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North Dakota State Board of Higher Education
January 18, 2023, Research and Governance Committee Meeting Minutes

The State Board of Higher Education Research and Governance Committee met on Wednesday, January 18th, at 3:15 p.m. CT, via teams.

Co-chair Ryan called the meeting to order at 3:15 p.m. CT. SBHE Committee members participating:

Dr. Casey Ryan, Co-Chair
Ms. Danita Bye, Co-Chair
Dr. John Warford
Dr. Lisa Montplaisir, Faculty Advisor

NDUS staff participating:
Ms. Lisa Johnson, NDUS
Mr. Jerry Rostad, NDUS
Chancellor Mark Hagerott, NDUS

Others Participating:
Dr. John Miller, DSU
Dr. David DeMuth, VCSU
Dr. Colleen Fitzgerald, NDSU
Dr. John Mihelich, UND
Dr. Delore Zimmerman, VPP
Meredith Larson, Attorney

1. **Agenda**

2. **Meeting Minutes**

Dr. Warford moved, Ms. Bye seconded, to approve the agenda and the December 21, 2022, meeting minutes as presented. Bye, Warford, and Ryan voted yes. The motion passed.

Research Items:

3. **Discuss Research Working Groups/Legislation**
    a. 202211RPT-RGC-RDND Proposal with logo.pdf
    b. 2022MEM-RGC-VPP Legislative Priorities 2023forMinutes.pdf

Dr. Fitzgerald reported that they are still in the planning stages and there are no updates to provide the committee with at this time. As far as outreach programs, she reported there is work in progress with stakeholders. Dr. Mihelich reported that he continues to work with the Alliance Group. He stated that he and others have met with Tribal College Presidents wherein there is a North Dakota representative who will assist with intersecting with the Alliance.

Dr. DeMuth reported they meet at least a couple times during a semester. At the last meeting they discussed hosting a poster-format presentation in Memorial Hall at the State Capitol on March 24, 2023, to provide highlights of the research efforts being conducted at the eleven (11) campuses. Committee Co-Chair Ryan concurred with the plan and suggested that advance notification be given to legislators so they can add the date to their calendars. He recommended Dr. Mihelich and Dr. Zimmerman to assist in coordinating the event.

Committee Co-Chair Ryan asked that there be an update on the federal legislation at the February meeting.

Dr. Zimmerman provided an update on VPP. HB 1379 includes ag-Infrastructure, roads, workforce development, tech innovation and economic diversification research fund. The first version includes $10 million for research. The two documents were forwarded to members today for review, one of them includes the football field. The second document is a map indicating a state-wide initiative about why research is important to our economy. Other elements define the guidelines for the use of funds and how they will impact the programs. He requested members provide comments so recommendations can be taken into consideration in order to improve the draft. Committee Co-Chair Ryan inquired about last year's items of which only one was dedicated to the workforce. Tech innovation and research were assumed to receive some funds. Dr. Zimmerman replied that the last version said $30 million for workforce, research and tech innovation. This version breaks it out more. Committee Co-Chair Ryan pointed out that two years ago no dollar amount was given, so this is a positive starting point. Dr. Zimmerman commented that this proposal is expected to change, and that he will advocate for a percentage (rather than dollar amounts).

Dr. Fitzgerald provided an update on ND-EPSCoR regarding the Executive Director position (permanent) went live with a closing date of February 19, 2023. There is a communications specialist position open. The tribal partnership position interviews will start soon.

Committee Co-Chair Bye led the discussion on the following items:

Vice Chancellor Rostad stated that the governance policy states that policies ten (10) years or older should be reviewed to ensure they are current.

Governance Items:

4. **SBHE Policy 102 Objectives and Codification**
   Vice Chancellor Rostad stated that this policy is a language revision wherein the word *manual* was revised to policy *library* rather than policy *manual*.

5. **SBHE Policy 307.3, Branch Campus Governance and Organization**
   Vice Chancellor Rostad stated the language was updated regarding the relationship between the Dakota College at Bottineau and Minot State.

