

**North Dakota State Board of Higher Education**  
Meeting Notice and Agenda  
February 23, 2022

The State Board of Higher Education will meet on Wednesday 23<sup>rd</sup>, at 8:00 a.m. CT., via Teams Live, originating from North Dakota State University, Memorial Union/Ballroom B, 1401 Administration Ave, Fargo, ND. [Click here](#) to view live video stream.

Call to Order  
# Action Items

1. # Agenda

2. Presidential Interviews

8:15 a.m. – NDSU Presidential Search Co-Chairs – Drs. Jill Louters and Greg Lardy

8:30 a.m. – 9:30 a.m. – [David Cook, Ph.D.](#)

Break

9:45 a.m. – 10:45 a.m. – [Hesham El-Rewini, Ph.D., P.E.](#)

Break

11:00 a.m. – noon – [Mary Holz Clause, Ph.D.](#)

Break

3. # Executive Session

Move to enter executive session to consider finalist(s) for the North Dakota State University presidency and/or contract terms. The executive session shall be limited to members of the SBHE, NDUS office staff, AGB Consultants, Search Committee Co-chair, and NDUS legal counsel.

The legal authority for closing this portion of the meeting is North Dakota Century Code sections 44-04-18.27 and 44-04-19.2.

4. # Reconvene in open meeting to take action.

**# Board Consent** (5- 9)

5. [January 27, 2022](#), Meeting Minutes

SBHE Budget and Finance Committee – Mr. Tim Mihalick

6. Amend the January 27<sup>th</sup> motion to authorize 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 NDCC 15-10-12.1; and proceed with finishing the project contingent on Budget Section approval.~~ And further seek Legislative Budget Section approval per NDCC Section 48.01.2-25 in lieu of Section 15-10-12.1, requirements of NDCC Section 48-01.2-25 specify that changes in legislatively approved projects seek further legislative approval, or authorization from the interim budget section if the legislature is not in session.
7. Amend the January 27<sup>th</sup> motion to authorize 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~~

And further seek Legislative Budget Section approval per NDCC 15-10-12.1; and proceed with project contingent on Budget Section approval. And further seek Legislative Budget Section approval per NDCC 48.01.2-25 in lieu of Section 15-10-12.1, requirements of NDCC Section 48-01.2-25 specify that changes in legislatively approved projects seek further legislative approval, or authorization from the interim budget section if the legislature is not in session.

8. [MaSU to increase the project budget from \\$1,600,000 to \\$1,998,970](#) (a difference of \$398,970) to be funded from General Fund Carryover, Tier funding and/or operating funds; and further seek Legislative Budget Section approval per NDCC 48-01.2-25; and proceed with finishing the project contingent on Budget Section approval.
9. [UND request to ratify Chancellor's approval of \\$4,361,801 and \\$2,250,000](#), respectively, transfer of the NDUS System Office Tier II and Tier III capital building fund appropriation line to the UND capital building fund appropriation line.

#### # Board Action

10. Authorize the Chancellor, in his capacity as Plan Administrator and in consultation with legal counsel, [to retain an attorney or](#) attorneys to provide advice and counsel related to the Retirement Plan using an appropriate informal procurement process, and to authorize the payment of such attorney's legal fees from the revenue credits from the Plan – Mr. Eric Olson

#### # Policies

11. 2<sup>nd</sup> Reading – [Policy 311](#), Public Records – Mr. Eric Olson
12. 2<sup>nd</sup> Reading – [Policy 605.2](#), Standing Committee on Faculty Rights – Ms. Lisa Johnson
13. 1<sup>st</sup> Reading – [Policy 605.1](#), Academic Freedom and Tenure; Academic Appointments – Ms. Lisa Johnson

#### SBHE Committee Reports/Updates/Discussion

14. SBHE Audit Committee – Mr. Nick Hacker
  - NDUS Internal Audit [Independent Validation of the Quality Assessment](#)
15. SBHE Research and Governance Committee – Dr. Casey Ryan and Ms. Danita Bye
  - 2022 SBHE Self-Assessment:
    - a. 2022 Board [Self-Assessment process](#)
    - b. [Tool to use for the 2022 Board Self-Assessment](#)
    - c. Method to use for the 2022 Board Self-Assessment
16. SBHE Budget and Finance Committee – Mr. Tim Mihalick
17. SBHE Academic and Student Affairs Committee – Dr. John Warford
18. NDSCS Presidential Search – Mr. Jeffrey Volk

#### Other Reports:

19. NDSA – Ms. Gracie Lian
20. CCF – Dr. Elizabeth Legerski
21. Staff Senate – Ms. Retha Mattern
22. Public Comment

#### Assessment of Meeting and Future Agenda Items

23. Motion to Adjourn
  - Roll call