

***North Dakota State Board of Higher Education***

June 30, 2020, Meeting Minutes

The State Board of Higher Education met on Tuesday, June 30, 2020 at 8:30 a.m. CT, at Bismarck State College, National Energy Center of Excellence, Bavendick room, 1200 Schafer Street, Bismarck, ND 58501. Presidents and others presenting participated via Teams live to limit group size and contact, as recommended by state and federal government officials.

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 Neset	Ms. Jill Louters
Mr. Don Morton	Ms. Danita Bye
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  
Ms. Kim Wray, 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. Andy Armacost, President, UND  
Dr. Joshua Wynne, 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. Jerry Rostad, CTS  
Ms. Erica Solberg, incoming SBHE Student Member  
Dr. Elizabeth Legerski, incoming SBHE CCF Adviser

Others Participating:

Mr. Eric Olson, Attorney General's Office

1. Agenda

Chair Hacker stated the update on the NDUS Smart Restart Task Force given by Dr. Wynne will be moved up on the agenda, following the consideration of the consent agenda.

**Board Consent** (items 2 - 13)

SBHE Academic and Student Affairs Committee

2. [Policy Waivers Approved 6-16-20 ASAC Meeting](#)

- a. Policy 402.1 Beginning Freshmen Applicants. Paragraphs 3. a. and b.
- b. Policy 402.1.2 Standardized Test Scores. Paragraph 1.
- c. Policy 402.2 First-Year Applicants – Baccalaureate Programs. Paragraph 3. a. and b and Paragraph 4.
- d. Procedure 402.3 NDUS Guidelines for Home Educated Students. Paragraphs 2 and 4.

SBHE Budget and Finance Committee

3. Ratify the Chancellor' interim authorization for Dickinson State University to proceed with renovation of [Pulver Hall](#) as authorized by 66th legislative assembly; increase the cost of construction from \$4,000,000 to \$4,284,500, and further authorize DSU to seek approval for the increase in construction cost from the interim budget section of the legislature.
4. Minot State University's [requested tuition model change](#) to eliminate the distance education access and student services fees, reduce the University fee and incorporate these changes into the tuition and fee rates effective Fall 2020.
5. [FY21 Salary Ranges for Vice Chancellors & Senior Officers](#) – Chancellor Hagerott
6. Request authorization to proceed with construction of UND Nistler Hall, the [Nistler College of Business](#) & Public Administration building, pending certification of local match funding to OMB and the ND Industrial Commission.
7. Authorize UND to proceed with demolition and associated site restoration of [Memorial Stadium](#) (with an insurable value over \$250,000).

SBHE Audit Committee

8. [Compliance Plan](#) – 2020-2021 Compliance Program Areas of Focus
9. [Audit Plan](#)
10. [Internal Audit and Compliance 2021-23 Budgets](#)
11. [Compliance and Internal Audit Independence confirmations](#)
12. [NDSCS Audit Plan](#)

SBHE Governance and Research Committee

13. Rename [Policy 302.7](#) Research and Governance Committee, formerly SBHE Governance and Research Committee

Ryan moved, Louters seconded, to approve consent agenda items, 2 - 13.

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

14. **NDUS Smart Restart**

Dr. Wynne provided an update on the NDUS Smart Restart Task Force. He informed the Board members that more information from the Department of Health will be released in the next few days and he will forward to the Board.

15. **President Emeritis**

Board member Louters presented a letter of support on behalf of BSC in support of President Emeritus for President Larry C. Skogen.

Louters moved, Ryan seconded, to approve President Emeritis to Larry C. Skogen.

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

**16. 2020 Skilled Workforce Scholarship Skilled Workforce Loan Repayment Report**

Ms. Brenda Zastoupil presented the [2020 Skilled Workforce Scholarship Skilled Workforce Loan Repayment Report](#). She explained that Job Service will have a final list released on/or around July 15 and she will send to Board members.

Louters moved, Ryan seconded, to approve 2020 Skilled Workforce Scholarship Skilled Workforce Loan Repayment Report.

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

**17. 2021-2023 Budget Request**

Ms. Dolan reviewed the [2021-2023 budget request](#), items 17 a and b:

a. [Operational Budget](#)

b. [Capital Budget](#)

Ryan moved, Bye seconded, to approve the operation budget request, item 17a, as presented, including options(s).

