



State Capitol – 600 E Boulevard Ave – Dept. 215
Bismarck ND 58505-0230
Phone: 701.328.2960 Fax: 701.328.2961
E-mail: ndus.office@ndus.edu Web: ndus.edu

North Dakota State Board of Higher Education

November 17, 2021, Meeting Minutes, Research and Governance Committee

The State Board of Higher Education Research and Governance Committee met on Wednesday, November 17th, at 3:15 p.m. CT, via teams and/or conference call.

Co-chairs Ryan and Bye called the meeting to order at 3:15 p.m. CT.

SBHE Research Committee members participating:

Dr. Casey Ryan, Co-chair
Ms. Danita Bye, Co-chair
Dr. John Warford
Dr. Legerski, SBHE Faculty Adviser
Mr. Jeffrey Volk (invited to participate)

NDUS staff participating:

Chancellor Mark Hagerott, NDUS
Ms. Dina Cashman, NDUS
Mr. David Krebsbach, NDUS
Ms. Lisa Johnson, NDUS
Ms. Karol Riedman, NDUS
Mr. Jerry Rostad, NDUS
Ms. Terry Meyer, NDUS
Mr. Darin King, NDUS

Others Participating:

President Andrew Armacost, UND
Dr. John Mihalich, UND
President Dean Bresciani, NDSU
Dr. Collen Fitzgerald, NDSU
Dr. David DeMuth, VCSU
Ms. Karol Riedman, NDUS
Mr. James Leiman
Ms. Diana D'Amico Pawlewicz
Dr. Kelly Rusch, NDSU/EPSCoR
Mr. Eric Olson, AG Office

1. **Agenda**

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

Bye, Warford, and Ryan voted yes.

2. **Meeting Minutes**

Warford moved, Bye seconded, to approve the October 20, 2021, meeting minutes.

Bye, Warford, and Ryan voted yes.

Research Items

3. **INBRE Update**

Dr. Mihelich stated that they are continuing to work through the re-organization in the structure and processes to better manage the grant(s) statewide; he will provide additional information at the next committee meeting.

4. **EPSCoR Update**

Dr. Fitzgerald explained that in her new role at NDSU she is charged with the responsibility for transitioning the grant back into NDSU's Office of Research and Creative Activity, as it was originally, and the department will report to her. The department will continue to work towards collective efforts that are strategic and align all the jurisdictional grants to maximize what UND and NDSU can do to serve the state and beyond. To build capacity across the system for undergraduate and masters institutions and for our tribal colleges. The state office has received many praises and very positive feedback on the current programming delivered across the state; they will continue that role and report to the VP of Research and Creative Activity. The Chancellor and NDSU President will dissolve the MOU that was discussed during the last committee meeting. Dr. Fitzgerald indicated the changes will help better leverage the state's investment and the many resources in terms of the overall return on investment for the States money, as well as federal opportunities that are available.

Ms. Kelly Rusch stated she is the State Office Executive Director and currently reports to the Chancellor. She explained that track one is a grant/cooperative agreement, and the state office is outside of track one, it serves as a systemwide entity; managing track one vs. non track one should be considered separate entities due to specific requirements/variables. She indicated that the state office is a stakeholder regarding all statewide research initiatives and has not had an opportunity to provide input, view any draft plans, and/or been brought into discussions on how NDSU and the state office plans to move forward in a collaborative effort. The state office remains to have several questions and concerns that have not been discussed.

Co-chair Ryan stated NDSU and the State Office can discuss some of the concerns raised today and the committee will continue to address at their next meeting.

Governance Items

Mr. Eric Olson explained the two following Policies [311](#) and [312](#) were brought back to the committee at the direction of the full Board:

5. **Policy 311, Public Records**

Co-chair Bye stated her takeaway from previous meeting discussions was that the Board does not want more policies created and noted the information is already clear in state statute and/or other policies that already exist. She expressed the need to examine the current committee structure, and determine how the Board can work more effectively, including, having the ability to converse with other Board members without violations.

She requested to hold on action for Policy 311, public records, until Policy 312 is discussed.

6. **Policy 312, Public Meetings**

Mr. Olson explained the state legislature has given the board some flexibility in terms of how it structures the SBHE committees and their work as it pertains to open records. Mr. Olson explained that at this point the Board has a unique opportunity within North Dakota State law to try to rework some of those committee structures based on the flexibility given during the last session. He offered to work with SBHE leadership to put

together a proposal in terms of committee realignment to take advantage of it. Co-chair Bye stated that any proposal being worked on regarding committee re-structuring will remain with the Research and Governance Committee until they recommend it move forward to the full Board; legal counsel agreed.

The committee members discussed the number of members allowed on each committee and the authority of individual committees. Mr. Olson explained that Boards require a quorum to act; of the current eight voting members of the ND State Board of Higher Education (Board), it would require four for the purposes of open records and open meetings. He further explained that prior state statute prevented the committees from being larger than three members.

During the last legislature session, an entirely new law passed that allows flexibility to the Board and/or their committee structure; a committee can include a quorum of the full of the Board without doing business on behalf of the full board, with proper meeting notices that we currently have in place. Communication restrictions will remain in place to avoid creating a public meeting.

A couple options were discussed, however, the committee members expressed concerns that larger but fewer committees or just larger committees could potentially increase the Board members time and workload, without addressing the communication concerns, resulting in difficulty for Board members to do due diligence in their work.

Ryan moved, Warford seconded, to approve the system office and legal staff to research some options for restructuring the SBHE Committees for the Research and Governance Committee to consider at a future committee meeting, prior to moving forward to the full Board.

Bye, Warford, and Ryan voted yes.

Warford moved, Ryan seconded, to table Policy 312 indefinitely.

Bye, Warford, and Ryan voted yes.

The committee went back to item 5, Policy 311, Public Records and proceeded with an extensive discussion regarding language in several components of the policy. The committee invited an additional Board member, Mr. Volk to their meeting for his input. Mr. Volk and Mr. Olson worked together on the language within the current proposed version, prior to this meeting and agreed that most of Mr. Volk's concerns could easily be resolved. There was not a consensus on a few remaining sections of Policy 311; the committee would like to see the policy back at their January meeting in a redline version to capture the agreed upon amendments and to further discuss the any outstanding concerns.

Warford moved, Ryan seconded, to table Policy 311 until the January Committee meeting.

Ryan, Warford, and Bye voted yes.

The meeting adjourned at 4:35 p.m. CT.

Approved January 19, 2021.