

North Dakota State Board of Higher Education

October 20, 2021, Research and Governance Committee Meeting Minutes

The State Board of Higher Education Research and Governance Committee met on Wednesday, October 20, 2021, 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, Chair
Ms. Danita Bye
Dr. John Warford
Dr. Legerski, SBHE Faculty Adviser

NDUS staff participating:

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

Others Participating:

President Andrew Armacost, UND
Dr. John Mihalich, UND
President Dean Bresciani, NDSU
Dr. Jane Schuh, NDSU
Dr. Collen Fitzgerald, NDSU
Dr. David DeMuth, VCSU
Ms. Jean Ostrom-Blonigen, Project Administrator of NDEPSCoR
Mr. Eric Olson, AG Office

1. **Agenda**

Bye moved, Warford seconded, to approve the agenda.

Warford, Bye, and Ryan voted yes.

2. **Minutes**

Bye moved, Warford seconded, to approve the September 22, 2021, meeting minutes.

Warford, Bye, and Ryan voted yes.

RESEARCH PORTION

Dr. Ryan provided a brief overview regarding INBRE and EPSCoR; noting agenda items 3 and 4 are for information and discussion only, a vote by the Board is not required. Discussions will continue as standing items at future committee meetings. He stated that he had several

discussions with both the UND and NDSU Presidents and representatives regarding the structure of INBRE and EPSCoR. He has also reviewed several past and current documents and concluded that INBRE falls within UND's jurisdiction and EPSCoR with NDSU.

3. **INBRE**

The committee members and UND representatives discussed the current organizational and administrative structures. The current structure is under a redesign to ensure the appropriate scientific expertise maintains the program. The redesign is tentatively set to be complete by January 2022 and will be brought back to the committee with more information regarding the structure, management, and oversight of the grant.

4. **EPSCoR**

The committee members discussed the past, current, and future structure of managing and oversight of the EPSCoR grant. Currently there is an EPSCoR advisory committee that has been managing the grant; NDSU will work with that committee, and the Chancellor on a plan to transition to NDSU to manage it. EPSCoR will be a standing agenda item to further discuss the transition plan and keep the SBHE Research and Governance Committee informed on the process. Legal counsel, Mr. Olson, stated he didn't have concerns with the plan forward, with the exception of a binding MOU that is currently in place and will need to be addressed before a plan forward is finalized. Dr. Warford is the SBHE representative for EPSCoR; the Chancellor and Dr. Warford will work through the MOU process with President Bresciani and NDSU's VP of research and report back to the committee.

GOVERNANCE PORTION

Mr. Eric Olson reviewed proposed policies [311](#) and [312](#):

5. **Policy 311, Public Records**

Mr. Olson explained that several changes have taken place regarding open records and the proposed changes are to provide guidance to the SBHE and institutions to comply with rules regarding open records. The proposed amendments bring the policy into compliance with the North Dakota Open Records law, and related transparency and privacy statutes. The updates also reflect changes related to FERPA and other privacy statutes. It puts more delineation on the protection of student records in response to disclosures. There is a section that lays out the process of how the institutions and the system office receive and provide documents in response to open records requests, including the fees that may be charged to a requester. It includes the process of releasing exempt records related to attorney work, product related to an active litigation matter or application, and materials that may otherwise be protected or exempt.

Committee members raised questions and concerns; including, whether creation of new policies is necessary, is the timing for it appropriate, and if the standard review process took place. The members requested more time to review but agreed to move it forward to the full SBHE as first read only and to have it return to the committee for further discussion at the November meeting.

Bye moved, Warford seconded, to recommend approval of first reading of policy 311.

Warford, Bye, and Ryan voted yes.

6. **Policy 312, Public Meetings**

Mr. Olson explained that 312 is a new policy on public meetings and lays out the processes to comply with open meetings law. The policy would be in addition to the annual training provided to the SBHE and during new board member orientation. It

details the process of posting agendas, executive sessions, and records retention periods. The proposed policy aligns with statutory requirements; he raised concerns that the system office is currently holding onto years of old records that are not required.

The committee raised the same concerns they discussed during their review of policy 311. New policies create additional bureaucracy and difficulties for Board members to conduct regular business. They questioned if the policy is necessary as it is already in statute, they have legal representation present during Board meetings to ensure compliance of those statutes, and the Board receives annual training on open meetings/open records. They also noted the proposed policy is more procedural/processes that is conducted by the system office, in consultation with legal and Board leadership. They indicated that Mr. Olson could work directly with the system office on any changes to statutes regarding record retention, agendas, and minutes, the Board would continue receiving annually training, and appreciate Mr. Olson's participation in the meetings to keep them in compliance.

The committee agreed to move it forward as first read to the full Board to gather more input. They also requested that policy 312 return to the committee for further consideration.

Warford moved, Ryan seconded, to recommend approval of first reading of policy 312, and further, return the policy back to the committee before consideration and any final action is taken.

Warford and Bye voted yes. Ryan voted no.

The meeting adjourned at 4:50 p.m. CT.

Approved November 17, 2021.