

**North Dakota State Board of Higher Education**  
April 29, 2021, Meeting Minutes

The State Board of Higher Education met on Thursday, April 29, 2021, at 8:00 a.m. CT, Williston State College, 216 in Stevens Hall (music wing), 1410 University Ave, Williston ND 58801.

SBHE Members participating:

Mr. Nick Hacker, Chair	Dr. Casey Ryan (Vice Chair)
Ms. Erica Solberg	Ms. Kathleen Neset
Dr. Jill Louters	Mr. Tim Mihalick
Ms. Danita Bye	Dr. John Warford
Ms. Retha Mattern, Staff Adviser	Dr. Elizabeth Legerski, Faculty Adviser

Chancellor present: Dr. Mark Hagerott

Institution Representatives Present:

Dr. Brian Van Horn, President, MaSU  
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  
Dr. Stephen Easton, President, DSU  
Mr. Andy Armacost, President, UND  
Dr. Alan LaFave, President, VCSU

NDUS Senior Staff Participating:

Mr. Tammy Dolan, NDUS  
Ms. Lisa Johnson, NDUS  
Mr. Darin King, NDUS  
Mr. David Krebsbach, NDUS  
Ms. Dina Cashman, NDUS  
Ms. Terry Meyer, NDUS  
Ms. Kristie Hetzler, NDUS  
Ms. Jane Grinde, NDUS  
Ms. Karol Riedman, NDUS  
Ms. Brenda Zastoupil, NDUS  
Mr. Chris Erickson, NDUS

Others Participating:

Mr. Eric Olson, AG Office  
Ms. Kim Wray, WSC Presidential Search Co-Chair

1. **Agenda**

Mihalick moved, Ryan seconded, to approve the agenda with an amendment to remove BFC item - NDSU to proceed with the Indoor Practice Facility project, from the consent agenda to a stand alone action item.

Mihalick, Neset, Bye, Louters, Solberg, Ryan, Warford, and Hacker voted yes.

## Board Consent

2. March 25, 2021, Meeting Minutes

SBHE Budget and Finance Committee

3. Ratify Chancellor's approval of [UND's \\$2,250,000 transfer of the NDUS System Office Tier III capital building fund appropriation line](#) to the UND capital building fund appropriation line.
4. Ratify Chancellor's approval of [DSU's transfer of \\$102,202, from the capital assets line](#) to the Operations line.

SBHE Academic and Student Affairs Committee

5. [Tenure](#)

Mihalick moved, Louters seconded, to approve the consent agenda, items 2, 3, 4, and 5.

Solberg, Warford, Mihalick, Neset, Bye, Louters and Ryan voted yes. Hacker temporarily absent.

## WSC Presidential Interviews

The following candidates were interviewed by the State Board of Higher Education for the position of Williston State College President:

- Dr. Bernell Hirning Interview
- Mr. Scott Molander Interview

6. **Executive Session** (10:15)

Ryan moved, Solberg seconded, to enter Executive Session to (1) consider the appointment of, and contract terms for, the next President of Williston 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-chair 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.

Neset, Bye, Louters, Mihalick, Solberg, Ryan, Warford, and Hacker voted yes.

Executive session began at 10:30 a.m. CT.

Present:

SBHE Members participating:

Mr. Nick Hacker, Chair

Ms. Erica Solberg

Dr. Jill Louters

Ms. Danita Bye

Ms. Retha Mattern, Staff Adviser

Chancellor present: Dr. Mark Hagerott

Ms. Kristie Hetzler, NDUS

Ms. Kim Wray, WSC (Search Co-Chair)

Mr. Jim McCormick, AGB

Dr. Casey Ryan (Vice Chair)

Ms. Kathleen Neset

Mr. Tim Mihalick

Dr. John Warford

Dr. Elizabeth Legerski, Faculty Adviser

Ms. Terry Meyer, NDUS

Dr. Steve Shirley, MiSU (Search member)

Ms. Janice Fitzgerald, AGB

Warford moved, Mihalick seconded, to adjourn executive session at 12:30 p.m. CT.

Mihalick, Solberg, Neset, Bye, Louters, Ryan, Warford, and Hacker voted yes.

7. **Reconvene Open Meeting** (12:50 p.m. CT.)

Vice Chair Ryan re-convened the open meeting.

Neset moved, Solberg seconded, to offer the Williston State College Presidency to Dr. Bernell Hirning, beginning July 1, 2021.

Mihalick, Solberg, Neset, Bye, Louters, Ryan, Warford, and Hacker voted yes.

8. **NDSU Indoor Practice Facility Project**

Ryan moved, Warford seconded, to approve [NDSU to proceed with the Indoor Practice Facility project](#) at an estimated cost of \$37,200,000 funded from private donations. Further authorize NDSU to name the building in honor of an anonymous donor as per SBHE policy 902.12. The donor's name and official name of the facility will be released in conjunction with full SBHE meeting on April 29th.

Solberg, Warford, Mihalick, Neset, Bye, Louters, Ryan, and Hacker voted yes.

9. **SBARE Nomination**

Ryan moved, Warford seconded, to approve the [SBARE nomination](#) and appoint Mr. John Dhuyvetter to a four-year term on the State Board of Agricultural Research and Education beginning July 1, 2020, representing northwestern North Dakota.

