

North Dakota State Board of Higher Education
Meeting Minutes
December 5, 2024

The State Board of Higher Education met on Thursday, December 5, 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. Jeffry 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 Ms. Rebecca Collins, **DCB** Dean Simone, **DSU** Acting President Orton, **LRSC** President Darling, Mr. Lloyd Halvorson **MaSU** President Van Horn, **MiSU** President Shirley, **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, Ms. Jane Grinde, Ms. Claire Gunwall, Mr. Chris Pieske, Ms. Dina Cashman, Dr. Billie Jo Lorius, Mr. Eric Jensen, Ms. Jamie Wilke, Mr. Rick Tonder, Ms. Caitlin Magilke, Ms. Bethany Kadrmaz **CTS** VC Tom Danford, Mr. Corey Quirk, **Assistant Attorney Generals** Ms. Meredith Larson and Ms. Rachel Sinness **HUB International** Mr. John Godsoe, Ms. Angie Mirrione **AGB Search** Mr. Jim McCormick, Ms. Janice Fitzgerald **Others** Ms. DeAnna Carlson Zink.

1. **Agenda**

Ryan moved, Bye seconded, to approve the agenda, as presented, with the deletion of agenda item 42(a).

Approved by consensus.

2. **Dr. Twyla Baker, President, Nueta Hidatsa Sahnish College**

This agenda item will be placed on the January 30, 2025 SBHE Meeting agenda.

Board Consent

3. [October 24, 2024](#), Meeting Minutes

SBHE Academic and Student Affairs Committee

4. Physical Presence State Authorization
 - a. [Embry-Riddle Aeronautical University](#)
 - b. [Rasmussen University](#)
5. [Tenure Recommendation](#)
6. Institution Organization Notice
 - a. North Dakota State University
 - i. [Center for Institutional Ethnography in Education](#)
 - ii. [Center for Science and Mathematics Education](#)
7. TrainND Business Plan [Fiscal Years 2025 & 2026](#)

SBHE Audit Committee

8. Updated [Internal Audit Plan](#)

SBHE Budget and Finance Committee

9. [NDSU DREC Research Center Naming Request](#)
10. [UND Name Bronson Center](#)
11. [UND SMHS Fargo Sublet Build-Out](#)
12. [MiSU 2023-25 Capital Building Fund Tier II-III Request](#)

SBHE Research and Governance Committee

13. Economic Diversification Research Funds (EDRF) Report to Legislative Management
 - a. [Summary](#)
 - b. [EDRF External Advisory Committee 2024 Report](#)
 - i. [Appendix A](#)
 - c. NDSU Year 1: [Report](#) – [Performance Outcomes](#)
 - d. ND Year 1: [Report](#) – [Performance Outcomes](#)
 - e. PUI Year 1: [Report](#) – [Performance Outcomes](#)

Bye moved, Ryan seconded to approve consent agenda items 3-13.

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

Board Business

14. Presidential Evaluations

Chancellor Hagerott presented evaluations for three presidents: LRSC, NDSCS, and WSC. BSC's evaluation is still in progress. Positive feedback was given for all three presidents, highlighting their achievements and challenges.

15. Executive Session – Presidential Appointments (8:49 a.m. CT.)

Bye moved, Campbell seconded to enter executive session for discussion of (1) The appointment or removal of the commissioner of higher education, or a president or other faculty head, professor, instructor, teacher, officer, or other employee of an institution under the board's control (2) Negotiating strategy or provide negotiating instructions to the board's attorney regarding a pending claim, litigation, adversarial administrative proceedings, or contracts, including settlement agreements, which are currently being negotiated or for which negotiation is reasonably likely to occur in the

immediate future, and (3) Attorney work product which includes any document prepared by an attorney representing a public entity which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or entity, and was exclusively prepared for guidance on the legal strengths, risks, and weaknesses of an action of a public entity and (4) To limit the executive session to voting board members, nonvoting board members, and board counsel. The legal authority for closing this portion of the meeting is North Dakota Century Code section 15-10-17(1)(d), 44-04-19.1(6), 44-04-19.1(9), 44-04-19.1(11), and 44-04-19.2(1).