6. **SBHE Policy 350.1, State Board of Agricultural Research and Education**
   Vice Chancellor Rostad stated the language was updated after it was reviewed by Dr. Greg Lardy, NDSU Vice President for Agriculture

   Dr. Ryan moved, Dr. Warford seconded, to approve the recommended revisions to SBHE Policy 102, SBHE Policy 307.3 and SBHE Policy 350.1 as presented. Bye, Warford, and Ryan voted yes. The motion passed.

7. **SBHE Policy 302.7 – Research and Governance Committee**
Ms. Meyer stated this policy was previously under the Audit Committee policy and has been reviewed by all the councils. There was further clarification made to the language and the revision is in Section 8 that states this Committee would be conducting a Board self-assessment survey annually; the other new section is the governance function will be responsible for the following tasks either by direct NDUS staff or coordinating with outside firms. The annual self-assessment and other surveys will be conducted if requested by the Chancellor, the Board or Chief Executive officers.

Committee Co-Chair Bye inquired if it also includes the annual evaluation of the Chancellor? Ms. Meyer replied that yes, it does include an evaluation of the Chancellor.

Committee Co-chair Bye commented that those are new responsibilities moved from the Audit Committee to the Governance Committee.

Dr. Warford moved, Dr. Ryan seconded, to approve the recommended revisions to SBHE Policy 302,7 as presented. Warford, Bye and Ryan voted yes. The motion passed.

8. **SBHE Policy 308.1 – Officer and Employee Code of Conduct**
Ms. Meyer stated that this policy was previously under the Audit Committee policy in Section 13. The revision proposed is adding language that the NDUS Officer has the discretion to decide whether and to what extent an alleged violation will be investigated considering institution resources, whether the alleged conduct would violate policy, procedure, or law and whether they allege conduct, already investigated, the severity of the alleged conduct and other related factors. They developed the Compliance Officer document, and this is the language that had to be added to this Code of Conduct.

Dr. Ryan moved, Dr. Warford seconded, to approve the recommended revisions to SBHE Policy 308,1 as presented. Bye, Warford and Ryan voted yes. The motion passed.

9. **Reaffirm Policies 100.6, 301.1, 303.2, and 350.3.**
Reaffirm Policies 100.6, 301.1, 303.2, and 350.3, (agenda items a – d) (no substantive changes)
    a. SBHE Policy 100.6 Authority and Responsibility of the State Board of Higher Education
    b. SBHE Policy 301.1 Organization & Titles of Institutions Governed by the SBHE
    c. SBHE Policy 303.2 NDUS Strategic Plan and Objectives
    d. SBHE Policy 350.3 School of Medicine and Health Sciences Advisory Board; Reports

Vice-Chancellor Rostad stated these four (4) polices needed to be reviewed because it has been 10 years or more since the State Board last reviewed them. There were no changes made to the language. This request is for the Board to approve policies 100.6, 301.1, 303.2, and 350.3 having no substantive changes.

Dr. Warford moved to approve all four (4) policies. Dr. Ryan seconded, Warford, Bye and Ryan voted yes. The motion passed.

10. **June SBHE meeting, move from June 29 to June 27**
Ms. Meyer stated that pursuant to a staff discussion it was recommended that the June SBHE meeting be re-scheduled from Thursday, June 29, 2023, to Tuesday, June 27, 2023, to accommodate the holiday weekend. Contact was made with all the presidents, the chair and vice-chair of this committee, to

assure there were no conflicts with the re-scheduled date. Valley City has offered to host the Board meeting at their campus in June. BSC is hosting January, March, and May.

Dr. Ryan moved, Dr. Warford seconded, to move the June 29 meeting to June 27 and accept the offer from Valley City to host the meeting in June at the Valley City campus. Bye, Warford and Ryan voted yes. The motion passed.

