

North Dakota State Board of Higher Education

Meeting Minutes
October 24, 2024

The State Board of Higher Education met on Thursday, October 24, 2024, at 8:30 a.m. Via Teams.

Chair Mihalick called the meeting to order at 8:30 a.m. CT.

Roll Call

SBHE Members

- | | |
|--|---|
| <input checked="" type="checkbox"/> Mr. Tim Mihalick, Chair | <input checked="" type="checkbox"/> Ms. Danita Bye, Vice Chair |
| <input checked="" type="checkbox"/> Mr. Kevin Black | <input checked="" type="checkbox"/> Dr. Casey Ryan |
| <input checked="" type="checkbox"/> Mr. Jeffrey Volk | <input checked="" type="checkbox"/> Mr. Curtis Biller |
| <input checked="" type="checkbox"/> Mr. Max Eriksrud | <input checked="" type="checkbox"/> Mr. DJ Campbell |
| <input checked="" type="checkbox"/> Mr. Michael Linnell, Staff Advisor | <input checked="" type="checkbox"/> Dr. Lisa Montplaisir, Faculty Advisor |

Institutions

BSC President Jensen, **DCB** Dean Simone, **DSU** Acting President, Mr. Ty Orton, **LRSC** President Darling, **MaSU** President Van Horn, **MiSU** Dr. Laurie Gellar, **NDSCS** President Flanigan, **NDSU** President Cook, **UND** President Armacost, **VCSU** President LaFave, **WSC** President Hirning.

System Office/Guests

NDUS Chancellor Hagerott, VC Lisa Johnson, VC David Krebsbach, VC Jerry Rostad, Mr. Mark Gorenflo, Dr. Jen Weber, Mr. Chris Pieske, **CTS** VC Tom Danford, Mr. Corey Quirk, **Assistant Attorney General** Ms. Meredith Larson.

1. **Agenda**

Ryan moved, Biller seconded, to approve the agenda, as presented.

Approved by consensus.

Assistant Attorney General, Ms. Meredith Larson and NDUS Chief Compliance Officer, Mr. Chris Pieske provided annual training.

2. **Legal and Compliance Training**

- a. Open Meetings/Open Records Training/Records Retention
- b. Conflict of Interest Training

Board Consent

Member Volk requested UND item four and BSC item ten be removed from the consent agenda and placed under Board action as individual items:

3. September 24, 2024, Meeting Minutes

SBHE Budget and Finance Committee

4. ~~UND Oxford Realty Land Exchange~~ REMOVED FROM CONSENT AGENDA, placed after item 20 as a Board action item.
5. [UND Information Technology Building Renovations](#)
6. [UND Neuroscience Building HVAC Equipment Upgrade](#)
7. [UND University & Stanford Road Parking Lot Construction](#)
8. [BSC Naming of Athletic Facility](#)
9. [BSC Naming of Polytechnic Facility](#)
10. ~~BSC Updated JPA Agreement~~ REMOVED FROM CONSENT AGENDA, placed after item 20 as a Board action item.
11. [LRSC Ratify Chancellor's approval of the transfer](#) from the NDUS System Office Tier II and Tier III capital building fund appropriation line to the LRSC capital building fund appropriation line.
12. [2025-26 Room, Board and Fee Guidelines](#)

Ryan moved, Campbell seconded to approve consent agenda items 3, 5 – 9, 11 and 12.

Volk, Bye, Ryan, Campbell, Black, Biller, Eriksrud and Mihalick voted yes. Motion passed 8-0.

13. **DSU Acting President**

Ryan moved, Biller seconded, to reappoint Mr. Ty Orton as DSU's Acting President until the next Board meeting.

Volk, Bye, Ryan, Campbell, Black, Biller, Eriksrud and Mihalick voted yes. Motion passed 8-0.

