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North Dakota State Board of Higher Education

February 15, 2023, Research and Governance Committee Meeting Minutes

The State Board of Higher Education Research and Governance Committee met on Wednesday, February 15, 2023, at 3:15 p.m. CT, via teams.

Committee 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:

Chancellor Hagerott, NDUS
Mr. Jerry Rostad, NDUS
Ms. Terry Meyer, NDUS
Mr. Darin King, NDUS
Ms. Dina Cashman, NDUS
Ms. Mindy Sturn, NDUS
Mr. Chris Pieske, NDUS
Meredith Larson, Attorney

Others Participating:

President Jensen, John Carroll, BSC
Dean Carmen Simone, DCB
President Easton, DSU
President Darling, LRSC
President Flanagan, NDSCS
President Cook, Dr. Colleen Fitzgerald, NDSU
President Armacost, Dr. John Mihelich, UND
Dr. Hirning, WSC
Dr. Delore Zimmerman, VPP
Dr. David DeMuth, Regional

1. Agenda
and
2. Meeting Minutes

Dr. Warford moved, Ms. Bye seconded, to approve the agenda and the January 18, 2023, meeting minutes as presented. Ms. Bye asked that there be an item added to the Governance agenda on SBHE Self-Evaluation-Student Retention and there be a short update on Starfish. Dr. Warford agreed with the addition. Bye, Warford, and Ryan voted yes. The motion passed.

Research Items:

3. Discuss Research Working Groups/Legislation HB 1379 presented by Dr. Zimmerman, Dr. Mihelich, Dr. Fitzgerald.

Dr. Zimmerman stated that the HB 1379 hearing was held Wednesday February 8, 2023. It was called the Streams Bill with Leader Lefor introducing it, and Senator Sorvaag spoke on the research portion of it. President Shirley, President Armacost and Dr. Fitzgerald explained what the bill would entail and overall, it was a good presentation. Chancellor Hagerott said he also spoke in support of the bill, stating that Representative Kempenich and Representative Mock had questions on accountability collaboration. He assured them that research exists and there are metrics in the dashboards, and they have the survey results available thus, this will be very trackable as to accountability. Dr. Mihelich, Dr. Zimmerman and Dr. Fitzgerald each provided their respective comments on how the presentation was presented and they stated they were pleased with how it was received by the members of the House.

Dr. DeMuth reported that the Research Working Group met recently and discussed HB 1379 and then turned their focus to the Research Working Group Program scheduled for Friday, March 24, 2023, at the Memorial Hall in the State Capitol. The event will be a poster-format presentation hosted by undergraduate students and university faculty that will show the research endeavors being conducted at all eleven (11) North Dakota campuses. It is anticipated that several North Dakota students will be taking part in the presentations.

The University Presidents were encouraged to invite legislators from their respective districts to the event and Chancellor Hagerott could send an invite to all legislators

4. Update on CHIPS Act presented by Dr. Mihelich, Dr. Fitzgerald, Chancellor Hagerott.

Dr. Mihelich reported on the five (5) state consortium (Mountain Plains University Innovation Alliance - MPUIA with Montana, South Dakota, North Dakota, Wyoming, and Idaho. The group met and discussed progress with these activities:

- (i) There is work in progress coordinating the governors and the Commerce Department leaders across the five (5) states to communicate and coordinate with one another with the goal of attaining organization at those levels in collaboration with the universities. A set of talking points has been developed and has been distributed to some of the governors in each state (at least three).
- (ii) There is work in progress to figure out how to get the tribal entities involved.
- (iii) MPUIA will have a meeting to draw the government relations staff from the participating universities to discuss advocate strategies FY2024 at the federal level. The CHIPS and Science Act is not fully funded. An Omnibus Bill FY2023 of \$500 million was advocated, \$3 billion dollars was authorized and one of the points was to get the full amount appropriated by 2024.
- (iv) There is work in progress to coordinate travel plans for several VPRs going to D.C.
- (v) The Department of Commerce EDA sent out a request for information for people to comment on this program. Feedback will help coordinate program goals and eventually be used for RFPs for solicitation.

The MPUIA is forming a collective response and it is anticipated that many of the institutions will be putting together their own collective response. The MPUIA has put together a working list, taken from NDSP Engines proposals associated with the MPUIA, of technology areas that hubs may be organized around. The Alliance will be working on getting the governors and other partners on board to come up with a full list of all participants.

Chancellor Hagerott commented that the groundwork that has been laid out by the Alliance is very favorable, however it will be relying on the commerce department commissioners, the banks, and the governors to take it

to the next level because these grants are based on economic development thus the universities cannot apply without their collaboration. There are additional benefits to partnering with the state colleges in our region.

At 3:52 p.m. Committee Co-Chair Bye led the discussion on the following items:

Governance Items:

5. SBHE Policy [100.6](#) (Discussion only)

Committee Co-Chair Bye stated that this policy went through its first reading at the SBHE and was sent back to this committee for reconsideration.

