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*North Dakota State Board of Higher Education*  
October 28, 2021, Meeting Minutes

2. **Update on Valley City State University Steam Plant**  
[Valley City State University Steam Plant update](#) provided by President LaFave and Mr. Wesley Wintch.

**Board Consent (3- 7)**

3. September 30, 2021, Meeting Minutes
4. August 12, 2021, Special Meeting Minutes

SBHE Academic and Student Affairs

5. [Tenure](#)
6. [2022-23 TrainND Business Plan](#)
7. [NDSU Request for New Center: Center for the Study of Digital Society](#)

Louters moved, Warford seconded, to approve the consent agenda, items 3-7.

Mihalick, Volk, Warford, Louters, Hacker, Bye, Lian, and Ryan voted yes.

8. **Executive Session**

Mihalick moved, Louters seconded, to enter Executive Session to (1) consider the appointment of, and contract terms for Interim President of North Dakota State College of Science; and (2) limit the executive session to voting board members, nonvoting advisors, the chancellor, invited NDUSO staff, and board counsel.

The legal authority for closing this portion of the meeting is North Dakota Century Code sections 15-10-17(1)(d) and 44-04-19.2.

Warford, Mihalick, Volk, Louters, Hacker, Bye, Lian, and Ryan voted yes.

Executive session began at 8:51 a.m. CT.

SBHE Members participating:

Mr. Nick Hacker, Chair  
Ms. Erica Solberg  
Dr. Jill Louters  
Ms. Danita Bye

Dr. Casey Ryan, Vice Chair  
Ms. Kathleen Neset  
Mr. Tim Mihalick

Mihalick moved, Louters seconded, to appoint Mr. Harvey Link as Interim President of North Dakota State College of Science, beginning December 6, 2021, and to authorize Chancellor Hagerott to negotiate contract terms.

Mihalick, Bye, Hacker, Lian, Volk, Warford, Louters, and Ryan voted yes.

9. **Federal Vaccine Mandate**

Mr. Eric Olson, Assistant Attorney General and Dr. Joshua Wynne, Dean of University of North Dakota Medical School, provided information regarding the federal mandate, including, but not limited to the federal rules and regulations related to COVID-19. The Board discussed the timeline to comply, the North Dakota Attorney General's interpretation and position, and if/how other states are addressing the mandate.

Board members noted they fully support the prerogative of the NDUS institutions to take all reasonable and appropriate steps to comply with federal rules and regulations related to COVID-19 in order to continue to mitigate the spread of the virus and ensure that NDUS institutions remain financially sound. The Board empowers and supports institution Presidents and the Chancellor to make such decisions and prepare such procedures as they deem necessary to carry this [Resolution](#) into effect, including to comply with federal guidance and regulations regarding COVID-19 vaccination requirements where not doing so would imperil the fiscal health of the institution(s) or the university system.

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Motion to table action on the proposed resolution and to schedule an additional SBHE meeting:

Hacker and Bye voted yes. Warford, Louters, Mihalick, Volk, Lian, and Ryan voted no; motion failed.

Motion to approve the resolution as presented:

Warford, Louters, Mihalick, Volk, Lian, and Ryan voted yes. Hacker and Bye voted no; motion passed.

**10. UND Memorial Village P3 Lease Agreement**

Mr. Jed Shivers presented the proposal for [UND's Memorial Village P3 Lease Agreement](#).

Mihalick moved, Hacker seconded, to approve the proposed lease agreement for UND Memorial Village P3; and further, require the financial terms & length of lease to be presented to the SBHE Budget and Finance Committee for consideration and/or approval.

Volk, Warford, Louters, Mihalick, Hacker, Bye, Lian, and Ryan voted yes.

**11. Honorary Degree**

Ms. Lisa Johnson presented a recommendation from NDSU for an Honorary Degree.

Volk moved, Warford seconded, to award on Honorary Degree in agriculture from North Dakota State University to Mr. Neal Fisher.

Warford, Louters, Mihalick, Volk, Hacker, Bye, Lian, and Ryan voted yes.

