

North Dakota State Board of Higher Education

January 9, 2025, Special Meeting Minutes

The State Board of Higher Education met on Thursday, January 9, 2025, at 10:00 a.m. via Teams.

Chair Mihalick called the meeting to order at 10:00 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, Acting President Leingang **DCB** Dean Simone, **DSU** Acting President Orton, **LRSC** President Darling, Mr. Lloyd Halvorson, **MaSU** President Van Horn, **MiSU** President Shirley, **NDSCS** President Flanigan, **NDSU** Mr. Jace Beehler, **UND** President Armacost, Dr. Randi Tanglen, **VCSU** President LaFave, Mr. Larry Brooks, **WSC** President Hirning.

System Office/Guests

NDUS Chancellor Hagerott, VC Lisa Johnson, VC David Krebsbach, VC Jerry Rostad, Dr. Jen Weber, Mr. Mark Gorenflo Ms. Jane Grinde, Ms. Claire Gunwall, Mr. Chris Pieske, Ms. Dina Cashman, Dr. Billie Jo Lorus, Mr. Eric Jensen, Ms. Jamie Wilke, Ms. Caitlin Magilke, Ms. Bethany Kadrmaz **CTS** Mr. Corey Quirk, **Assistant Attorney General** Ms. Meredith Larson, **Guests** Mr. Brent Sanford

Call to Order

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

Approved by consensus.

1. #Executive Session

Move 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 providing 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) 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(9), and 44-04-19.2(1).

Black moved, Bye seconded, to enter in executive session.

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

Executive Session began at 10:06 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, Mr. Chris Pieske, Ms. Meredith Larson, Ms. Caitlin Magilke

Executive Session adjourned at 10:23 a.m. CT.

2. **Reconvene in Open Meeting – Appointment of BSC Interim President**

Black moved, Biller seconded to name Mr. Brent Sanford as interim president of Bismarck State College and for Chair Mihalick and Chancellor Hagerott to negotiate and finalize the contract that was presented to the board.

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

3. Tenure Policies

[Summary of Tenure Policy Edits](#)

a. [Policy 605.3](#) Nonrenewal, Termination or Dismissal of Faculty

- i. Dr. Lisa Montplaisir further clarified and shared CCF feedback and recommendations related to section 1, a. The first year of employment is considered probationary and 90 days' notice prior to termination would be appropriate. Once a faculty member has completed one year of employment and is re-hired for the second year, 180 days' notice prior to termination would be appropriate. When a faculty member has been employed for three plus years, one year notice prior to termination is appropriate. Typically, institutions will post open positions during the fall, interviews are conducted late fall to early spring, and hiring occurs for the next academic year. If a faculty member who has been employed for over three years is terminated without cause during the spring semester, it would lock them out of those open positions that were previously posted the prior fall semester. CCF recommends that notice shall be given by October 15th and the faculty member's contract shall remain in effect for the remainder of the academic year.

1. Ryan moved to approve changing the language in section 1 to read "Notice shall be given by October 15. The contract shall

remain in effect for the remainder of the academic year." Motion died due to the lack of a second.

2. It is approved by consensus that legal counsel will draft language for section 1, a, and will confirm the changes with Member Black and Dr. Monplaisir.
- ii. Ms. Meredith Larson and Mr. Chris Pieske provided further clarification on section 4 which states a faculty member may terminate an appointment by giving 90 days' notice. Mr. Pieske further clarified that if a faculty member does not fulfill their contract, the institution's only recourse is to sue them. Ms. Larson suggests being more specific within policy and adding in language that the employee would be obligated to complete their contractual term.
 1. Black moved, Bye seconded, to strike the first two sentences in section 4.
Biller, Black, Bye, Campbell, Eriskrud, Ryan, Volk, and Mihalick voted yes. Motion passed 8-0.
 - iii. VC. Lisa Johnson reviewed section 5,b which states that when a tenured faculty member is terminated due to financial exigency or conditions in which there was a loss of program, program enrollment, consolidation of academic unites, program areas, or course elimination, the faculty position could not be filled for a period of two years.
 1. Member Black recommended reducing it to one year.
 2. VC. Johnson stated the Academic Affairs Council was not in support of reducing that timeframe due to the hiring process for faculty.
 3. Dr. Lisa Montplaisir further clarified that if a tenured faculty member is being terminated due to financial exigency, it wouldn't be appropriate to hire a new faculty member the following academic year and CCF is in support of a two-year timeframe.
 4. Furthermore, Mr. Chris Pieske clarified that it's not that the position can't be filled within those two years, but instead if a tenured faculty member is terminated due to financial exigency and an institution decides to refill the position, that terminated faculty member would have the right of first refusal.
 5. Member Black provided feedback in that he does not agree with providing 12-month notice of termination due to financial exigency or closure of program as it can be detrimental to both students and taxpayers for institutions to keep terminated employees on their payroll.
 6. Dr. Monplaisir stated that when a program is closed due to financial exigency, if there are students still in the program, institutions have the obligation to teach out the program. VC. Johnson shared that some institutions have completed teach outs through articulation agreements with other institutions.

1. Bye moved, Black seconded to move forward with changing the notice period in section 5 from 12 months to 90 days.

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

b. [Policy 605.4](#) Hearings and Appeals

c. [Policy 605.5](#) Mediation

Adjourn

Ryan moved, Bye seconded to adjourn the meeting at 11:30 a.m. CT.

Approved by consensus.

Approved January 30, 2025.