

**North Dakota Board of Higher Education**

March 28, 2019, Meeting Minutes

The State Board of Higher Education met on Thursday, March 28<sup>th</sup>, at 8:30 a.m. CT., Bismarck State College, National Energy Center of Excellence, Bavendick room, 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  
Mr. Kathleen Neset  
Mr. Dan Traynor  
Mr. Tim Mihalick  
Mr. Andy Wakeford, Staff Adviser

Mr. Nick Hacker, Vice Chair  
Ms. Ashley Thornton  
Ms. Jill Louters  
Dr. Birgit Pruess, Faculty Adviser

Chancellor present: Dr. Mark Hagerott

Institution Representatives Present:

Dr. Doug Darling, President, LRSC  
Dr. Jerry Migler, Dean, DCB  
Dr. Tom Mitzel, President, DSU  
Dr. Brian Van Horn, President, MaSU  
Dr. Larry C. Skogen, President, BSC  
Dr. Alan LaFave, President, VCSU  
Mr. Mark Kennedy, President, UND  
Dr. Steven Shirley, President, MiSU  
Dr. John Miller, President, 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. Karol Riedman, Compliance Officer (arrived @8:38 a.m.)

Others Participating:

Mr. Eric Olson, Asst. A.G. and General Counsel

1. **Agenda**

Louters, moved, Hacker seconded, to approve the agenda.

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

2. **Meeting Minutes**

Thornton moved, Mihalick seconded, to approve the February 26, 2019, meeting minutes.

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

**Board Consent** (items 2 -11)

Louters moved, Thornton seconded, to approve the following board consent agenda, items 2 – 11.

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

2. February 26, 2019, Meeting Minutes

SBHE Academic and Student Affairs Committee

New Program(s) - Stage II:

[DSU:](#)

3. DSU – Associate in Science, CIP Code 30.0101
4. DSU – B.S. in Criminal Justice, CIP Code 43.0103
5. DSU – UG Certificate in Allied Health, CIP Code 51.0000

[MaSU:](#)

6. MaSU – UG Certificate in Online Digital Teaching, CIP Code 13.0501
7. MaSU – UG Certificate in Biotechnology, CIP Code 41.0101

Program Termination(s):

8. [WSC](#) – UG Certificate in Medical Coding, CIP Code 51.0713

SBHE Budget and Finance Committee

9. [UND Law School Tuition Rate](#)

a. [Tuition rate per program](#)

10. UND's request for an exemption to NDCC Section 15-10.3-03 to increase [mandatory fees](#) in excess of 1% of FY19 undergraduate tuition rates link

SBHE Governance Committee

11. [Board Development Tool/Self-evaluation](#)

Board Business

12. **1<sup>st</sup> Reading, Policy 100.1 (formerly 100.01) Constitutional and Statutory Authority**

Mr. Olson reviewed proposed amendments to [policy 100.1](#).

Traynor moved, Mihalick seconded, to approve first reading of policy 100.1.

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

13. **1<sup>st</sup> Reading, Policy 100.7 Institution Mission Statements**

Mr. Olson reviewed proposed amendments to [policy 100.7](#).

Neset moved, Traynor seconded, to approve first reading of policy 100.7.

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

14. **Policy 310.1 Board President and Member Responsibilities**

Mr. Olson and Ms. Riedman, Asst. A.G. and General Counsel  
AND;

15. **Policy 310.2 Board Officers; Elections**

Mr. Olson reviewed proposed amendments to policies [310.1](#) and [310.2](#).

Traynor moved, Neseť seconded, to approve first reading of policies 310.1 and 310.2.

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

16. **Policy 308.2 Reprisal or Retaliation for Employee Reports Prohibited**

And;

17. **Policy 308.1 Officer and Employee Code of Conduct**

And;

18. **Policy 611.10 Employee Responsibility and Activities Theft, Fraud, Abuse and Waste**

Ms. Riedman and Mr. Olson reviewed proposed amendments to policies [308.2](#), [308.1](#), and [611.10](#).

Board members discussed individual institutions having their own policies and/or procedures. While the individual institutions are permitted to have their own, the SBHE policy supersedes any institution policy to the contrary. Ms. Riedman explained the policy has been vetted through the councils and cabinet. The Board requested Ms. Riedman recirculate to inquire if there are any institutional retaliation policies that directly conflicts with the SBHE policy and report back when a second read is being considered.

Traynor moved, Thornton seconded, to approve first reading of policies 308.2, 308.1, and 611.10.

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

19. **Policy 302.9 - Faculty and Staff Advisors**

Mr. Olson reviewed proposed amendments to [policy 302.9](#).

