Services

Mihalick moved, Ryan seconded, to approve 1st reading, waive 2nd and final adoption of policy 1200.1.

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

Ms. Jane Grinde reviewed the following [HR policies](#) items 15c-f):

- c. Policy HR6 Annual Leave
- d. Policy HR7 Sick Leave
- e. Policy HR21 Leave Without Pay
- f. Policy HR22 Family (FMLA) Leave

Mihalick moved, Ryan seconded, to approve first reading of HR6, HR 7, HR21, and HR22.

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

16. **AMEND Policy - 1st Reading, Waive 2nd, and Final Adoption:**

- a. Policy [840](#) Contract Review

Ryan moved, Morton seconded, to approve 1st reading, waive 2nd and final adoption of policy 840.

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

17. **Resuming on Campus/In-Person Operations**

The Board had a comprehensive discussion on topics relative to the coronavirus (COVID-19) pandemic, including if, when, and how to resume on-campus operations, and what these operations would look like. They reflected on some policies and procedures that were revised to aid campuses during the pandemic. The Board called on Dr. Paul Carlson to provide input; he spoke on expectations, testing, various stages in development of a vaccine, exploration of re-opening campuses, and possible

challenges campuses could face. Chancellor Hagerott noted that there is a task force in place to address these types of variables and could explore options to re-open and/or next steps for the Board and campuses to consider. The Board requested COVID19 be a standing item on future agendas until further notice.

Ryan moved, Louters seconded, to issue a statement of support for having in-person classes at NDUS institutions in Fall 2020, and for such summer educational training as appropriate.

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

Board Reports and Discussion

18. SBHE Audit Committee Update by Ms. Kathleen Neset.
19. SBHE Academic and Student Affairs Update by Ms. Jill Louters.
20. SBHE Research Update by Dr. Casey Ryan.
21. SBHE Governance Update by Mr. Don Morton.
22. SBHE Budget and Finance Committee Update by Mr. Tim Mihalick.

Chancellor Report

Updates on the following were provided:

23. Strategy review meetings by Chancellor Hagerott; he stated that the review meetings with the Governor's office has been re-scheduled and he will keep the Board and campus Presidents informed of additional information as he receives it.
24. Strategic Plan Timeline/Update by Mr. Phil Wisecup; He noted that the first draft of the updated five-year strategic review has been written, and a systemwide survey on the topic had received more than 2,700 responses. It will go to the Board at its May meeting for review and discussion and again at their June meeting for approval. The plan is in accordance with Higher Learning Commission accreditation requirements.
25. NDSCS Action Plan Update by Chancellor Hagerott.

Other Reports:

26. NDSA report was provided by Mr. Kaleb Dschaak; he announced three student names were forwarded to the Governor's office for consideration for the SBHE Student Member position. Once the Governor makes the appointment, the one-year term will begin July 1, 2020.
27. [CCF report](#) was provided by Dr. Debora Dragseth.
28. [Staff Senate report](#) was provided by Ms. Retha Mattern.
29. Public Comment – There was no public comment.
30. Assessment of Meeting and Future Agenda Items – The Board discussed using a different form of technology for future meetings.

The meeting adjourned at 12:15 p.m. CT.

Approved May 29, 2020.