

North Dakota State Board of Higher Education
January 26, 2023, Meeting Minutes

The State Board of Higher Education met Thursday, January 26, 2023, at 8:30 a.m. CT on the Bismarck State College Campus.

SBHE Members participating:

Dr. Casey Ryan, Chair	Mr. Tim Mihalick, Vice Chair
Dr. John Warford (virtual)	Ms. Sadie Hanson
Mr. Nick Hacker (virtual, late due to tech. difficulty)	Ms. Danita Bye
Mr. Jeffry Volk	Mr. Kevin Black
Mr. Michael Linnell, Staff Adviser	Dr. Lisa Montplaisir, Faculty Adviser

Institution Representatives Present:

Dr. Brian Van Horn, President, MaSU
Dr. Steve Shirley, President, MiSU
Dr. Bernell Hirning, President, WSC
Dr. Carmen Simone Dean, DCB
Dr. Doug Darling, LRSC
Dr. Doug Jensen, President, BSC
Mr. Steve Easton, J.D., President, DSU
Mr. Andy Armacost, President, UND
Dr. Alan LaFave, President, VCSU
Dr. David Cook, President, NDSU
Dr. Rod Flanigan, NDSCS

NDUS Senior Staff Participating:

Chancellor Mark Hagerott, NDUS
Ms. Lisa Johnson, NDUS
Mr. Darin King, CTS
Ms. Terry Meyer, NDUS
Mr. Jerry Rostad, NDUS
Mr. David Krebsbach, NDUS
Dr. Jen Weber, NDUS
Ms. Tammy Dolan, NDUS
Ms. Anita Cysewski, NDUS
Ms. Jane Grinde, NDUS
Ms. Billie Jo Lorius, NDUS
Mr. Chris Pieske, NDUS
Ms. Meredith Larson, Attorney

1. Agenda

Mr. Black requested adding an agenda item to include a statement of support for North Dakota State University's efforts to strategically align reductions and merger of the five (5) colleges. (Inserted after Item #17)

Mr. Volk requested adding an agenda item: Update on the Presidential Compensation Study Plan. (This will be provided during the Chancellor's Report.)

Volk moved, Hanson seconded, to approve the agenda to include the two additional items.

Warford, Hanson, Volk, Mihalick, Bye, Black, and Ryan voted yes. The motion passed.

Board Consent and Minutes

Bye moved, Mihalick seconded, to approve the Board Consent Agenda items 2-7.

Hanson, Bye, Warford, Black, Volk, Mihalick, and Ryan voted yes. The motion passed.

2. December 8, 2022, Meeting Minutes.

SBHE Academic and Student Affairs Committee

3. Tenure

SBHE Budget and Finance Committee

4. Ratify Chancellor approval to MISU for interim authorization to proceed with financing for and renovation of the "Beaver Dam" area of the MISU Student Center at an estimated cost of \$3,100,000. Further provide interim authorization to seek legislative approval for the project during the upcoming 2023-24 legislative session.
5. NDUS Retirement Plan NDUS Investment Consultant RFP
6. NDUS Retirement Plan Revenue Credits.

SBHE Research and Governance Committee

7. June SBHE meeting, date change from 29th to 27th, Valley City State University will host.

Board Action

8. Updated SBHE Legislative Budget – Chancellor Hagerott / Mr. David Krebsbach

Chancellor Hagerott reported that in May there was a request for increases due to inflation and various other factors. In consultation with the governor's office those requests seemed premature at the time, not knowing what inflation costs would do in the upcoming months. Thus, the verbiage was left in the budget that went to the legislature and the governor with the request help was needed for inflation in tuition for students. The university presidents presented requests asking for help at that time. The numbers behind the verbiage referred to as an updated budget based on the governor's position on inflation. The Budget and Finance Committee endorsed the requests upon review of the changes.

Mr. David Krebsbach presented the report to support the request for approval of an updated budget.