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

The Board discussed the North Dakota State University (NDSU) capital request; NDSU informed the Board that six million dollars of their request will be raised/funded by NDSU and the remaining fourteen million dollars is the actual request.

Mihalick moved, Morton seconded, to approve the capital project requests as prioritized and proposed, with the exception of NDSU; their request will be adjusted to reflect fourteen million dollars in general fund and six million dollars in donations, as discussed.

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

**18. Forest Service Budget Request**

Mr. Tom Claeys reviewed the [Forest Service](#) budget request.

Ryan moved, Louters seconded, to approve.

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

**19. NDSU Research & Extension Service Budget Request**

Dr. Greg Lardy reviewed the [NDSU Research and Extension Service budget](#) request.

Morton moved, Mihalick seconded, to accept the NDSU Research and Extension Service budget request as presented.

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

**20. Upper Great Plains Transportation Institute Request**

Dr. Denver Tolliver reviewed the [Upper Great Plains Transportation Institute request](#).

Dschaak moved, Morton seconded, to accept the Upper Great Plains Transportation Institute budget request as presented.

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

**21. Board Self-Evaluation**

Ms. Krista Lambrecht reviewed the outcomes of the [Board Self-Evaluation](#).

Ryan moved, Louters seconded, to approve the Board self-evaluation.

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

**22. Waive 1<sup>st</sup> Reading, 2<sup>nd</sup> Reading and Final Adoption of New Policy 601.2 Acting Chief Executive Officer**

Chancellor Hagerott review proposed policy 601.2, Acting Chief Executive Officer.

Ryan moved, Neset seconded, to approve waiving 1<sup>st</sup> Reading, and approve 2<sup>nd</sup> reading and final adoption of new [policy 601.2](#), Acting Chief Executive Officer.

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

**23. 1<sup>st</sup> Reading/New SBHE Policy 520 – Title IX related policies**

Mr. Eric Olson reviewed [new policy 520](#) and the attached ten policies with edits directly related to new Policy 520. The new policy was created in response to recently released federal regulations.

Policies (a – j):

- a. Policy 308.1 Officer and Employee Code of Conduct
- b. Policy 308.2 Required Reports of Violations; Reprisal or Retaliation Prohibited
- c. Policy 514 Due Process Requirements for Student Conduct That May Result in Suspension or Expulsion
- d. Policy 603.1 Harassment and Discrimination
- e. Policy 605.3 Nonrenewal, Termination or Dismissal of Faculty
- f. Policy 605.4 Hearings and Appeals
- g. Policy 608.2 NDUS Employees – Non-renewal and Dismissals
- h. HR 25 Job Discipline-Dismissal
- i. HR 27 Appeal Procedures
- j. HR 28 Grievance Procedures

Louters moved, Dschaak seconded, to approve policy 520 and related policies, Items 23 a - j.

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

**24. Chancellor Hagerott's Contract**

Chair Hacker reviewed [Chancellor Hagerott's contract](#), recommending approval; he explained the review was conducted as previous years with input from several constituents. In addition to contract renewal, Chancellor Hagerott's compensation includes an increase of 2.5%.

Chancellor Hagerott thanked the Board and stated his salary increase would be donated to the NDUS foundation.

Ryan moved, Louters seconded, to approve Chancellor Hagerotts contract renewal and salary increase.

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

25. **Executive Session/Presidential Contracts**

Mihalick moved, Ryan seconded, to enter Executive Session at 11:27 a.m. CT, to (1) consider the appointment, re-appointment, renewal contracts, and any new contract terms for Presidents of NDUS institutions and (2) limit the executive session to voting board members, nonvoting advisers, Chancellor, selected NDUS Office Staff, and board counsel.

The legal authority for closing this portion of the meeting is North Dakota Century Code section 15-10-17(1) (a).