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

Executive session began at 8:54 a.m. CT.

Present:

SBHE Members

Mr. Tim Mihalick, Chair

Ms. Danita Bye, Vice Chair

Mr. Kevin Black

Dr. Casey Ryan

Mr. Jeffrey Volk

Mr. Curtis Biller

Mr. Max Eriksrud

Mr. DJ Campbell

Mr. Michael Linnell, Staff Advisor

Dr. Lisa Montplaisir, Faculty Advisor

Others:

Mr. Chris Pieske, President Armacost, and Ms. Meredith Larson.

Executive Session adjourned at 11:03 a.m. CT.

Reconvene in open meeting.

16. Presidential Compensation

Chair Mihalick asked that the BFC review the Presidential Compensation Study and provide recommendations at the January SBHE meeting.

Bye moved, Ryan seconded to approve Dr. Darling's request for early retirement and accept the early retirement agreement.

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

17. Executive Session – NDUS Retirement Plan (11:13 a.m. CT)

Ryan moved, Biller seconded to enter Executive Session for attorney consultation pertaining to the North Dakota University System Retirement Plans and attorney advice from Bond, Schoeneck & King. The executive session shall be limited to Board members, members of the Oversight Committee, the Chancellor and designated staff, Representatives from Bond, Schoeneck & King, and Board counsel. The legal authority for closing this portion of the meeting is North Dakota Century Code sections 44-04-19.1 and 44-04-19.2.

Approved by consensus.

Executive session began at 11:17 a.m. CT.

Present:

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 |

Others:

Chancellor Hagerott, VC David Krebsbach, Ms. Jane Grinde, Ms. Bethany Kadrmas, Mr. John Godsoe, Ms. Angie Mirrione, and Ms. Meredith Larson.

Executive session adjourned at 11:38 a.m. CT.

Reconvene in open meeting.

Volk moved, Bye seconded to approve the attorney's recommendation for the contested beneficiary claim on the NDUS retirement plan.

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

18. NDUS Retirement Plan Recommendations

- a. Review [recommended updates](#) to the Investment Policy Statement, SBHE Policy 703.3, Retirement, Retirement Plan Oversight Committee Charter
Biller moved, Volk seconded to approve 1st reading, waive 2nd reading, and approve final adoption of Policy 703.3, as presented.

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

- b. Recommendation Change to the [QDIA-Qualified Default Investment Alternative/Target Date Fund](#) using TIAA RetirePlus Pro
Volk moved, Campbell seconded to update the Qualified Default Investment alternative to the RetirePlus Pro my track models in the retirement plans offered through the North Dakota University System through TIAA.

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

- c. [Secure 2.0 Act Recommendations](#)

- i. Increase small balance cash out limit for terminated employees from \$5,000 to \$7,000 for the 401(a), 457(b) and 403(b) plans.
 - ii. Allow employee self-certification for hardship and unforeseeable emergency distributions for the 457(b) plan.
 - iii. Allow higher catch-up contributions for ages 60 – 63
- Ryan moved, Black seconded to approve the three Secure 2.0 Act recommendations as presented.

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

19. **Online State Authorization Proposal**

Vice Chancellor Lisa Johnson discussed the need for an established policy and process to authorize online educational providers to operate in North Dakota. The ASAC unanimously recommended the first option, which would require online providers to belong to the NC-SARA compact.

Bye moved, Campbell seconded to approve the first option as presented to the ASAC and direct NDUS staff to propose edits to North Dakota Century Code for the North Dakota Legislative Session convening in January 2025.

Bye, Volk, Campbell, Eriksrud, Ryan, Biller, and Chair Mihalick voted yes. (Black absent.)
Motion passed 7–0.

20. **DSU Acting President**

Bye moved, Ryan seconded, to reappoint Mr. Ty Orton as DSU's Acting President until the next regular Board meeting in January 2025.