~~12. 1<sup>st</sup> Reading, [Policy 401.1](#) academic freedom removed from agenda~~

Ms. Lisa Johnson presented the following policy amendments and deletions for first reading, items 13, 14, and 15:

**13. 1<sup>st</sup> Reading, Policy 412, Transfer of Credits**

**14. 1<sup>st</sup> Reading, Policy 411, Admission**

Louters moved, Warford seconded, to approve first reading of policies [412](#) and [411](#).

Lian, Volk, Warford, Mihalick, Bye, Hacker, Louters, and Ryan voted yes.

**15. Deleted policies (consolidated to streamline)**

- a. Policy [402](#) Delegation of Admission Authority
- b. Policy [402.1](#) First Year Applicants-Certificate, Diploma, and Associate Degree Programs
- c. Policy [402.1.1](#) Standardized Test Scores
- d. Policy [402.2](#) First Year Applicants - Baccalaureate Programs
- e. Policy [402.3](#)

m. Policy [402.11](#) Tests of High School Equivalency

Louters moved, Warford seconded, to approve first reading of deleted policies, items 15 (a - m).

Mihalick, Bye, Hacker, Louters, Lian, Volk, Warford, and Ryan voted yes.

Mr. Eric Olson presented amendments to the following policies for first reading:

16. **1<sup>st</sup> Reading, Policy 503.1, Student Free Speech & Expression**
17. **1<sup>st</sup> Reading, Policy 520, Title IX Sexual Harassment**

Louters moved, Warford seconded, to approve first reading of policies [503.1](#) and [520](#).

Bye, Lian, Volk, Warford, Mihalick, Hacker, Louters, and Ryan voted yes.

Mr. Eric Olson presented amendments to the following policies for first reading:

18. **1<sup>st</sup> Reading, Policy 311, Public Records**

Board members expressed concerns of various components within the policy as presented. Member Volk requested attendance at the next Research and Governance E(e)4.4 pre. n T w

General's office assign legal representatives to the SBHE and system under the new structure, The draft policy would qualify legal representatives that work with institutions and their dependants for a tuition waiver to the NDUS institutions.

The Board discussed the number of employees the benefit would be available to and the potential financial impact of the institutions.

Mihalick moved, Bye seconded, to approve first reading, waive second reading and final adoption of Policy [820](#), with a retroactive date of August 1, 2021. Mihalick, Hacker, Bye, Lian, Louters, and Ryan voted yes. Volk and Warford voted no. Motion passed.

Ms. Lisa Johnson presented the following policy amendments for second read and final adoption, items 21 and 22:

21. **2<sup>nd</sup> Reading, Policy 830.1, Student Payment**

Louters moved, Warford seconded, to approve second reading and final adoption of policy [830.1](#).

Mihalick, Bye, Hacker, Louters, Lian, Volk, Warford, and Ryan voted yes.

22. **2<sup>nd</sup> Reading, Policy 830.2, Refunds**

Louters moved, Bye seconded, to approve second reading and final adoption of policy [830.2](#).

Mihalick, Bye, Hacker, Louters, Lian, Volk, Warford, and Ryan voted yes.

**Board Report/Updates/Discussion**

23. SBHE Audit Committee report provided by Mr. Nick Hacker.

24. SBHE Research and Governance Committee Report provided by Dr. Casey Ryan and Ms. Danita Bye.

25. SBHE Academic and Student Affairs Committee report provided by Dr. Jill Louters.

26. NDSU Presidential Search update provided by Dr. Jill Louters.

27. NDSCS Presidential Search update provided by Mr. Jeffry Volk.

**Chancellor Report**

28. ARPA update provided by Chancellor Hagerott.

**Other Reports:**

29. NDSA provided by Mr. Michael Linnell.

30. CCF provided by Dr. Elizabeth Legerski.

31. Staff Senate provided by Ms. Retha Mattern.

32. Public Comment – no public comment.

The meeting adjourned at 12:40 p.m. CT.

Approved 12-9-21.