

North Dakota State Board of Higher Education

September 30, 2021, Meeting Minutes

The State Board of Higher Education met on Thursday, September 30, 2021, at 8:30 a.m. CT., at North Dakota State College of Science, NDSCS-Wahpeton Campus, Bisek Hall (Lab 1119), 800 North 6th Street, Wahpeton ND, 58076.

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

SBHE Members participating:

Dr. Casey Ryan, Chair	Dr. Jill Louters, Vice Chair
Ms. Gracie Lian	Mr. Nick Hacker
Mr. Tim Mihalick	Mr. John Warford
Mr. Jeffry Volk	Ms. Danita Bye
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. Bernell Hirning, President, WSC
Dr. Jerry Migler, Dean, DCB
Dr. Doug Darling, President, LRSC
Dr. John Richman, President, NDSCS
Dr. Doug Jensen, President, BSC
Dr. Steve Easton, President, DSU
Dr. Andy Armacost, President, UND
Dr. Alan LaFave, President, VCSU
Dr. Margaret Fitzgerald, NDSU

NDUS Senior Staff Participating:

Mr. David Krebsbach, NDUS
Ms. Jane Grinde, NDUS
Ms. Lisa Johnson, NDUS
Mr. Darin King, CTS
Ms. Terry Meyer, NDUS
Ms. Kristie Hetzler, NDUS
Mr. Jerry Rostad, NDUS
Dr. Jen Weber, NDUS

Others Participating:

Mr. Eric Olson, AG Office

North Dakota State College of Science Campus overview by President Richman and Campus Representatives.

1. Agenda

Mr. Volk requested to add an item regarding access to past executive session recordings.

Mihalick moved, Louters seconded, to approve the agenda with amendment.

Volk, Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted yes.

Consent Agenda (2 – 7)

2. Meeting Minutes:

- a. May 27, 2021
- b. June 29, 2021
- c. July 22, 2021

SBHE Budget and Finance Committee

- 3. DCB request approval of the attached resolution authorizing Dakota College at Bottineau to issue not more than \$2,500,000 in Housing and [Auxiliary Facilities Revenue Bonds](#), Series 2021, for the purpose of financing the construction and equipping of a dining facility on the DCB campus and paying the costs of issuance of the Series 2021 Bonds. Further authorize DCB to construct the Dining Center using proceeds from the afore mentioned sale of revenue bonds.
- 4. [DSU Ratify Chancellor's interim authorization](#) for Dickinson State University to proceed with renovation of Pulver Hall as authorized by 66th legislative assembly; increase the cost of construction of Pulver Hall from \$4,284,500 to \$4,609,000 for a total increase of \$324,500 using Pulver Hall auxiliary fund reserves; and further authorize DSU to seek approval for the increase in construction cost using local funds from the interim budget section of the legislature at its next scheduled meeting.
- 5. NDSU to proceed with the [Ladd Hall Partial Renovation project](#) at an estimated cost of \$2,400,000 to be funded from 2021-23 extraordinary repair funds and matching operating funds.
- 6. NDSU to begin a formal fundraising campaign for a new [Performing Arts Facility](#) through the NDSU Foundation and/or other affiliated entities with an estimated maximum scope/amount of \$45,000,000.

SBHE Academic and Student Affairs

7. [Tenure](#)

Mihalick moved, Warford seconded, to approve the consent agenda, items 2 - 7.

Mihalick, Volk, Warford, Louters, Hacker, Bye, Lian, and Ryan voted yes.

8. NDSU Naming of the Agricultural Products Development Center

Louters moved, Volk seconded, to approve NDSU to name [the Agricultural Products Development Center \(APDC\) facility](#) in honor of the Peltier Family, per SBHE policy 902.12.

Warford, Louters, Mihalick, Volk, Hacker, Bye, Lian, and Ryan voted yes.

9. SW Area CTE Joint Powers Agreement

President Easton presented a [Joint Powers Agreement \(SW Area\)](#).

Bye moved, Warford seconded, to approve the Joint Powers Agreement (SW Area), as presented.

Mihalick, Volk, Warford, Louters, Hacker, Bye, Lian, and Ryan voted yes.

10. SBHE Strategic Plan updates

Chancellor Hagerott and Vice Chancellor Rostad proposed updates to the [SBHE Strategic Plan](#).

The Board noted the plan will have an annual review and can be adjusted as needed.

Mihalick moved, Bye seconded, to approve the SBHE Strategic Plan, including the updates as presented.

Louters, Hacker, Bye, Mihalick, Warford, Volk, Lian, and Ryan voted yes.

11. NDUS Retirement Plan Recommendations for Plan Administration

Mr. David Krebsbach presented the NDUS Retirement Plan Recommendations for plan administration. He explained the SBHE Budget and Finance Committee discussed in length; the committee requested more information/data to further discuss at a future committee meeting. The committee did recommend approval of the plan pricing and revenue credit disbursement for NDUS retirement plans.

Bye moved, Warford seconded, to approve NDUS Retirement Plan pricing and revenue credit disbursement for NDUS retirement plans.

Hacker, Bye, Lian, Mihalick, Volk, Warford, Louters, and Ryan voted yes.

12. Chancellor's goals

[Chancellor Hagerott proposed his annual goals](#) to the Board. The Board requested the Chancellor recommend how to incorporate metrics to indicate outcome. The Board also requested his communication with individual Board members occur no less than every three weeks.

Bye moved, Warford seconded, to approve the Chancellor's goals.

Bye, Lian, Hacker, Mihalick, Volk, Warford, Louters, and Ryan voted yes.