Eriksrud, Ryan, Bye, Volk, Campbell, Biller, and Mihalick voted yes. (Black absent.)
Motion passed 7–0.

21. **Honorary Degree**

Biller moved, Ryan seconded to award the requested honorary degree to the individual identified in the materials provided to the SBHE members ahead of the meeting.

Biller, Campbell, Volk, Ryan, Bye, Eriksrud, and Mihalick voted yes. (Black absent.)
Motion passed 7–0.

22. **Chancellor Search**

Members expressed concerns about the feasibility of conducting a search concurrently with two presidential searches, particularly during a legislative session. Despite these reservations, the Board decided to move forward with the search process as approved at the October SBHE meeting. No formal action was taken on agenda item 22.

SBHE Policy

1st Readings:

23. Policy 469 [College Credit in High School](#)
a. [NDSU, NDSCS, and VCSU Dual Credit Agreement](#) (informational)
Extensive discussion on the impact of allowing NDSU to offer dual credit courses.
Concerns were raised about the financial impact on NDSCS and other institutions.

ASAC Committee was directed to review the dual credit policy and consider including financial protections for smaller institutions.

Volk moved, Biller seconded to approve 1st reading of Policy 469 as presented.

Campbell, Biller, Volk, Black, and Mihalick voted yes, Ryan, Bye, Eriksrud voted no. Motion passed 5-3.

24. Policy 805.1 [Tuition](#)
Ryan moved, Campbell seconded to approve 1st reading of Policy 805.1 as presented.

Approved by consensus.

25. Policy 350.2 [Work Force Training Boards](#)
Ryan moved, Bye seconded to approve 1st reading of Policy 350.2 as presented.

Approved by consensus.

26. Policy 406 [Academic Calendars](#)
Biller moved, Ryan seconded to approve 1st reading, waive 2nd reading, and approve final adoption of Policy 406, as presented.

Approved by consensus.

2nd Readings:

27. Policy 310.1 [Board Member Responsibilities](#)
Ryan moved, Eriksrud seconded to approve 2nd reading of Policy 310.1 as presented.

Approved by consensus.

28. Policy 1208.1 [Emerging Technology](#)
Ryan moved, Campbell seconded to approve 2nd reading of Policy 1208.1 as presented.

Approved by consensus.

29. Policy 462 [Instructional Material Access and Affordability](#)
Eriksrud moved, Ryan seconded to approve 2nd reading of Policy 462 as presented.

Approved by consensus.

Break 1:00 – 1:05 p.m. CT.

SBHE Committee Reports/Updates/Discussion

30. SBHE Academic and Student Affairs Committee by Mr. Curtis Biller.
31. SBHE Budget and Finance Committee by Mr. Kevin Black.
32. SBHE Audit Committee by Mr. Jeffry Volk.
33. SBHE Research and Governance Committee by Dr. Casey Ryan/Ms. Danita Bye.
34. MHEC Conference Update by Chair Mihalick.
35. Update on Dickinson State University Presidential Search by Vice Chair Bye/Acting President Orton.

Chancellor Report

36. APLU Annual Meeting by Chancellor Hagerott.
37. Complete College America Annual Convening by Mr. Mark Gorenflo/VC Johnson.
38. Legislative Preparation by Chancellor Hagerott.
Discussion on Governor Burgum's budget address and its implications for higher education funding. Key items included funding for ERP systems, Challenge Grants, and salary increases.

Other Reports:

39. NDSA by Mr. Max Eriksrud.
40. CCF by Dr. Lisa Montplaisir.
41. Staff Senate by Mr. Michael Linnell.
42. Public Comment
 - a. ~~Institution Foundation Presentation on Presidential Salaries-REMOVED FROM AGENDA~~
43. Assessment of Meeting and Future Agenda Items
44. Motion to Adjourn

Ryan moved, Eriksrud seconded to adjourn the meeting at 1:40 p.m. CT.

Approved by consensus.

Approved January 30, 2025.