North Dakota Board of Higher Education
October 24, 2019, Meeting Minutes

The State Board of Higher Education met on Thursday, October 24th, at 9:00 a.m. CT. The meeting was held via conference call, originating from North Dakota University System Office, 10th 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 Lorius, 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 Schratt, Chief Audit Executive
  Ms. Karol Riedman, Compliance Officer

Others Participating:
  Mr. Eric Olson, Attorney General’s Office
  Mr. Chris Pieske, Attorney General’s Office
  Renae 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 3rd 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** *(1st 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 concern 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 1st **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. **1st 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 1st reading of policy 308.4.

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

17. 2nd 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 2nd reading and final adoption of policy 307.1.

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

18. 2nd Reading, Policy 511 Student Criminal History Background Checks
Ms. Lisa Johnson reviewed proposed amendments to Policy 511.

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

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

19. 2nd 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 2nd reading and final adoption of policy 605.1.

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

20. 2nd Reading, Policy 918 Alcoholic Beverages
Ms. Lisa Johnson reviewed proposed amendments to Policy 918.

Ryan moved, Mihalick seconded, to approve 2nd 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.