Thornton moved, Mihalick seconded, to approve first reading of policy [302.9](#).

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

20. **Policy 304.1 - Chancellor/Commissioner of Higher Education Authority and Responsibilities; Contract Term**

Mr. Olson reviewed proposed amendments to [policy 304.1](#).

Neseť moved, Traynor seconded, to approve first reading of policy 304.1.

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

21. **Policy 603.1 Harassment and Discrimination**

Mr. Olson reviewed proposed amendments to [policy 603.1](#).

Neseť moved, Traynor seconded, to approve first reading of policy 603.1.

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

**22. State Board of Agricultural Research and Education (SBARE) Appointment**

Chancellor Hagerott recommended appointing Mr. Jim Bahm to a four-year term to serve on [SBARE](#) beginning July 1, 2019.

Neset moved, Hacker seconded, approve the appointment of Mr. Jim Bahm to SBARE.

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

**23. Honorary Degrees**

University of North Dakota requests an Honorary Degree Award to the following individuals:

- Mr. Harold Hamm
- Ms. Heidi Heitkamp
- Mr. Clay Lacy

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

Board Reports and Discussion

**24. SBHE Audit Committee Report**

Ms. Neset provided an overview on topics of the most recent Audit Committee meetings.

**25. SBHE Governance Committee Report**

Ms. Neset provided an overview on topics of the most recent Committee meeting, including, but not limited to the Chancellor's proposed [tier committee structure](#). Ms. Neset indicated there would be more discussion at the April Governance meeting when Dr. Ryan, Chair of the Committee could be present. The committee will come to the full board with a recommendation at a future meeting.

Chancellor Report

**26. Bismarck State College Saudi Academy**

President Skogen gave the Board an update on BSC's new partnership with the National Power Academy in Dammam, Saudi Arabia. He explained they are in a start-up phase and began enrolling its first students this September and expects to enroll more in May. It will provide specialized programs in areas such as electrical, mechanical, renewable, nuclear, operations and manufacturing. Several Board members commended him for his innovative way to increase enrollment and revenue for BSC.

**27. University of North Dakota Center for Innovation**

Dr. Whitney briefed the Board on [UND's Center for Innovation](#).

**28. NDSU College of Business Entrepreneurship Program**

President Bresciani briefed on the NDSU College of Business Entrepreneurship program.

**29. Legislative Update**

Ms. Dolan provided a status report on [several legislative bills](#), including, but not limited to, appropriations, capital projects, and skilled workforce. She indicated many bills are

working their way through the legislative process and the Board will receive a final update at the May meeting.

Other Reports:

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

Mr. Fleck reviewed items that NDSA is currently discussing, such as, mental health, possible creation of a diversity taskforce, digital privacy, and an amendment to Senate Concurrent Resolution 4016 requesting to include another student member, one from a research institution and the other from a non-research institution. NDSA is also discussing SB2320, regarding free speech. At the April meeting, NDSA will elect the 2019-2020 executive team and forward, nominations to the Governor's office for the SBHE student member.

**31. CCF**

Dr. Birgit Pruess provided a brief update on various legislative bills that are being considered at the CCF meetings and will have more information at the April meeting.

**32. Staff Senate**

Mr. Andy Wakeford announced Ms. Misti Wuori from Mayville will be the interim President for North Dakota State Staff Senate. He also reported on various happenings and/or events.

SBHE Audit Committee Chair, Ms. Kathleen Neset, noted she would like to expand on her audit report from earlier in the agenda. She acknowledged the committee had a special meeting to discuss the State Auditor's office Performance Audit Report on North Dakota State College of Science Division of Workforce Affairs. She noted, the report is in draft form and they will continue to work through the process.

President Kennedy announced that Mr. Michael McGinniss, J.D. has been selected the new Dean of the Law School.

Mr. Hacker reminded the SBHE members and Presidents that the Western Interstate Commission for Higher Education (WICHE) meeting will be held in Bismarck May 20 and 21 and they are invited to attend the meeting and will receive an invitation from WICHE.

**Public Comment**

Dr. Debora Dragseth inquired how business partnerships between BSC and the National Power Academy in Saudi Arabia benefit the individual student(s) and/or institution(s), which President Skogen responded that BSC is in a start-up phase and more will be determined after the next phase or two.

**Assessment of Meeting and Future Agenda Items**

**Future Board Meeting:** April 29, 2019 via technology. The May 30<sup>th</sup> and June 26 and 27<sup>th</sup> will be face-to-face in Bismarck.

The meeting adjourned at 11:20 a.m. CT.

Approved April 26, 2019.