

**North Dakota Board of Higher Education**

October 24, 2019, Meeting Minutes

The State Board of Higher Education met on Thursday, October 24<sup>th</sup>, at 9:00 a.m. CT. The meeting was held via conference call, originating from North Dakota University System Office, 10<sup>th</sup> floor, 600 East Boulevard Ave., Bismarck, ND 58505.

Chair Hacker called the meeting to order at 9:33 a.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair  
Mr. Kaleb Dschaak  
Ms. Kathleen Neset  
Dr. Debora Dragseth, Faculty Adviser

Dr. Casey Ryan, Vice Chair  
Mr. Tim Mihalick  
Mr. Dan Traynor  
Ms. Retha Mattern, Staff Adviser

Chancellor present: Dr. Mark Hagerott

Institution Representatives Present:

Dr. Jerry Migler, Dean, DCB  
Ms. Laura Nelson, DSU  
Dr. Brian Van Horn, President, MaSU  
Dr. Larry C. Skogen, BSC  
Dr. Alan LaFave, President, VCSU  
Dr. Steve Shirley, President, MiSU  
Dr. Joshua Wynne, Interim President, UND  
Dr. John Miller, President, WSC  
Mr. Rylie Yadon, WSC  
Dr. Doug Darling, President, LRSC  
Dr. John Richman, President, NDSCS  
Mr. Dennis Gladden, NDSU  
Dr. Dean Bresciani, President, NDSU

NDUS Senior Staff Participating:

Ms. Lisa Johnson, VC of Academic and Student Affairs  
Mr. Tammy Dolan, Vice Chancellor for Admin/CFO  
Mr. Phil Wisecup, VC Strategic Engagement  
Mr. Darin King, VC of IT/CIO  
Ms. Billie Jo Lorus, Director of Communications and Media Relations  
Ms. Kristie Hetzler, Executive Assistant to the State Board of Higher Education  
Ms. Terry Meyer, Chief of Staff  
Ms. Laura Schrott, Chief Audit Executive  
Ms. Karol Riedman, Compliance Officer

Others Participating:

Mr. Eric Olson, Attorney General's Office  
Mr. Chris Pieske, Attorney General's Office  
Renaë Blum, Office of Budget and Management  
TrainND Directors  
Dr. Kenneth Hellevang, CCF

1. **Agenda**

Member Traynor inquired whether the addition of Policy 305.1, Institution President Authority and Responsibilities; Contract Terms, was necessary, as it is directly related to item fifteen, presidential contract. After discussion, the Board agreed an addition is not necessary and that Policy 305.1 can be addressed during item fifteen.

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

Neset, Dschaak, Ryan, Mihalick, Traynor, and Hacker voted yes.

**Board Consent**

2. Tabled - September 26, 2019, Meeting Minutes (link was inaccessible).

SBHE Budget and Finance Committee

3. [System Office to transfer](#) \$130,000 each to UND & NDSU for doctoral programs.
4. UND to combine the [Aerospace program fee](#) into differential tuition beginning Fall 2020 and reduce the tuition rate factor for non-resident and international Aviation students to 2.75 and 3.20, respectively.
5. [UND to sell the following building/property](#): 2724 University Avenue (Conference Center) (with an insurable value over \$250,000), and request the SBHE or a designee of the board to approve the terms of the conveyance.
6. UND to proceed with demolition and associated site restoration of [Montgomery Hall](#) (with an insurable value over \$250,000).
7. UND to proceed with selective demolition and associated site restoration of non-historically significant additions to [Babcock Hall, Carnegie Hall and Gustafson Hall](#).
8. Ratification of Chancellor's interim authorization for LRSC to proceed with construction of the [Curtis and Annette Hofstad Agriculture Center](#) on the campus of LRSC.
9. NDSU to proceed with construction of a [Seed Cleaning Facility at the WREC](#) at a cost of \$725,000 from the state general fund.

Ryan moved, Traynor seconded, to remove the September 26, 2019, meeting minutes from the consent agenda and table until the December 3<sup>rd</sup> meeting and approve consent items, 3 – 11.

Neset, Dschaak, Ryan, Mihalick, Traynor, and Hacker voted yes.

SBHE Academic and Student Affairs Committee

10. Organizational Change, [UND](#) – Create the Institute for Public Policy and Business Analytics.

SBHE Governance

11. [Prioritization](#) of Board Self-evaluation.

Ryan moved, Traynor seconded, to approve the amended consent agenda, items 3 – 11:

Neset, Dschaak, Louters, Mihalick, Traynor, and Hacker voted yes.

12. **TrainND Plan**

Ms. Lisa Johnson reviewed the proposed [TrainND Plan](#).

Ryan moved, Mihalick seconded, to approve the TrainND Plan.

Dschaak, Ryan, Neset, Mihalick, Traynor, and Hacker voted yes.

**13. Memorandum of Understanding between Williston State College and Williston State College Foundation**

AND

**14. Revised Contract for President Miller**

Chancellor Hagerott provided background information that resulted in the request for President Miller. He explained Williston State College Foundation has approved the revised [Memorandum of Understanding](#) (MOU). The MOU states the WSC Foundation will provide a \$6,000 annual grant to Williston State College to fund a \$500 per month housing allowance for President Miller. The Board has the authority to revise presidential contracts and the Chancellor recommends the board approve the proposed MOU and the [revised contract](#) for President Miller.