Executive session began at 11:37 a.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair  
Dr. Casey Ryan  
Mr. Don Morton  
Mr. Tim Mihalick  
Ms. Retha Mattern, Staff Adviser

Dr. Casey Ryan, Vice Chair  
Mr. Kaleb Dschaak  
Ms. Jill Louters  
Ms. Kathleen Neset  
Dr. Debora Dragseth, Faculty Adviser

Others Present:

Chancellor Hagerott  
Ms. Terry Meyer  
Ms. Kristie Hetzler  
Ms. Tammy Dolan  
Mr. Eric Olson

President Richman and President Darling participated during their contract reviews. Their participation was limited to only their individual contract review.

Executive session adjourned at 1:45 p.m. CT.

26. **Reconvened open meeting** at 1:53 p.m. CT, to take action regarding the appointment, reappointment, renewal contracts, and any new contract terms for Presidents of NDUS institutions.

Ryan moved, Dschaak seconded, to extend the following Presidents' contracts to July 1, 2022:

MaSU President Van Horn;  
MiSU President Shirley;  
WSC President Miller;  
LRSC President Darling;  
VCSU President LaFave;  
NDSU President Bresciani;

And further, approve salary increases as discussed in executive session.

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

Morton moved, Ryan seconded, to extend President Richman's contract to July 1, 2022 and approve salary increase as discussed in executive session.

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

The Board also discussed studying executive compensation over the next year and agreed the SBHE Research and Governance Committee will begin the work and make recommendations to the full Board to consider.

### **SBHE Committee Reports/Updates/Discussion**

27. [SBHE Committee appointments](#) were provided by Chair Hacker.
28. SBHE Academic and Student Affairs Committee report was provided by Ms. Jill Louters.
  - a. Esports, Mr. Kaleb Dschaak explained their continues to be discussions across the system on how campus flexibility to offer Esports. He indicated the new SBHE Student member, Ms. Erica Solberg has been informed of the current status and will continue to work with campus representatives.
  - b. [Internships](#), Mr. Kaleb Dschaak provided information in support of institutions offering more internships. The NDSA will continue to review and possibly propose a plan for campuses and the SBHE to consider.
29. SBHE Budget and Finance Committee was provided by Mr. Tim Mihalick
  - a. [COVID-19, update on request for relief funds](#), Ms. Tammy Dolan reviewed information provided on the relief funds due to COVID-19.
30. SBHE Audit Committee report was provided by Ms. Kathleen Neset
31. SBHE Research and Governance Committee updated was provided by Dr. Casey Ryan.
  - a. [Research Proposal](#), Dr. Casey Ryan explained the attached proposal is a working document and the committee will continue to discuss and amend as necessary.
  - b. [Tenure for Presidents](#), Mr. Don Morton spoke in favor of tenure for standing NDUS Presidents that do not currently have it. Ms. Louters conveyed issues and provided information regarding granting tenure to all Presidents.

The Board briefly discussed and determined the topic of tenure for Presidents should be addressed by the Research and Governance Committee, during the governance portion of the meeting. The committee will make recommendations to the full Board for consideration. Noting, legislative session will be an upcoming priority and the tenure discussions may be delayed until some time after session has concluded.

### **Chancellor Report**

32. [2020-2025 Strategic Plan](#) update was provided Chancellor Hagerott and Mr. Phil Wisecup. The draft will be discussed by the SBHE at their September 23<sup>rd</sup> Retreat. Board members discussed adding some additional topics to the agenda and indicated any action items/amendments to the current plan would take place during their September 24<sup>th</sup> SBHE meeting.

Chancellor Hagerott announced Mr. Phil Wisecup will retire at the end of the day, and thanked him for his service to the NDUS. He went on to say Mr. Jerry Rostad has been hired as the Interim Vice Chancellor for Strategy and Strategic Engagement.

### **Other Reports:**

33. NDSA report was provided by Mr. Kaleb Dschaak.
34. CCF report was provided by Dr. Debora Dragseth.

35. Staff Senate [report](#) was provided by Ms. Retha Mattern.
36. Public Comment – no public comment.

Chair Hacker presented recognition plaques to the following:

Mr. Don Morton, SBHE Member

Dr. Larry C. Skogen, BSC President

Mr. Kaleb Dschaak, SBHE Student Member

Dr. Debora Dragseth, SBHE Faculty Adviser

Dr. Joshua Wynne, Former UND Interim President

The meeting adjourned at 3:45 p.m. CT.

Approved July 23, 2020.