

North Dakota State Board of Higher Education
April 29, 2021, Meeting Minutes

The State Board of Higher Education met on Thursday, April 29, 2021, at 8:00 a.m. CT, Williston State College, 216 in Stevens Hall (music wing), 1410 University Ave, Williston ND 58801.

SBHE Members participating:

Mr. Nick Hacker, Chair	Dr. Casey Ryan (Vice Chair)
Ms. Erica Solberg	Ms. Kathleen Neset
Dr. Jill Louters	Mr. Tim Mihalick
Ms. Danita Bye	Dr. John Warford

Ms. Retha Mattern, Staff A
Dr. Steve Shirley, President, MISU
Dr. John Miller, President, WSC
Dr. Jerry Migler, Dean, DCB
Dr. Doug Darling, President, LRSC
Dr. John Richman, President, NDSCS
Dr. Dean Bresciani, President, NDSU
Dr. Doug Jensen, President, BSC
Dr. Stephen Easton, President, DSU
Mr. Andy Armacost, President, UND
Dr. Alan LaFave, President, VCSU

NDUS Senior Staff Participating:

Mr. Tammy Dolan, NDUS
Ms. Lisa Johnson, NDUS
Mr. Darin King, NDUS

Board Consent

2. March 25, 2021, Meeting Minutes

Warford moved, Mihalick seconded, to adjourn executive session at 12:30 p.m. CT.

Mihalick, Solberg, Neset, Bye, Louters, Ryan, Warford, and Hacker voted yes.

7. **Reconvene Open Meeting** (12:50 p.m. CT.)

Vice Chair Ryan re-convened the open meeting.

Neset moved, Solberg seconded, to offer the Williston State College Presidency to Dr. Bernell Hirning, beginning July 1, 2021.

Mihalick, Solberg, Neset, Bye, Louters, Ryan, Warford, and Hacker voted yes.

8. **NDSU Indoor Practice Facility Project**

Ryan moved, Warford seconded, to approve [NDSU to proceed with the Indoor Practice Facility project](#) at an estimated cost of \$37,200,000 funded from private donations. Further authorize NDSU to name the building in honor of an anonymous donor as per SBHE policy 902.12. The donor's name and official name of the facility will be released in conjunction with full SBHE meeting on April 29th.

Solberg, Warford, Mihalick, Neset, Bye, Louters, Ryan, and Hacker voted yes.

9. **SBARE Nomination**

Ryan moved, Warford seconded, to approve the [SBARE nomination](#) and appoint Mr. John Dhuyvetter to a four-year term on the State Board of Agricultural Research and Education beginning July 1, 2020, representing northwestern North Dakota.

Louters, Solberg, Mihalick, Neset, Bye, Ryan, Warford, and Hacker voted yes.

10. **Honorary Degree**

Ms. Lisa Johnson presented an honorary degree from Valley City State University.

Louters moved, Solberg seconded, to award an Honorary Degree to Mr. Mark Ertelt, from VCSU.

Neset, Bye, Louters, Mihalick, Solberg, Warford, and Ryan voted yes. Hacker temporarily absent.

Ms. Lisa Johnson presented second read with no additional amendments from first read:

11. 2nd Reading, [Policy 515](#) North Dakota Student Association
12. 2nd Reading, Amend Policy [605.2](#) Standing Committee on Faculty Rights
13. 2nd Reading, Amend Policy [605.3](#) Nonrenewal, Termination or Dismissal of Faculty
14. 2nd Reading, Amend Policy [605.4](#) Hearings and Appeals
15. 2nd Reading, Amend Policy [605.5](#) Mediation – Ms. Lisa Johnson
16. 2nd Reading, Amend Policy [612](#) Faculty Grievances – Ms. Lisa Johnson

Warford moved, Louters seconded, to approve and final adoption of policies 515, 605.2, 605.3, 605.4, 605.5, and 612.

Louters, Solberg, Mihalick, Neset, Bye, Warford, and Ryan voted yes. Hacker temporarily absent.

Board Report/Updates/Discussion

17. SBHE Audit Committee provided by Ms. Kathleen Neset.
18. SBHE Research and Governance Committee provided by Dr. Casey Ryan.
19. SBHE Budget and Finance Committee by Mr. Tim Mihalick.
 - ¾ [NDSCS Workforce Academy](#) by President Richman.

The Board discussed the following:

- x Last full SBHE approval was in June of 2017, presented as an NDSCS workforce academy and SBHE approval was for fundraising for a potential workforce academy without utilizing North Dakota State University System and/or state dollars:
 - o The SBHE specifically indicated that no lease, building/construction, rent, or purchase of property is allowed without proper authority/approval and no state funds were to be used
 - o Administrators, staff, and/or faculty paid from state dollars have worked on the NDSCS Fargo project
- x The project presented in 2017 as an NDSCS project was amended to the current proposal for the NDSCS Foundation to build and own the facility and NDSCS to lease from their foundation;
 - o SBHE fiduciary duties
 - o The success of current workforce academies, such as Bismarck State College, that are through the North Dakota K-12 system and that NDSCS's proposal would be taking a different path
 - o Past projects involving the institution foundations that resulted in the SBHE/legislative assistance that involved tax payer dollars
- x Authority outside of fundraising was not given by the SBHE and/or legislation
- x NDSCS approval process not meeting SBHE expectations
- x Pledges collected vs. outstanding
- x The CFI report
- x Ground breaking ceremony to be postponed
- x Clarity of Legal and financial relationship between the institutions and foundations

President Richman responded:

- x The proposal in June of 2017 was a concept
- x The NDSCS Fargo workforce academy written in his goals
- x The current status is:
 - o Draft lease agreement between NDSCS and NDSCS foundation
 - o Draft Operation agreement between NDSCS and four school districts
 - o NDSCS Foundation will own the new building/facility
 - o Twenty million dollar project
 - o Land is purchased at 64th Avenue South, Fargo, ND
 - o NDSCS staff have been used to assist in the Fargo project
 - o EAPC is the Architect
 - o Interior design is in the final stage
 - o May 6th is the opening for bids
 - o Final lease agreement dollar amounts will be provided at the May SBHE meeting

After discussion, members Mihalick and Ryan requested the SBHE re-direct the project back to the SBHE Budget and Finance Committee for further discussion. The SBHE members agreed and will re-visit at a future meeting.

