

North Dakota Board of Higher Education

February 26, 2019, Meeting Minutes

The State Board of Higher Education met on Tuesday, February 26, 2019, at 9:00 a.m. CT. via conference call originating from Bismarck State College, National Energy Center of Excellence, room 335, 1200 Schafer Street, Bismarck, ND 58501.

Chair Morton called the meeting to order at 9:00 a.m. CT.

SBHE Members participating:

Mr. Don Morton, Chair
Dr. Casey Ryan
Mr. Nick Hacker
Ms. Jill Louters (arrived @ 9:15)
Mr. Andy Wakeford, Staff Adviser
Dr. Birgit Pruess, Faculty Adviser

Mr. Nick Hacker, Vice Chair
Ms. Ashley Thornton
Mr. Dan Traynor
Mr. Tim Mihalick
Ms. Kathleen Neset

Chancellor present: Dr. Mark Hagerott

Institution Representatives Present:

Mr. Mark Kennedy, President, UND
Mr. Lloyd Halverson, LRSC
Dr. Jerry Migler, Dean, DCB
Dr. Tom Mitzel, President, DSU
Dr. Brian Van Horn, President, MaSU
Dr. Dan Leingang, President, BSC
Dr. Alan LaFave, President, VCSU
Ms. Laura Geller, MiSU
Mr. Mike Piepers, UND
Mr. Jed Shivers, UND
Ms. Karla Stewart, UND
Dr. John Miller, President, WSC
Mr. Riley Yadon, WSC
Dr. John Richman, President, NDSCS
Dr. Dean Bresciani, President, NDSU

NDUS Senior Staff Participating:

Ms. Tammy Dolan, VC of Administrative Affairs
Ms. Lisa Johnson, VC of Academic and Student Affairs
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, Deputy Chief of Staff
Ms. Laura Schrott, Chief Audit Executive
Ms. Karol Riedman, Compliance Officer

Others Participating:

Mr. Eric Olson, Attorney General's Office (arrived @ 9:08)

1. **Agenda**

Mr. Traynor moved, Ryan seconded, to add a discussion item regarding UND's Chief of Staff position to the agenda.

Thornton, Mihalick, Nese, Hacker, Traynor, Ryan, voted yes. Morton voted no.

Mr. Traynor moved, Ryan seconded, to approve the amended agenda to include UND's Chief of Staff position.

Thornton, Mihalick, Nese, Hacker, Traynor, Ryan, voted yes. Morton voted no.

2. **January 24, 2019, Meeting Minutes**

Ryan moved, Thornton seconded, to approve the January 24, 2019, meeting minutes.

Thornton, Mihalick, Nese, Hacker, Traynor, Ryan, and Morton voted yes.

Consent agenda:

Ryan moved, Traynor seconded, to approve the consent agenda, items 4 and 5.

Thornton, Mihalick, Nese, Hacker, Traynor, Ryan, and Morton voted yes.

Hacker moved, Ryan seconded, to approve the consent agenda, items 3, excluding the UND Law School.

Thornton, Mihalick, Nese, Hacker, Traynor, Ryan, and Morton voted yes.

3. UND's [tuition model revision](#) regarding the rate factors at UND Medical School.
4. [DSU to sell the North Family 24-unit Apartment](#) Building and request the SBHE to approve the terms of the conveyance.
5. UND to increase spending authorization and scope of the [phase I renovation of the Chester Fritz Library](#) from \$7,000,000 to \$11,655,000 be supported by gift funds available within UND (remaining from original Chester Fritz Library gift), local funds and extraordinary repair funds to cover expended project scope: additional deferred maintenance, life-safety and IT upgrades.