Louters, Solberg, Mihalick, Neset, Bye, Ryan, Warford, and Hacker voted yes.

10. **Honorary Degree**

Ms. Lisa Johnson presented an honorary degree from Valley City State University.

Louters moved, Solberg seconded, to award an Honorary Degree to Mr. Mark Ertelt, from VCSU.

Neset, Bye, Louters, Mihalick, Solberg, Warford, and Ryan voted yes. Hacker temporarily absent.

Ms. Lisa Johnson presented second read with no additional amendments from first read:

11. 2<sup>nd</sup> Reading, [Policy 515](#) North Dakota Student Association
12. 2<sup>nd</sup> Reading, Amend Policy [605.2](#) Standing Committee on Faculty Rights
13. 2<sup>nd</sup> Reading, Amend Policy [605.3](#) Nonrenewal, Termination or Dismissal of Faculty
14. 2<sup>nd</sup> Reading, Amend Policy [605.4](#) Hearings and Appeals
15. 2<sup>nd</sup> Reading, Amend Policy [605.5](#) Mediation – Ms. Lisa Johnson
16. 2<sup>nd</sup> Reading, Amend Policy [612](#) Faculty Grievances – Ms. Lisa Johnson

Warford moved, Louters seconded, to approve and final adoption of policies 515, 605.2, 605.3, 605.4, 605.5, and 612.

Louters, Solberg, Mihalick, Neset, Bye, Warford, and Ryan voted yes. Hacker temporarily absent.

## Board Report/Updates/Discussion

17. SBHE Audit Committee provided by Ms. Kathleen Neset.
18. SBHE Research and Governance Committee provided by Dr. Casey Ryan.
19. SBHE Budget and Finance Committee by Mr. Tim Mihalick.
  - [NDSCS Workforce Academy](#) by President Richman.

The Board discussed the following:

- Last full SBHE approval was in June of 2017, presented as an NDSCS workforce academy and SBHE approval was for fundraising for a potential workforce academy without utilizing North Dakota State University System and/or state dollars:
  - The SBHE specifically indicated that no lease, building/construction, rent, or purchase of property is allowed without proper authority/approval and no state funds were to be used
  - Administrators, staff, and/or faculty paid from state dollars have worked on the NDSCS Fargo project
- The project presented in 2017 as an NDSCS project was amended to the current proposal for the NDSCS Foundation to build and own the facility and NDSCS to lease from their foundation;
  - SBHE fiduciary duties
  - The success of current workforce academies, such as Bismarck State College, that are through the North Dakota K-12 system and that NDSCS's proposal would be taking a different path
  - Past projects involving the institution foundations that resulted in the SBHE/legislative assistance that involved tax payer dollars
- Authority outside of fundraising was not given by the SBHE and/or legislation
- NDSCS approval process not meeting SBHE expectations
- Pledges collected vs. outstanding
- The CFI report
- Ground breaking ceremony to be postponed
- Clarity of Legal and financial relationship between the institutions and foundations

President Richman responded:

- The proposal in June of 2017 was a concept
- The NDSCS Fargo workforce academy written in his goals
- The current status is:
  - Draft lease agreement between NDSCS and NDSCS foundation
  - Draft Operation agreement between NDSCS and four school districts
  - NDSCS Foundation will own the new building/facility
  - Twenty million dollar project
  - Land is purchased at 64<sup>th</sup> Avenue South, Fargo, ND
  - NDSCS staff have been used to assist in the Fargo project
  - EAPC is the Architect
  - Interior design is in the final stage
  - May 6<sup>th</sup> is the opening for bids
  - Final lease agreement dollar amounts will be provided at the May SBHE meeting

After discussion, members Mihalick and Ryan requested the SBHE re-direct the project back to the SBHE Budget and Finance Committee for further discussion. The SBHE members agreed and will re-visit at a future meeting.

- [Student Affordability Report](#) provided by Ms. Brenda Zastoupil.

20. SBHE Academic and Student Affairs Committee provided by Dr. Jill Louters

#### **Chancellor Report**

21. Legislative Update provided Ms. Tammy Dolan
- [Budget Document](#)

#### **Other Reports:**

22. NDSA provided by Ms. Erica Solberg.
- NDSA forwarded three candidates for the 2021 SBHE Student member to the Governor for consideration.
23. CCF provided by Dr. Elizabeth Legerski.
- 2<sup>nd</sup> resolution in opposition of SB2030
  - Petition launched - 1,400 + signatures

Chair Hacker stated the Board and Chancellor also sent letters in opposition to SBH2030.

24. Staff Senate by Ms. Retha Mattern.  
SB2030 discussed, no consensus on position taken  
Reminded Board members that periodic updates are online at  
<https://staffsenate.ndus.edu/2021/04/27/april-2021-campus-updates/>
25. Public Comment – No public comment.
26. Motion to Adjourn

Louters moved, Warford seconded, to adjourn the meeting.

Solberg, Warford, Mihalick, Neset, Bye, Louters, Ryan, and Hacker voted yes.

The meeting adjourned at 2:30 p.m. CT.

Approved May 27, 2021.