

**North Dakota State Board of Higher Education
Academic and Student Affairs Committee**
March 16, 2021, Meeting Minutes

The State Board of Higher Education Academic and Student Affairs Committee met on March 16th at 11:00 a.m. CT, via Teams/conf. call.

SBHE Committee on Academic and Student Affairs members present:

Dr. Jill Louters (Chair)
Ms. Erica Solberg
Dr. John Warford
Dr. Elizabeth Legerski, SBHE Faculty Advisor

Campus Representatives: **DCB** – Larry Brooks, **NDSU** – Margaret Fitzgerald, Laura Oster-Aaland, Karin Hegstad, **DSU** – Deb Dragseth, **UND**-Debbie Storrs, **NDSCS** – Harvey Link, **LRSC** – President Darling, **MaSU** – President Van Horn, Tami Such. **MiSU** – Laurie Geller,

Others present: **NDUS** – Lisa Johnson, Jerry Rostad, Kristie Hetzler, Claire Gunwall, Katie Fitzsimmons, **AG Office**-Eric Olson.

1. Agenda

Solberg moved, Warford seconded, to approve the agenda as presented.

Solberg, Warford, and Louters voted yes.

2. Meeting Minutes

Warford moved, Solberg seconded, to approve the February 16, 2021, Meeting Minutes.

Warford, Solberg, and Louters voted yes.

Academic Terminations:

3. NDSU – M.S. in Advanced Athletic Training
4. UND – English Language Learner/Bilingual Education Endorsement

Warford moved, Solberg seconded, to approve [program terminations](#) from NDSU and UND, items 3 and 4.

Solberg, Warford, and Louters voted yes.

Academic New Program(s) (conclusion at SBHE ASAC)

5. DSU – M.B.A. in Business Administration
6. DSU - GR Certificate in Business
7. DSU - GR Certificate in Entrepreneurship
8. DSU – M.E.S. in Athletic Educational Leadership
9. UND – B.S. in Aviation Safety and Operations
10. UND – GR Certificate in School Counseling for Educators
11. UND – GR Certificate in School Counseling Re-specialization

Warford moved, Solberg seconded, to approve [new programs from DSU and UND](#), items 5 -11.

Solberg, Warford, and Louters voted yes.

12. Policy 515 North Dakota Student Association

The committee members had a thoroughly discussion regarding the legalities of policy 515. Last spring a temporary solution was put into place while the issues and concerns were worked through. The attached amendments to policy is the proposed permanent solution. Legal Counsel confirmed that NDUS does not have authority over the North Dakota Student Association (NDSA); the NDSA is under the purview of the State Board of Higher Education.

Warford moved, Solberg seconded, to recommend approval to amend [Policy 515](#), North Dakota Student Association.

Warford, Solberg, and Louters voted yes.

Ms. Johnson reviewed the following policies:

- 13. Policy 605.2 Standing Committee on Faculty Rights**
- 14. Policy 605.3 Nonrenewal, Termination or Dismissal of Faculty**
- 15. Policy 605.4 Hearings and Appeals**
- 16. Policy 605.5 Mediation**
- 17. Policy 612 Faculty Grievances**

Legal Counsel worked with the Council of College Faculty (CCF,) on the proposed amendments. Dr. Legerski thanked Mr. Olson on his work with the policies and taking the time to consider all input from CCF.

Solberg moved, Warford seconded, to recommend approval to amended Policies - [605.2](#), [605.3](#), [605.4](#), [605.5](#), and [612](#), items 13 – 17.

Warford, Solberg, and Louters voted yes.

18. Policy 503.1 Student Free Speech and Expression

The committee had a thorough discussion on [policy 503.1](#) and related House Bill 1503; testimony will be provided to legislation committee next week.

The North Dakota 66th Legislative Assembly approved SB2320, a bill directing the SBHE to adopt policies providing the assurances of free speech and freedom of expression for students. SBHE Policy 503.1 was adopted to implement SB2320 and has not been substantively revised since 2019. This 2021 legislative session HB1503 was introduced shortly before crossover and would impose several strict requirements on the North Dakota University System (NDUS) and its institutions related to student free speech and expression. The edits to SBHE Policy 503.1 address some potential weaknesses in the policy created during the last session and demonstrate that the SBHE and NDUS are working to address the concerns of the bill sponsors. However, because there has not been time to take the proposed edits to the North Dakota Student Association, we are not requesting approval of the edits at this time; instead, we request that the Committee ratify the approach taken by the amendments. If positively received by NDSA, we would intend to bring this policy back for first read next month. Mr. Olson noted four major changes to Policy 503.1:

- the definition of student-on-student harassment has been revised to address caselaw and federal requirements, without going so far or restrictive as the definition proposed by HB1503;

- the policy already functionally requires that student organizations cannot be denied benefits based on their stated viewpoints, but the revision makes that clear.
- Facility use fees charged by an institution may not be based on the anticipated reaction to a program or guest speaker; and
- As a result of a new federal regulation, institutional funding or benefits cannot be denied to student organizations because they require leaders or members to adhere to the organization's stated beliefs.

Moved, seconded, to approve ratification of the process taken regarding Student Free Speech and Expression, allowing all concerned entities an opportunity to provide input, including the North Dakota Student Association, prior to fully endorsing proposed amendments.

Solberg, Warford. and Louters voted yes.

19. **NDUS Admission Requirements Discussion**

Ms. Johnson indicated there was a recent national conference that several institutions from various states took part in; the conference included discussing admission requirements. There are several repositories that have data on studies that have been done on what is trending nationally, the pros/cons, and how the students and/or the institutions might be impacted regarding federal funding, scholarships, student learning, etc. The SBHE has waived some policy/procedures regarding admissions/testing requirements due to the COVID pandemic and have continued discussing future requirements. The committee discussed and agreed to stay proactive and form a sub-committee to study; there will be more information/discussion at the next committee meeting.

The meeting adjourned at 12:40 p.m. CT.

Approved April 20, 2021.