6. **Executive Session**

Mr. Eric Olson provided a summary of the lawsuit filed against the NCAA by former UND football players. At the conclusion, Traynor moved, Ryan seconded, to move into executive session at 9:10 for attorney consultation related to the class action lawsuit filed against the NCAA by former UND football players. The executive session was limited to voting Board members, nonvoting advisors, the executive assistant to the Board, the Chancellor and staff, the Board's legal counsel, representatives from the University of North Dakota, and the University of North Dakota's legal counsel. The legal authority for closing this portion of the meeting is North Dakota Century Code section 44-04-19.1(2), (5).

Nese, Hacker, Thornton, Mihalick, Traynor, Ryan, and Morton voted yes.

Executive session began at 9:20 a.m. CT. and the following participated:

SBHE Members participating:
Mr. Don Morton, Chair
Dr. Casey Ryan
Mr. Nick Hacker
Ms. Jill Louters
Mr. Andy Wakeford, Staff Adviser

Mr. Nick Hacker, Vice Chair
Ms. Ashley Thornton
Mr. Dan Traynor
Mr. Tim Mihalick
Dr. Birgit Pruess, Faculty Adviser

Others Participating:
Ms. Tammy Dolan, NDUS
Ms. Lisa Johnson, NDUS
Ms. Kristie Hetzler, NDUS
Ms. Terry Meyer, NDUS
Ms. Karol Riedman, NDUS
Mr. Mark Kennedy, President, UND
Mr. Mike Piepers, UND
Mr. Jed Shivers, UND
Ms. Karla Stewart, UND
Mr. Eric Olson, Asst. A.G. and General Counsel

The executive session adjourned at 9:28 a.m. CT. No final action was taken in executive session and the open meeting reconvened.

7. **UND \$80 Million Capital Project**

Ryan moved, Thornton seconded, to approve 2nd reading and authorization for UND's [\\$80 million capital project for UND](#) to address deferred maintenance on the university's core campus. The project would be funded with North Dakota Building Authority (NDBA) bonds, which would be paid back with institutional operating funds. Further, authorize the System Office and UND to solicit project approval from the 66th North Dakota Legislative Assembly.

Louters, Thornton, Neset, Hacker, Mihalick, Traynor, Ryan, and Morton voted yes.

8. **MiSU, New Program – B.S. with a major in Geology**

MiSU [B.S. with a major in Geology](#).

9. **VCSU, New Program – UG Certificate in College Studies**

VCSU [UG Certificate in College Studies](#).

10. **NDSU, Organizational Change – Center for Digital Agriculture and Big Data**

NDSU to establish a [Center for Digital Agriculture and Big Data](#) (CDABD).

Louters moved, Mihalick seconded, to approve the academic and student affairs, items 8, 9, and 10.

Louters, Traynor, Ryan, Mihalick, Neset, Hacker, Thornton, and Morton voted yes.

11. **Policy 430.2, Emeritus Status**

Traynor moved, Ryan seconded, to approve 1st Reading, waive 2nd reading for final adoption of [Policy 430.2](#), Emeritus Status.

Traynor, Ryan, Louters, Mihalick, Neset, Hacker, Thornton, and Morton voted yes.

12. **Policy 307.1, Institutional Organization Notice and Approval**
13. **Policy 404.1, Distance Education Program Approval**
14. **Policy 1210.2 re-numbered to 611.12, Use of State Vehicles**

Traynor moved, Ryan seconded, to approve 2nd readings and final adoption of policies [307.1](#), [404.1](#), and [611.12](#), agenda items 12-14.

Hacker, Louters, Traynor, Ryan, Mihalick, Neseť, Thornton, and Morton voted yes.

UND Chief of Staff Discussion

The Board discussed concerns with the current process, terms, and funds used regarding UND's Chief of Staff position. Board members discussed Board policies and the boundaries of the Board's authority and/or involvement on campus level decisions such as personel. Multiple board members had concerns with the situation; however, were undecided whether it was the board's place to become involved. Chancellor Hagerott indicated he will continue working with President Kennedy on the issue and work through some of the concerns.