14. **Post Tenure Report**

Dr. Casey Ryan presented the draft [Post-Tenure report](#) that was worked through and recommended to approve by the SBHE ad hoc committee. The committee worked with campuses, Council of College Faculties (CCF), and Vice Chancellor Johnson from the system office. Dr. Ryan explained that the committee discussed the need for a more robust and consistent process across institutions for post tenure review. The report includes recommendations for improving the review process and ensuring accountability. Post-tenure reviews are conducted every five years, in addition to faculty's annual reviews.

Some Board members raised concerns regarding approving the report without amending all the SBHE Policies associated with tenure to align with the report. There were also concerns raised about the timeline to review Board policies and implementation. Vice Chancellor Johnson stated that the related policies are currently being reviewed by the appropriate council; any edits/recommendations from the councils will be forwarded to the Cabinet for consideration, and presented at the January 2025 Board meeting.

The board acknowledged the proposed report is just a starting point and may be amended, as needed. Board members should submit suggestions on any policy edits to Vice Chancellor Johnson to collate for further discussion at an upcoming meeting. Institutions are expected to report to the Research and Governance Committee (RGC) by March 2025 on their implementation and updated processes based on the recommendations outlined in the report.

Ryan moved, Bye seconded, to approve the Post-Tenure Report, begin reviewing associated Board policies, and revisit the report at a future Board meeting.

Ryan, Biller, Campbell, Black, Volk, Bye, Eriksrud and Mihalick voted yes. Motion passed 8-0.

Break 10:30 – 10:40 a.m. CT.

Mr. Chris Pieske reviewed amendments to the following policies, items 15 - 19:

15. **SBHE Policy 100.1 Constitutional and Statutory Authority** (1st reading, waive 2nd, final approval).
16. **SBHE Policy 100.7 Institution Mission Statements**
17. **SBHE Policy 302.9 Faculty and Staff Advisors**
18. **Policy 310.1 Board Member Responsibilities.**
19. **Policy 1208.1 Emerging Technology**

Ryan moved, Bye seconded, to approve 1st reading, waive 2nd reading, and approve for final adoption SBHE Policies [100.1](#), [100.7](#), and [302.9](#), as presented.

Ryan and Bye further moved to approve 1st reading only for SBHE Policies [310.1](#) and [1208.1](#), as presented.

Campbell, Black, Volk, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Motion passed 8-0.

20. **Policy 462 Instructional Material Access and Affordability**

VC Johnson reviewed proposed amendments to Policy 462 [Instructional Material Access and Affordability](#).

Eriksrud moved, Ryan seconded, to approve 1st reading of SBHE Policy 462, as presented.

Campbell, Black, Volk, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Motion passed 8-0.

21. **Policy 916.1 Possession of a Firearm or Dangerous Weapon in a Campus Residence.**

VC Krebsbach reviewed amendments to Policy 916.1 [Possession of a Firearm or Dangerous Weapon in a Campus Residence](#).

Ryan moved, Black seconded, to approve 1st reading, waive 2nd reading, and approve final adoption of SBHE 916.1, as presented.

Campbell, Black, Volk, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Motion passed 8–0.

Items 4 and 10 pulled from Consent

UND Oxford Realty Land Exchange

[UND Oxford Realty Land Exchange](#)

- a. [Additional Information](#)
- b. [Appraisals](#)

Member Volk reiterated his disagreement raised at the BFC meeting with the values proposition. He also stated that the Board materials did not include concerns that were raised and discussed at the BFC committee meeting and further, did not include that there was dissenting vote. Mr. Volk asked that all information be provided to the full Board whether it is a consent agenda item or not.

Ryan moved, Biller seconded, to approve the UND Oxford Realty land exchange, as presented.

Campbell, Black, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Volk voted no. Motion passed 7 – 1.

BSC Updated JPA Agreement

Member Volk stated the BSC item was on a previous Board agenda a few months back and he opposed at that time and remains opposed to the [BSC Updated JPA Agreement](#). He maintains that system office representation on the management committee is unnecessary. BSC membership on the management committee makes much more sense.