13. SBHE 2022 Meeting Schedule

Mihalick moved, Bye seconded, to approve the proposed [SBHE 2022 DRAFT Meeting Schedule](#).

Volk, Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted yes.

14. Update on Center for Career and Technical Education

MiSU President Shirley and DCB Dean Migler provided an update on the [Center for Career and Technical Education](#).

Executive Session Recording Access to New Board Members---Added agenda item

Volk moved, Lian seconded, to allow the past two years of executive session recordings to be accessible to new Board members.

Member Volk explained his request to have access to the past two years of executive session recordings the SBHE has held during closed session(s). He stated it would be helpful to hear past discussions that affect current discussions and/or decision making for new Bboard members that were not part of them.

Current Board members raised concerns, stating that allowing this to new board members that were part of the public at the time of the recording could open it up to other requests. The risk of potential litigation and other legal matters is also a great concern. Board members noted that Mr. Volk has been provided information on subject matters and deliberations that have taken place during closed sessions and oppose disclosing closed session recordings, emphasizing the possibility of legal implications.

Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted no. Volk voted yes.

Motion failed, 7 no – 1 yes.

15. Waiver to Policy 520

Waiver to Paragraph 9, section f, vii of Policy [520](#) Title IX – Sexual Harassment
Mr. Eric Olson explained the passage of H.B. 1503, further revisions are required to come into line with the new requirements. The proposed edit(s) to SBHE Policy 520 provides needed clarification about how the new revisions to policy 503.1 and the new Title IX regulations interact. The new language makes clear that sexual harassment which does not meet the Title IX definition may be addressed using policy 503.1. Mr. Olson will bring the amendment forward at a future meeting; the current request is for a waiver.

Louters moved, Warford seconded, to approve a waiver to policy 520, as presented.

Louters, Mihalick, Volk, Warford, Hacker, Bye, Lian, and Ryan voted yes.

16. Re-Affirmation of HR Policies

Ms. Jane Grinde presented [several HR policies](#) that were recommended for approved for re-affirmation by the NDUS Human Resources Council. Policies are periodically reviewed at the council level; councils have representatives from all the institutions. The attached policies did not have amendments and the request is for the Board to re-affirm.

Lian moved, Bye seconded, to approve 1st reading, waive 2nd reading and final adoption of re-affirmation of HR Policies, as presented.

Volk, Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted yes.

17. HR Policy 5, Pay

Ms. Jane Grinde reviewed proposed amendment for 1st reading, waive 2nd read and final adoption of [HR Policy 5 Pay](#)

Lian moved, Bye seconded, to approve 1st reading, waive 2nd reading, and final adoption of Policy HR5, as presented.

Volk, Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted yes.

18. Policy 830.1, Student Payment Policy

And,

19. Policy 830.2, Refunds

Mr. Krebsbach reviewed proposed amendments to [Policy 830.1](#), Student Payment Policy and [Policy 830.2](#), Refunds.

Warford moved, Bye seconded, to approve 1st reading of Policies 830.1 and 830.2, as presented.

Mihalick, Volk, Warford, Louters, Hacker, Bye, Lian, and Ryan voted yes.

20. Policy 440, Enrollment Reporting

Ms. Lisa Johnson reviewed proposed amendments for 1st reading, waive 2nd read and final adoption of Policy 440.

Louters moved, Warford seconded, to approve 1st reading, waive 2nd read, and final adoption of [Policy 440](#), as presented.

Volk, Warford, Mihalick, Louters, Hacker, Bye, Lian, and Ryan voted yes.

21. Update on COVID-19 / Delta Variance

Dr. Wynne provided an update on [COVID-19 / Delta Variance](#).

Reports/Discussion/Informational (Items 22 – 34)

22. SBHE Audit Committee was provided by Committee Chair Hacker; he informed the Board the committee will be review the fraud/complaint hotline and reporting at their upcoming committee meetings. He also stated the committee continues to work on reoccurring audit recommendations.

23. SBHE Research and Governance Committee was provided by Co-Chairs, Ryan, and Bye.

24. SBHE Budget and Finance Committee was provided by Committee Chair Mihalick; he informed the Board the committee will continue discussing/reviewing the NDUS Retirement Plan, as discussed earlier under Board business and they would also start reviewing presidential salaries and comparisons using multiple resources, such as, MHEC, WICHE, and CUPA data.

25. SBHE Academic and Student Affairs Committee was provided by Committee Chair Louters. She briefed the Board on the Joint Boards meeting and stated the 2022 Joint Board meeting will be hosted by the SBHE.

26. NDSU Presidential Search was provided by search co-chair Louters. The final interviews are scheduled for February 2022.

27. Update on NDSCS Presidential Search was provided by search co-chair Volk. The final interviews are scheduled for March 2022 and an Interim President will be named to fill the position until new President takes office.

28. Report on United States Innovation and Competition Act (USICA): Chancellor Hagerott provided information on the United States Innovation and Competition Act (USICA); it is a five-state consortium.

29. Cyber Update was provided by Mr. Darin King.

30. Census data

Ms. Jen Weber provided an update on NDUS enrollment [census data](#).

31. Education Online Resources ECOR Update was provided. The following Presidents lead the ECOR initiative:

- VCSU President LaFave
- WSC President Hirning
- UND President Armacost
- DSU President Easton

Other Reports:

32. NDSA provided by Ms. Gracie Lian.

33. CCF provided by Dr. Elizabeth Legerski

34. Staff Senate by Ms. Retha Mattern

35. Public Comment – no public comment

36. Adjourn

Mihalick moved, Louters seconded, to adjourn at 1:30 p.m. CT.

Approved October 28, 2021.