Vice Chancellor Rostad reported that he and Committee Co-Chair Bye revisited the policy and agreed that some revisions would be appropriate. When the updated version is ready for distribution it will be placed on the March agenda for discussion.

6. SBHE Policy [302.7](#)

Committee Co-Chair Bye stated that this Policy went through its first reading at the SBHE and was sent back to this committee for reconsideration due to changes made on the audit of which the Audit Committee was responsible for, however it was moved from the Audit Committee to the Research and Governance Committee.

Ms. Terry Meyer concurred that the Audit Charter was moved from the Audit Committee to the Research and Governance Committee. Mr. Chris Pieske commented that in the past the survey function was completed by the Compliance Office. The System Office felt that it is more of a governance function when evaluating the operations of the Board.

Committee Co-Chair Ryan inquired if this policy is being followed as stated? He believes that subsection 2 is not being followed and asked Vice Chancellor Rostad to investigate that concern and if warranted, it would be up to the respective institutions and the president and/or vice presidents of research to then decide to select a third person to be on the committee. He recommended the policy be followed and if not, to change the policy to what the current practice will be going forward. He requested Vice Chancellor Rostad corrects what needs to be corrected within the policy. This should be an item that is overseen by the president and vice president of research at the respective research universities. The policy will be placed on the March RGC agenda for discussion.

7. Chancellor's Evaluation Process presented by Mr. Chris Pieske.

Mr. Pieske reported that there have been discussions held as to how the Board plans to move forward with the Chancellor's evaluation. Typically, in the past the Board Chair was responsible for completing the evaluation. The Compliance Office would facilitate the input from the cabinet and the Board and that was done through anonymous cabinet surveys with the same questions on the survey year after year and it was conducted late fall or early winter. Because the Compliance Officer position was vacant, he stated that he will be working on it in the immediate future. He explained the process has been that the Board survey would include questions about the Chancellor's goals and that survey would be distributed after the Chancellor submits his self-evaluation. That evaluation then requires Board approval. The survey is not anonymous. This Committee approves the timeline in April. The Board reviews and approves the survey in May and the survey results are deployed on June 1 and the Chancellor's evaluation is completed by the Board Chair and the evaluation is discussed at the June meeting.

Mr. Pieske requested guidance from this committee if it would prefer the Chancellor's evaluation process be handled by the Compliance Office or someone else. Last year it was done by the Chief Audit Executive because the Compliance Officer position was vacant or would this committee prefer hiring a contractor to handle the Chancellor's evaluation. This information was presented to the cabinet and five (5) presidents have responded their preference is to continue with the way it has been done in the past by the Compliance Office. Currently the budget does not have funds available to hire a contractor for this process so if it is done through a contractor that could result in an assessment of the campuses.

Committee Co-Chair Ryan stated that last year he did visit with each of the presidents and staff were surveyed. He does not see the point in having an outside survey for the simple reason that a contractor would talk to the presidents and talk to the staff, which is already being done.

Dr. Warford commented that he agrees with the recommendations of Committee Co-Chair Ryan and noted that the hiring of an outside consultant has its challenges and fiscal responsibility. He is in favor of continuing with the process currently in place rather than hiring an outside consultant.

Mr. Pieske reported that there has recently been an RFP for a Risk Assessment through the Internal Audit Office wherein two bids were received, one for \$12,000 and one for \$25,000. That is the most comparable or recent RFP process available.

Ryan moved, Warford seconded to allow the Compliance Officer to lead and manage the Chancellor's Evaluation process for 2022-2023. Bye, Dr. Warford, and Dr. Ryan voted yes. The motion carried.

8. Mission Statements –presented by Vice Chancellor Rostad.

Vice Chancellor Rostad stated that the Mission Statements must be approved by the Board. The following four (4) institutions have already or will be updating their Mission Statements:

a. [BSC](#)

John Carroll, BSC Vice President Strategic Initiatives stated that Mission Statement was updated as a collaborative process with constituents from campus and community residents, along with Bismarck Public Schools who met several times. The Mission Statement was intertwined with the BSC Strategic Plan. The Mission, Vision and Value Statement was completed in November 2021 and the Strategic Plan was finished by August 2022.

b. [NDSCS](#)

Dr. Flanigan, NDSCS President stated that he could not find documentation that the State Board of Higher Education ever approved the NDSCS Mission Statement. He said that within the next two (2) years his plan is to visit all the guiding statements. As changes are made, they will be sent to the Board.

c. [NDSU](#)

Dr. Cook, NDSU President stated that in his review of the Mission Statement, he does not believe the most recent version has ever been presented to the Board. He stated he will present it to the Board.

d. [UND](#)

Dr. Armacost, UND President stated that in February 2022 a campus wide re-design of the UND Strategic Plan turned into an eleven (11) month project involving over 700 people on campus who took on a shared governance approach to creating a Strategic Plan and revised Mission and Vision Statements.