The following Reports and Discussion took place:

11. Information Security Standards
    Mr. King stated that this report is a follow up to a previous discussion regarding information security standards. He provided a summary of the NDUS security standards currently in place that were developed in collaboration with the campuses approved by the CIO Council. The structure of the Network Security (NS) Standard 1203.1 is tied to what type of data NDUS protects. The standards are aligned with federal security standards. The IT security group has been working across the state to develop these standards. The challenge is that all campuses have different resources for funding and HR resources to be able to do this. The goal is to ensure they are aware of the things that the security council feels should be protected. If they cannot, they should be considering other compensating controls that address these items.

12. Comprehensive President Evaluation Feedback
    Committee Co-Chair Bye tasked Vice-Chancellor Rostad to review the current comprehensive president evaluation process with the presidents who have participated in the program. Rostad summarized the evaluation feedback received into four (4) categories: (1) The existing process was thorough, beneficial and useful; (2) The existing Process provides a happy balance with neutrality; (3) It's too early to change the process (only two cycles have been completed); not all the presidents have been through the evaluation; and (4) The presidents came from other states and compared what we did here with what they did at their previous employment and found the NDUS process was equal to if not better.

    Committee Co-Chair Ryan commented that it is important that every president go through the evaluation process. Dr. Warford concurred with the four (4) categories Vice Chancellor Rostad presented. This evaluation process is fair and robust.

13. SBHE Policy 310.2, Board Officers; Officer Responsibilities; Elections
    Ms. Meyer stated this was a request that came from another Board member, for discussion. The recommendation was to move the Election of Officers, no later than May, to during the first meeting after July 1. Nominations may be made, and voting conducted at that same meeting. The terms of office shall begin upon election.

    Committee Co-Chair Ryan commented that if this were approved it could be a concern for the Board of Higher Education. He explained the current process is to nominate and vote in May. The problem anticipated is that there could potentially be three (3) new Board members, and one of them could include a student, who have no history of State Board of Higher Education, or, no knowledge of who serves on the Board, or who would be the best candidate to lead the Board. He believes that the policy that is currently in place is a good process and that it was last reviewed and updated on April 25, 2019. He suggested this matter be discussed by the whole Board. In the alternative, he recommended that a motion be brought forth to defeat the recommendation to move the Election of Officers to no later than May wherein it is his wish to leave the SBHE Policy 310.2 Board Officers, Election of Officers, as it

currently states. Dr, Warford concurred with Committee Co-Chair Ryan's suggestion to not change the current policy that's in place.

Committee Co-Chair Bye stated that the motion by Committee Co-Chair Ryan is to not accept the changes presented to move the Election of Officers to a different date, and to leave the current SBHE Policy 310.2 in place. This matter shall be forwarded to the whole Board for discussion.

Dr. Ryan moved, Dr. Warford seconded, that SBHE Policy 310.2 should be continued as it is presently written having been last reviewed in 2019. Warford, Bye and Ryan voted yes. The motion passed.

14. Legislative Update

Ms. Johnson presented in the absence of Chancellor Hagerott. She informed the committee of the standard process when receiving, discussing, attending or presenting bills during the legislative session. The bills of importance are in the areas of scholarships, veterans, social issues, and academic areas. For example, one of the bills being presented is a request for $24 million to support innovation in education, stand up of new programs. Some bills that are of interest to NDUS to be followed include:

SB 2197 Scholarship for oil and gas industry.

HB 1033 Challenge Grant has a lot of support for it. It's @ $11 million with plans to increase it to $24 million.

HB 1205 Social issues relate to public libraries obscene materials. There is exclusionary language for colleges and universities however, monitoring a parallel bill in 2021-2023 in which that exclusion has been struck.

HB 1404 Permits the carry of firearms on campus.

HB 1198 The open records request regarding confidentiality would no longer be permissible to an anonymous request for open records at the colleges or universities.

Chancellor Hagerott stated the Appropriations Subcommittee is debating a variety of issues. They are working on the budget and the minimal amount payable that will help some of the campuses adapt faster. He stated that the legislature requested the presidents to attend the sessions in person rather than virtually. He said that during the months of January, February, March, and April, he spends almost every day attending sessions or committee hearings and providing testimony.

The meeting was adjourned at 4:30 p.m.