15. **Audit Committee Report**

Ms. Neseť provided an update on what the audit committee has been working on. The internal audit charter is currently being reviewed and any recommended changes at a future meeting will be proposed to the full Board. They are also reviewing the processes internal audit and compliance departments follow and again, any recommendations for changes would come to the full Board at a future meeting.

16. **Governance Committee Report**

Dr. Ryan provided an update on the discussion regarding a tier committee structure. Committee members agreed the structure could be beneficial, but difficult in terms of time and work load that will be required by the system office, institutions, and Board members that are already serving on multiple committees. They are working through details for creation of a committee that would specifically focus on research. They discussed, but have not finalized the membership of the committee structure and will continue to work through the details and have a recommendation to the full Board at a The Chair noted legislation is also reviewing the current Board structure and at the conclusion of session, the Board may have to re-visit this topic.

17. **Presidential Evaluation update**

Chancellor Hagerott indicated he had a follow-up review with President Kennedy, as requested by the Board at the June 2018 meeting. Some Board members had concerns the review did not address some of the concerns expressed during President Kennedy's annual review. The Chancellor explained that each time a president's contract is up for renewal, the board goes into executive session in order to bring up additional concerns board members have. He noted the complexity in trying to navigate the privacy of parties that are associated with presidents that are not under the chancellor's review. The Chancellor and Board members discussed how open record laws adds difficulty to the review process. The Chancellor stated he has followed up with various stakeholders on the issues that were discussed in June and offered to speak to the Board members individually if they had specific questions and/or concerns.

18. [Legislative Update](#)

Ms. Dolan provided an overview on current legislative bills and their status. She indicated there could be daily updates/changes and she is available to discuss specific bill(s) if anyone had questions.

19. **North Dakota Student Association (NDSA)**

Ms. Thornton reported the NDSA General Assembly convened at North Dakota State College of Science last weekend. They approved a resolution in support of free speech and endorsing Senate Bill 2320 as amended by the North Dakota State Senate prior to crossover.

The NDSA Higher Education Social event is rescheduled for Thursday, March 7 at the Northern Lights Atrium at the Heritage Center in Bismarck.

NDSA has added a mental health wellbeing page and a LGBTQ+ resources page to its website, ndsanda.ndsu.edu. NDSA is continuously looking for ways that it can provide benefits and services to its students, these resource pages are a step in that direction. One of the guides provides students with instructions about how to change their chosen name at any institution in the University System, which to my knowledge is the only guide in the state to do so. NDSA also has contact information for counseling resources at each institution located on website.

20. **Council of College Faculties (CCF)**

Dr. Pruess reported the most recent meeting of the CCF discussed the budget process at the N.D. Legislature and the CCF is carefully tracking SB2320 (Free Speech on Campus). The bill is very complex and is a moving target that is being revised. She welcomed other members to call her if they would like more information.

The following will be the new 2019-2020 CCF leaders and begin their term on July 1, 2019:

- Ken Hellevang (NDSU) -- CCF PRESIDENT
- Betsy Bannier (LRSC) – VICE PRESIDENT AND FACULTY REPRESENTATIVE ON AAC
- Jeff Hart (NDSCS) –TREASURER/PARLIAMENTARIAN AND FACULTY REPRESENTATIVE ON SAC
- Joan Aus (VCSU) - SECRETARY
- Debora Dragseth (DSU) – FACULTY ADVISOR ON THE SBHE

Dr. Dragseth informed the Board there has been discussion regarding common issues and concerns across the state about the difficult and laborious process of filing for reimbursements. There is a faculty poll taking place and CCF plans to complete a report this spring.

21. **North Dakota State Staff Senate (NDSSS)**

Mr. Wakeford reported NDSSS meets monthly to discuss topics related to the staff at the eleven institutions. At each meeting, campuses provides a short update on activities and events related to staff, including professional development.

Public Comment – There was no public comment.

The meeting adjourned at 10:48 a.m. CT.

Approved March 28, 2019.