

North Dakota State Board of Higher Education
January 27, 2022, Meeting Minutes

The State Board of Higher Education met on Thursday, January 27, 2022, at 8:30 a.m. CT., via Teams Live, originating from Capitol, 10th floor, Dept. 215, Bismarck, ND 58505.

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
Dr. Elizabeth Legerski, Faculty Adviser	Ms. Retha Mattern, Staff 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. Harvey Link, Interim President, NDSCS
Dr. Doug Jensen, President, BSC
Mr. Steve Easton, J.D., President, DSU
Dr. Andy Armacost, President, UND (intermittant)
Mr. Rob Carolin, COS, UND
Dr. Alan LaFave, President, VCSU
Dr. Dean Bresciani, President, NDSU

NDUS Senior Staff Participating:

Mr. David Krebsbach, NDUS
Ms. Lisa Johnson, NDUS
Mr. Darin King, CTS
Ms. Terry Meyer, NDUS
Ms. Kristie Hetzler, NDUS
Mr. Jerry Rostad, NDUS

Others Participating:

Dr. Joshua Wynne, Dean of UND Medical School
Ms. Janel McGarry, CTS
Mr. Dirk Huggett, CTS
Mr. Eric Olson, AG Office

1. **Agenda**

Warford moved, Louters seconded, to approve the agenda with the amendment to remove item 21, the NDUS Internal Audit Independent Validation of the Quality Assessment, from consent agenda and place on the regular agenda.

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

2. **Executive Session (8:35)**

Mihalick moved, Warford seconded, to enter executive session to discuss the procurement of a vendor to conduct an executive salary study of institution presidents and NDUS office executive staff. The executive session shall be limited to members of the SBHE, Board staff, NDUS office staff, and NDUS legal counsel.

The legal authority for closing this portion of the meeting is North Dakota Century Code sections 44-04-18.4(6) and 44-04-19.2.

Executive session began at 8:37 a.m CT.

Warford moved, Bye seconded, to adjourn executive session at 9:32 a.m. CT.

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

Open meeting reconvened at 9:34 a.m. CT.

Volk moved to award the lowest bidder a contract to conduct a higher education presidential compensation study for the eleven state institutions.

Lack of second, motion failed.

Hacker moved, Bye seconded, to not award a contract at this time and to re-direct it back to the SBHE Budget and Finance Committee. The Committee has delegation of authority to finalize the process regarding procurement of a vendor to conduct an executive salary study of institution presidents.

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

Board Consent (3 - 20)

3. [December 9, 2021](#), Meeting Minutes

SBHE Budget and Finance Committee

4. BSC to proceed with the [construction of a polytechnic education facility](#) at an estimated cost of \$38 million dollars.
5. BSC's request to reduce the [non-resident tuition rate factor](#) from 1.12 to 1.0 for students from Minnesota and 1.5 to 1.0 for students from the following states and Canadian provinces: South Dakota, Montana, Wyoming, Idaho, Utah, Colorado, Nebraska, Kansas, Iowa, Saskatchewan, and Manitoba. Effective Fall 2022.
6. [Dakota College at Bottineau's requests tuition model change](#) to assess online students a tuition rate based on their residency status effective Fall 2022.
7. DSU to proceed with [construction of a new athletic complex](#) with an estimated Phase I cost of \$7,000,000.
8. NDSCS Housing [Auxiliary Facilities Revenue Refunding Bonds 2022](#).
9. NDSCS to proceed with [repairs to the outdoor track and field](#) event locations completed (not football field) by the Wahpeton Public School district which will be responsible for contracting all necessary work and costs related to the project.
10. NDSU to proceed with the [Ceres Hall Partial Renovation project](#) at an estimated cost of \$2,200,000 to be funded from 2021-23 extraordinary repair funds and matching operating funds.

11. NDSU request authority to increase the project authorization of the [Nodak Insurance Football Performance Complex](#) project from \$37,200,000 to \$50,000,000 (a difference of \$12,800,000) to be funded from special funds (donations); and further seek Legislative Budget Section approval per NDCC15-10-12.1; and proceed with finishing the project contingent on Budget Section approval.
12. NDSU to proceed with the [Peltier Complex](#) at an estimated cost of \$85,000,000 to be funded by state bonding (\$50,000,000), general fund carryover 2017-2019 (\$20,000,000), and special funds [including donations and/or other local sources (\$15,000,000)] as per the 67th Legislative Assembly in SB2003 and HB1431.
13. NDSU request authority to increase the project authorization of the [Softball Indoor Facility project](#) from \$2,000,000 to \$2,600,000 (a difference of \$600,000) to be funded from special funds (including donations and/or local sources); and further seek Legislative Budget Section approval per NDCC15-10-12.1; and proceed with project contingent on Budget Section approval.
14. [NDSU Request for Differential Tuition](#) for Master's in Athletic Training.
15. [UND Request for Differential Tuition](#) for Master's in Athletic Training.
16. [UND to proceed with construction of an ADA accessible](#) vestibule link between O'Kelly Hall and Gillette Hall.

SBHE Academic and Student Affairs

17. [Tenure](#)
18. Creation of a New Center at NDSU for [Center for the Study of Digital Society](#)
19. Exploration of Creating [New Center for Entrepreneurship and Family Business](#)

SBHE Audit

20. [NDUS Internal Audit Plan](#) FY22

Louters moved, Warford seconded, to approve consent agenda items 3 – 20.

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

Item 21 removed from consent agenda by member Volk and placed as a stand-alone item:

21. NDUS Internal Audit Independent [Validation of the Quality Assessment](#). The Board discussed that this assessment was completed by an independent entity and only to assess the internal audit function and Ms. Dina Cashman.

Audit Committee Chair Hacker agreed to have the validation of quality assessment report return to the Audit Committee for further discussion, as requested by member Volk.

22. Policy 605.2 Standing Committee on Faculty Rights

Ms. Lisa Johnson reviewed proposed amendments for 1st reading of [Policy 605.2](#), Standing Committee on Faculty Rights.

Warford moved, Hacker seconded, to approve 1st reading of Policy 605.2.

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

23. Policy HR 7 Sick Leave

Mr. David Krebsbach reviewed proposed amendments for 2nd reading, noting no further changes were made from 1st reading [Policy HR 7](#), Sick Leave.

Mihalick moved, Hacker seconded, to approve 2nd reading and final adoption of Policy HR7.

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

SBHE Committee Reports/Updates/Discussion

- 24. SBHE Audit Committee report provided by Mr. Nick Hacker.
- 25. SBHE Research and Governance Committee report provided by Dr. Casey Ryan and Ms. Danita Bye.
- 26. SBHE Budget and Finance Committee report provided by Mr. Tim Mihalick.
- 27. SBHE Academic and Student Affairs Committee report provided by Dr. Jill Louters.
- 28. NDSU Presidential Search report provided by Dr. Jill Louters.
- 29. NDSCS Presidential Search report provided by Mr. Jeffry Volk.

Chancellor Report

- 30. Strategic Priorities for NDUS/SBHE Retreat report provided by Chancellor Hagerott.
- 31. Omicron Update report provided by Dr. Wynne.

Other Reports:

- 32. NDSA report provided by Ms. Gracie Lian.
- 33. CCF report provided by Dr. Elizabeth Legerski.
- 34. Staff Senate report provided by Ms. Retha Mattern.
- 35. Public Comment – no public comment made.

36. Motion to Adjourn

Hacker moved, Bye seconded, to adjourn the meeting at 11:00 a.m. CT.

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

Approved February 23, 2022.