Ms. Larson, explained the legal necessity of having a representative from or for the Board since the Board owns the land on which the facility is situated and the JPA allows an outside entity to operate on SBHE land and exercise authority.

Ryan moved, Biller seconded, to approve BSC's JPA request, as presented.

Campbell, Black, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Volk voted no. Motion passed 7 – 1.

SBHE Committee Reports/Updates/Discussion

- 22. SBHE Academic and Student Affairs Committee update by Mr. Biller.
- 23. SBHE Budget and Finance Committee update by Mr. Black.
- 24. SBHE Audit Committee update by Mr. Volk.
- 25. NDUS Retirement Oversight Committee update by Mr. Volk and Mr. Black.
- 26. SBHE Research and Governance Committee update by Dr. Ryan and Ms. Bye.

27. SBHE 2025 Meeting Schedule

Chair Mihalick stated the [2025 meeting schedule](#) has been distributed and reviewed; the differences from the current 2024 schedule are that SBHE Committees will be held

on the third week of the month and on Tuesday rather than Wednesday; lastly the Committee meeting times have been modified.

28. **Update on Chancellor Search**

Chair Mihalick recommended the Board first form a task force to evaluate and define roles and responsibilities. Once the work of the task force is complete, the Board will begin the Chancellor search process. Member Volk agreed with Chair Mihalick, but offered an additional step in the process; he asked that statewide listening sessions take place to gather all stakeholders' input on higher education governance, from both internal and external constituents. The listening sessions would take place prior to launching an official search for new system leadership. Member Volk informed the Board that their process would be similar to the 2015 Chancellor search.

The Board discussed holding statewide listening sessions, revisiting the report of the previous roles and responsibilities taskforce, and a timeline for the search to begin. The goal would be to complete the first two steps by the end of February

Volk moved, Black seconded, to establish a committee, led by SBHE members, to hire a consultant to:

- 1) Support the SBHE to undertake listening sessions to gather feedback from statewide interests to assess the future needs and structure of governance for the North Dakota University system; and
- 2) Following the listening sessions, support a SBHE established task force to evaluate the roles and responsibilities within the ND University System, similar to the 2004 and 2014 Roles and Responsibilities task force reports.

Campbell, Black, Volk, Bye, Ryan, Biller, Eriksrud and Mihalick voted yes. Motion passed 8-0.

CHANCELLOR'S REPORT

29. **Census Data Report**

Dr. Jen Weber provided the most current [Census Data report](#).

30. **Legislative Preparation**

Chancellor Hagerott informed the Board that legislative preparations have begun and collaboration and communications will be key during the session. He indicated there has been good progress of the Envision 2030 initiative and introduced the Run ND initiative. Run ND is aimed at addressing enrollment and student growth challenges, it has received positive feedback from legislators and has the potential to become a statewide initiative with a bill draft this session. He also reported on the National Security Crossroads initiative that's being led by President Armacost, and the formation of a military caucus by legislators.

31. **OMB Budget Review/Report**

Chancellor Hagerott informed the Board that the system and campus budgets were presented to the Office of Management and Budget (OMB); there was positive feedback received from the Lieutenant Governor.

The Board requested that the system office notify the Board of these types of meetings to ensure that Board members have an opportunity to attend them in the future.

32. Envision 2035

Chancellor Hagerott and VC Rostad provided a brief update on Envision 2035.

Other Reports:

- 33. NDSA report by Mr. Max Eriksrud.
- 34. CCF report by Dr. Lisa Montplaisir.
- 35. Staff Senate report by Mr. Michael Linnell.
- 36. Public Comment – no public comment.
- 37. Assessment of Meeting and Future Agenda Items.

38. Motion to Adjourn

Ryan moved, Black seconded to adjourn the meeting at 12:00 p.m. CT.

Approved by consensus.

Approved December 5, 2024.