

North Dakota State Board of Higher Education

July 23, 2020, Special Meeting Minutes

The State Board of Higher Education met on Thursday, July 23, 2020 at 3:00 p.m., via Teams Live.

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

SBHE Members participating:

Mr. Nick Hacker, Chair
Ms. Erica Solberg
Ms. Kathleen Neset
Mr. Joseph Wetch
Dr. Elizabeth Legerski, Faculty Adviser

Dr. Casey Ryan, Vice Chair
Ms. Danita Bye
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. Doug Jensen, President, BSC
Mr. Stephen Easton, President, DSU
Dr. Andy Armacost, President, UND

NDUS Senior Staff Participating:

Mr. Tammy Dolan, Vice Chancellor for Admin/CFO
Ms. Lisa Johnson, Vice Chancellor of Academic and Student Affairs
Mr. Darin King, Vice Chancellor of IT/CIO
Ms. Terry Meyer, Chief of Staff
Ms. Kristie Hetzler, Executive Assistant to the State Board of Higher Education
Mr. Jerry Rostad, Interim Vice Chancellor of Strategy and Strategic Engagement

Others Participating:

Mr. Eric Olson, Attorney General's Office
Dr. Joshua Wynne, UND
Mr. Vern Dosch, Department of Health
Dr. Lisa Dooly, Title IX Coordinator, MiSU

1. **Meeting Minutes:**

- May 29, 2020
- June 30, 2020

Ryan moved, Bye seconded, to approve the May 29 and June 30, 2020, meeting minutes.

Solberg, Louters, Ryan, Neset, Bye, Wetch, and Hacker voted yes.

2. **Update on NDUS Smart Restart Task Force**

Dr. Joshua Wynne, dean of the University of North Dakota School of Medicine and Health Sciences and chair of the NDUS Smart Restart Task Force, provided an overview of the guidelines the task force developed. The task force has three working groups, one for research universities, one for regional universities and one for community colleges. The task force is currently working on a testing plan; details should be made available early August. He noted that widespread testing of returning students, faculty and staff would provide the first measure of safety for the campuses.

Dr. Vern Dosch from the ND Department of Health (DoH) also addressed the Board regarding COVID-19 and their testing strategies. The task force and DoH are working together to increase contact tracers.

The Board had extensive discussions regarding, but not limited to, reopening of campuses, protections, mask recommendations, social distancing, the N.D. Department of Health (DoH) testing strategy and a staggered student fall arrival to campus. The institutions are encouraged to find similarities among campuses so they would be able to benefit from solutions to similar challenges, and figure out what, if anything, might work systemwide. The Board noted managing the COVID-19 pandemic would occur at a campus level.

Chancellor Mark Hagerott and NDUS Legal Counsel Eric Olson then spoke about preparations for returning to campus next month, which included legal liability protections, mask recommendations, an endorsement of the N.D. Department of Health (DoH) testing strategy and a staggered student fall arrival to campus.

3. **COVID-19 Preparation for Return to Campus**

a. **Legal Liability Protections**

Louters moved, Bye seconded, to authorize the chancellor, system leadership and institutional officials to work with state and federal governments and local representatives to address legal issues to create legal liability protections for the North Dakota University System and its campuses.

Bye, Solberg, Ryan, Neset, Louters, Wetch, and Hacker voted yes.

b. [Use of Masks on Campus](#)

Ryan moved, Louters seconded, to approve the resolution as proposed.

Neset, Louters, Bye, Solberg, Ryan, Wetch, and Hacker voted yes.

c. [Endorsement of NDoH Testing Strategy](#)

And

d. **Phased Arrival on campus and testing**

Ryan moved, Bye seconded, to approve the SBHE support and endorse the ND Department of Health's proposed testing strategy, and encourage the institutions to work with the Department of Health as to potentially phasing campus arrivals to ensure the availability of testing capacity to the greatest extent possible, items 3 c and d.

Ryan, Neset, Bye, Solberg, Louters, Wetch, and Hacker voted yes.

4. **2nd Reading/New SBHE Policy 520 – Title IX related policies**

Mr. Eric Olson reviewed policies with edits directly related to new Policy 520 in response to recently released federal regulations. SBHE may consider waiving 1st read, approve 2nd read and final adoption; the reason for the request for accelerated approval is because the campuses must implement this policy by the federally mandated deadline of August 14, 2020. The following policies have amendments related to new Policy 520; in essence, the edits direct all Title IX-related issues that may have previously fit under these policies, to Policy 520:

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

Minot State University Title IX Coordinator, Dr. Lisa Dooley, [provided an overview](#) of challenges campuses will face with the implementation of Title IX regulations.

Louters moved, Ryan seconded, to approve 2nd reading and final adoption of [policy 520 and associated policies, a – j](#), as listed.

Ryan, Neset, Bye, Solberg, Louters, Wetch, and Hacker voted yes.

5. **Strategic Plan Overview**

Mr. Jerry Rostad and Mr. Chris Erickson provided a brief overview of goals one and two of the SBHE [Strategic Plan](#):

- a. [Timeline/How the Strategic Review](#) was Developed
- b. [Infographic: Strategic Plan Metrics](#)
- c. Overview goal #1 and board discussion
- d. Overview goal #2 and board discussion

They will provide an overview of goals three, four, and five, at the August meeting and the Board will discuss all goals and consider amendments at their September meeting.

Chair Hacker requested the system office staff look into an online learning/shared electronic curriculum used by other systems and work with campuses to collect input/data. He directed the SBHE Academic and Student Affairs committee to begin discussions and consider options for a recommendation to the full Board. He referred to it as Electronic Curriculum Open Resources (ECOR).

6. **DSU Faculty Tenure Request**

Ms. Lisa Johnson reviewed a request from Dickinson State University (DSU) to award [faculty tenure](#).

Ryan moved, Solberg seconded, to approve granting transfer of tenure for Dr. Joan

Oigawa Aus to DSU, effective August 1, 2020.

Solberg, Louters, Ryan, Neset, Bye, Wetch, and Hacker voted yes.

The meeting adjourned at 4:55 p.m. CT.

Approved August 27, 2020.