This includes all the budget items (o) uhe0.8 (b)-0.8 (u)-2.8 (t)7.6 (a)d0.7 (p)-0.7 (d)t-6 (e)-6 (d)-4.3 (i)-3.2 (n) -9.4 (s)p0.7

information on the breakdown of salary and insurance expenses with the two numbers separated. Mr. Volk inquired about the request to catch up regarding general funds and tuition – are the other salaries that are not part of those two buckets part of the discussion also included in the \$40 million or is that salary still hanging out there? Mr. Krebsbach stated that all the data has been provided to the appropriations committee for the tuition and other salary increases. Historically the legislature has not funded the other funding piece of that because it includes grants, contracts and other such items.

Mihalick moved, Hanson seconded, to approve the updated 2023-25 NDUS budget initiative as presented.

Black, Volk, Mihalick, Bye, Warford,

how evaluations are conducted. He stated he is opposed to the change if that is exactly what it is doing. He recommended that the Board have a thorough discussion on that issue.

Chair Ryan stated that policies that come to this Board should go to the respective committee for review and then be submitted to the Board as an action item to be presented to the whole Board for discussion and a vote. This issue would go to the Governance Committee. Mr. Volk suggested doing a 1st Reading and then a discussion be held before it goes for a 2nd Reading.

Volk moved, Black seconded, to approve the 1st Reading of SBHE Policy 302.7 and send it back to the Governance Committee for discussion and then present it to a future whole Board meeting for the 2nd Reading.

Bye, Volk, Hanson, Black, Warford, Hacker, Mihalick and Ryan voted yes. The motion passed.

15. 1st Reading, SBHE Policy 308.1 – Officer and Employee Code of Conduct was presented by Ms. Terry Meyer. Policy 308.1 was reviewed by the Governance Committee. The Compliance Charter was revised and based on some of those changes, additional language needed to be added to the Officer and Employee Code of Conduct Policy. Ms. Meyer recommended waiving the 1st Reading and proceeding with the 2nd Reading.

Hanson moved, Mihalick seconded, to approve waiving the 1st Reading and approve of SBHE Policy 308.1 Officer and Employee Code of Conduct and proceed with the 2nd Reading.

Hacker, Mihalick, Bye, Volk, Warford, Hanson, Black and Ryan voted yes. The motion passed.

16. Reaffirm Policies 100.6, 301.1, 303.2, and 350.3, (no substantial changes) 0 0.5

and it is documented they did not warrant any change since their last review was conducted. Attorney

Mr. Black briefly summarized the discussion related to Tenure and encouraged this Board to discuss Tenure further and suggested that at the conclusion of this legislative session. What does Tenure mean and what doesn't it mean per SBHE's policy; to include the institutional policies and to educate the public on Tenure. Members concurred that the SBHE-ASAC take the lead on this matter.

19. SBHE Research and Governance Committee (RGC) was presented by Dr. Casey Ryan and Ms. Danita Bye.

Chair Ryan reported the RGC met on January 18, 2023. Several items regarding research programs were discussed. Of note, one of the legislative priorities will be hosting a Research Working Group poster-format presentation depicting the research efforts occurring at all our 11 North Dakota colleges. That event is scheduled for Friday, March 24, 2023, in the Memorial Hall at the State Capitol.

Ms. Bye stated that RGC discussed the Comprehensive President Evaluation that was led by Mr. Rostad. As a result of the evaluation process, Mr. Rostad drilled down the feedback received into four categories (i) Process is thorough, beneficial, useful; (ii) Process provides a happy balance with neutrality; (iii) It's too early to change the process; (iv) NDUS process compared to other state processes.

20. SBHE Budget and Finance Committee (BFC) was presented by Mr. Mihalick.

Mr. Mihalick reported the BFC met on January 11, 2023. The BFC discussed the 2023-24 Budget

Chancellor Hagerott stated there are many things going on in the legislature and one of the key bills is the Tenure bill. DSU President Easton provided a brief update

Chancellor Hagerott reported that the gambling bill barely passed the House and will move to the Senate.

Chancellor Hagerott referred to SB2343 as problematic. It would take the authority away from the Board to control the information in Executive Session. He inquired of Attorney Larson that if this bill were to pass, is there a risk that

timeframe to