Mihalick moved, Ryan seconded, to approve the revised MOU and revised contract for President Miller.

Mihalick, Traynor, Neset, Dschaak, Ryan, and Hacker voted yes.

**15. Presidential Contract (1<sup>st</sup> Reading)**

Mr. Dan Traynor and Legal counsel provided an update on the proposed initial (new hire) contract for presidents and policy 305.1, regarding the institution president authority, responsibilities, and contract terms. The board discussed various components of the proposed initial contract. Mr. Traynor indicated the contract is limited by policy 305.1 and explained the necessary change to policy to align with the contract.

Traynor moved, Ryan seconded, to amend the initial term length in policy 305.1; the amendment changes the initial term from a three-year initial to a five- year initial term. Note: this motion does not include the contract.

Further discussion on policy 305.1 occurred; many expressed concerns the policy change was not vetted through the proper councils, the cabinet, and did not pass out of the SBHE Governance Committee. There is process the system follows to make changes to policies, and that process provides time for others to provide input. The council of college faculties and staff representatives, along with the Chancellor requested more time to gather input for the board to consider.

Traynor voted yes. Mihalick, Neset, Dschaak, Ryan, and Hacker voted no.

Motion failed.

Traynor moved, Ryan seconded, to approve the 1<sup>st</sup> reading of the draft SBHE presidential initial contract template, and further, authorize the SBHE President and Chancellor to negotiated/modified as needed, with future candidates.

Traynor and Hacker voted yes. Mihalick, Neset, Dschaak, and Ryan voted no.

Motion failed.

**16. 1<sup>st</sup> Reading, Policy 308.4 Conflict of Interest**

Ms. Karol Riedman reviewed proposed amendments to [policy 308.4](#).

During board discussion, some members expressed concerns with language that states the specifics for claiming a conflict of interest will need to be revealed during a public meeting. Stating specifics could result in a breach of confidentiality between attorney/client or physician/patient, and other circumstances. Legal counsel explained the reason for the language is to follow state law and some opinions of the Attorney General's office in past cases when state employees claimed a conflict of interest.

Ryan moved, Neset seconded, to approve 1<sup>st</sup> reading of policy 308.4.

Mihalick, Neset, Dschaak, Ryan, and Hacker voted yes. Traynor voted no.

**17. 2<sup>nd</sup> Reading, Policy 307.1 Institutional Organization Notice and Approval**

Ms. Lisa Johnson reviewed proposed amendments to [Policy 307.1](#).

Ryan moved, Dschaak seconded, to approve 2<sup>nd</sup> reading and final adoption of policy 307.1.

Neset, Dschaak, Mihalick, Traynor, Ryan, and Hacker voted yes.

**18. 2<sup>nd</sup> Reading, Policy 511 Student Criminal History Background Checks**

Ms. Lisa Johnson reviewed proposed amendments to [Policy 511](#).

Mihalick moved, Traynor seconded, to approve 2<sup>nd</sup> reading and final adoption of policy 511.

Traynor, Neset, Mihalick, Dschaak, Ryan, and Hacker voted yes.

**19. 2<sup>nd</sup> Reading, Policy 605.1 Academic Freedom and Tenure: Academic Appointments**

Ms. Lisa Johnson reviewed proposed amendments to [Policy 605.1](#).

Ryan moved, Dschaak seconded, to approve 2<sup>nd</sup> reading and final adoption of policy 605.1.

Dschaak, Mihalick, Traynor, Neset, Ryan, and Hacker voted yes.

**20. 2<sup>nd</sup> Reading, Policy 918 Alcoholic Beverages**

Ms. Lisa Johnson reviewed proposed amendments to [Policy 918](#).

Ryan moved, Mihalick seconded, to approve 2<sup>nd</sup> reading and final adoption of policy 918.

Mihalick, Traynor, Ryan, Neset, Dschaak, and Hacker voted yes.

**Board Reports and Discussion**

**21. UND Presidential Search**

Dr. Casey Ryan provided an update on the UND presidential search, including the remaining timeline. Final interviews will be conducted at the December 3, 2019.

**22. Committee Reports**

The following reports were given from the various board committee members:

- Academic and Student Affairs Committee – Mr. Kaleb Dschaak
- Audit Committee – Ms. Kathleen Neset

- Budget and Finance Committee – Mr. Tim Mihalick
- Governance Committee – Mr. Dan Traynor
- Research Committee – Dr. Casey Ryan

### **Chancellor Reports**

Chancellor Hagerott reported the status of the following items (23-25):

23. NDSCS Action Plan
24. BSC Presidential Search
25. DSU Interim Presidential Search

26. Two-year Presidential Evaluations

Mr. Phil Wisecup reported the status and timeline for two-year presidential evaluations and the process and timeline of campus visits to collect input for drafting an updated strategic plan for board consideration.

### **Other Reports**

27. North Dakota Student Association Report (NDSA)

Mr. Kaleb Dschaak provided an update from NDSA.

28. Council of College Faculty Report (CCF)

Dr. Debora Dragseth reported that she will continue collecting information from each campus faculty senate to share with the CCF, System office, and SBHE. As part of her report, she will communicate any concerns of faculty. She informed the board that a liaison between CCF and the SBHE governance committee has been created and the CCF representative will attend future committee meetings.

29. Staff Senate Report

Ms. Retha Mattern provided an update on the campus happenings.

The meeting adjourned at 11:12 a.m. CT.

Approved December 3, 2019.