Dr. Warford moved, Ryan seconded, to approve the Mission Statement updates as presented. Warford, Bye, and Ryan voted yes. The motion passed.

Reports/Discussion

9. CIO Council and Alternate Approaches to IT Rethink, Envision 2035 Topic? Presented by Mr. King and Chancellor Hagerott.

Chancellor Hagerott said the question for this Governance group is to determine if it wants to take the IT Rethink approach on now and to begin an alignment where the CIO Council is elevated and then bring back specific recommendations (or wait until a later time, after the legislative session adjourns)?

Dr. Warford referred to the Efficiencies and Opportunities Committee (aka the Red Tape Committee) who feels it is important to look at this area, not specifically right away but sometime in the future.

Committee Co-Chair Ryan concurred with the comments made and added that it would be his recommendation that Mr. King serve as the team leader.

Chancellor Hagerott cautioned moving too quickly on IT digitalization without giving due consideration to everything involved with that process. Currently there are several important educational issues being heard at the legislature that require his time and attention along with several staff members and many others. He recommended that the restructuring digitization of IT Rethink Envision 2035 topic be put on a temporary hold until the legislative session adjourns in order to allow everyone involved a chance to participate in the discussions. Mr. King provided input that timelines should be created and there will most likely have to be short-term and long-term goals established. He stated he is willing to move forward whenever this Committee is ready to do so and that he will start by reviewing the policies that will need to be revised.

Committee Co-Chair Bye summarized the discussion thus far wherein Mr. King would start with policy changes and from there this Committee would continue to prioritize the long-term strategic issues and those discussions will commence after the legislative session adjourns. Dr. Warford added that he would be in favor of Mr. King leading the team as he knows what needs to be done and that he should continue to work with Chancellor Hagerott, as they have the most expertise in this area. Committee Co-Chair Ryan concurred with the recommendations set forth.

10. SBHE Committee appointments presented by Committee Co-Chair Ryan.

Committee Co-Chair Ryan stated he has reviewed the recent committee appointments. There was an item discussed recently at the Budget Finance Committee (BFC) regarding Policy 302.3. He questioned if that section should be eliminated. There is a statement in Policy 302.3, which is the SBHE Budget Finance Committee that says, "No voting member of the State Board of Higher Education shall serve more than three (3) consecutive terms (terms are one-year) and terms shall be staggered to ensure continuity of membership over the budget cycle." He recommended that section be removed as there may be some people who have served more than three (3) years in a row. He pointed out that other committees such as the Research Governance, Audit or Academic & Student Affairs do not have any limitations on how long a member can be on the committee. He recommended revising the BFC Policy 302.3 and bringing it back to this committee for discussion and approval and then forwarding it to the SBHE.

Ms. Terry Meyer stated that when reviewing Policy 302.7 of the RGC she pointed out a possible mistake in reference to “SBHE President” versus “SBHE”: Section 5: “The governance function of the committee shall include the three voting SBHE members assigned by the “SBHE” - rather than “SBHE”, it should state “SBHE President”, and the Chancellor should be a non-voting member.

Committee Co-Chair stated that the committee is currently working on other revisions to Policy 302.7 and the proposed changes could be incorporated into one final revised version.

The draft copies of the proposed revisions to Policy 302.3 and Policy 302.7 will be reviewed at the March meeting and upon approval will be forwarded to the SBHE for final approval.

11. Legislative Update presented by Chancellor Hagerott.

Chancellor Hagerott reported there has been positive support from the legislature thus far for the bills that have been introduced wherein they have exceeded the requests of the SBHE. He reported on several governance related items, including:

SB 2247 Passed. It was previously referred to as Divisive Concepts and now is called Specified Concepts. The Board took a neutral position on this bill; however, Vice-Chancellor Johnson was able to speak to the importance of academic freedom. SBHE will continue to watch this one.

HB 1446 Tenure. He testified neutral on this bill, only for the Board to take a position wherein the wording included that this is the State Board’s responsibility. This bill is the personal bill of the house majority leader as there is no one else on there, keeping in mind that he is trying to tackle the issue of productivity. Several faculty members believe this is a State Board responsibility and this could be an encroachment on the State Board’s authority.

HB 1003 Budget. This should be in the financial document, but they included language that takes away the ability of the Board to manage the president’s departures, which may be problematic. The Board would have to go to the Emergency Commission and the Chair would have to appear before the Budget section on how he was off-boarding presidents if they paid a dollar more than the termination pay. That will take away the Board’s ability to respond to unique circumstances.

SB 2343 A bill that was defeated in the Senate and subsequently rushed back in and then passed. This takes away the ability of the Board to delegate and limit its own knowledge to preserve privacy of presidential searches or it could be any search conducted by the Board. It then passed in the Senate.

12. Self-Evaluation/Student Retention

Starfish update. Due to the length of the meeting, Committee Co-Chair Bye requested that this item be placed on the March agenda.

The meeting was adjourned at 4:40 p.m. CT.

Approved March 22, 2023.