State Capitol 1000 E Blvd E Bo

1. SBHE Forms Training

15. DCB Joint Powers Agreement with the City of Minot

Black moved, Mihalick seconded, to authorize DCB to enter into a Joint Powers Agreement (JPA) with the City of Minot, North Dakota to provide additional financing for the renovation of the former Trinity Health Building, currently owned by the MSU Development Foundation into a Career and Technical Education Facility, as presented.

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

16. SBHE Self-Assessment Priorities

Co-chair of the Research and Governance Committee, Ms. Bye reviewed the priorities identified through the Boards self-assessment. She stated that the committee will discuss the next steps at their June meeting, and committee members will report back to the full Board.

Bye moved, Warford seconded, to approve the SBHE Self-Assessment priorities, as presented.

Warford, Bye, Volk, Mihalick, Hacker, Black, Hanson, Ryan voted yes. Motion passed.

NORTH DAKOTA

Summary of Proposed Action
State Board of Higher Education
Meeting – May 23, 2023

NDSU wishes to proceed with demolishing the Agricultural and Biosystems Engineering building.

Authorize NDSU to proceed with demolishing the Agricultural and Biosystems Engineering building at an estimated cost of $1,000,000 to be funded from Tier Funding and other appropriated or local funds. Per SBHE Policy 902.3.

The Agricultural and Biosystems Engineering Building Pc 0.004 Tw-2.8 (i)-3.2 (n)-0.8 (g b)-0.

The Agricultural and Biosystems Engineering building (originally Agricultural Engineering) was erected in 1950 for teaching and research in agricultural engineering. The completed building measured 90 feet by 97 feet. For a short period of time, the Mechanical and Civil Engineering Departments had laboratories which were also housed in the building. A two-story addition was built in 1961 at the cost of $110,000. Today, the building houses the Agricultural and Biosystems Engineering Department.

The ABEN building has deferred maintenance that exceeds the 65% threshold established by the NDUS that prompts demolition instead of repairs. Examples include:

- Mechanical and electrical systems are beyond their useful life.
- There is significant asbestos abatement needed.
- The building has multiple levels but lacks elevator access – not in compliance with ADA
- Bathrooms do not meet current ADA codes.
-

APPLICATION
FOR THE SALE OR REMOVAL OF A PUBLIC BUILDING
WHICH IS PROPERTY OF THE STATE OF NORTH DAKOTA
As provided in Chapter 54-21-27 N.D.C.C.

Name of Department or Agency making the application:

[redacted]

Name of Building:

Agricultural and Biosystems Engineering

Location of Building:

[redacted]

Fargo, ND 58102

Please state in detail the reason for the sale or removal of this building (use extra sheets, if necessary):

[redacted]

Summary of Proposed Action
SBHE Meeting – May 23, 2023

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Summary of Proposed Action
SBHE Meeting – May 23, 2023

DCB has met the requirements to access the $1,212,128 Tier II and Tier III capital building funds as authorized by the Legislative Assembly and is requesting the NDUS System Office transfer current biennium Tier II funds of $106,064, current biennium Tier III funds of $500,000, and Tier II carryover funds from 19-21 biennium of $106,064 and Tier III carryover funds from 19-21 biennium of $500,000 to DCB's capital building fund. The 2023 HB1003 section 40 allows an exemption from the matching requirement and is included in 2023 HB1003 section 48 authorizing an emergency clause.

Ratify Chancellor's approval of the transfer of $106,064, $500,000, $106,064 and [illegible]

Summary of Proposed Action
State Board of Higher Education
Meeting – May 23, 2023

Issue: Set guidelines to prepare 2023-25 biennial budgets, including salary guidelines and tuition rates

Proposed actions: Approve the 2023-25 biennial budget guidelines as presented.

Background information: % L H Q Q L D O O \, NDUS entities prepare annual budgets (EBC0044004F004F04F04F04F04F04F

NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual

Policy: 311 Public Records
Effective: February 23, 2022

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1. Policy. Except as otherwise specifically provided by law, all records of the State Board of Higher Education, the North Dakota University System, and its institutions are public records and should be open and accessible to inspection by the public.

2. FERPA-Protected Records. Student education records are confidential and access to those records is restricted according to the Family Education Rights and Privacy Act of 1974, as amended (FERPA). Pursuant to FERPA and applicable North Dakota law and policy, each institution shall, at minimum:

    a. Adopt a policy as required by 34 CFR Section 99.7;

    b. Comply with the requirements of SBHE Policy 503.2;

    c. Notify students currently in attendance of their rights under FERPA no less frequently than annually;

    b. Except as provided under FERPA and 34 CFR Section 99.31, relating to conditions under which personally identifiable information may be disclosed without consent, obtain a signed and dated written consent of the student before it discloses personally identifiable information from the

The Chancellor shall adopt a procedure establishing a uniform, systemwide definition of directory information, which must be incorporated in required institution policies and apply to the system office.

b.

b. Information pertaining to an employee's retirement account balance, disability applications and benefits, and surviving spouse applications and benefits under N.D.C.C. chapter 54-52 plan adopted by the board (N.D.C.C. § 54-52-26);

c. Trade secret, proprietary, commercial and financial information (N.D.C.C. § 44-04-18.4 and SBHE Policy 611.6), including university research records and personally identifiable study information;

d. Computer software programs or components for which a copyright, patent or license is acquired (N.D.C.C.§ 44-04-18.5);

e. Attorney work product (N.D.C.C. § 44-04-19.1(6)) and active litigation records (N.D.C.C. § 44-04-19.1(12));

f. Complaints submitted to the NDUS Office of Compliance and Ethics or an institutional official, for the shorter of 75 days from the date of submission, or the conclusion of the investigation into the Complaint (N.D.C.C. § 44-04-18.1(6)).

g. Social security numbers, which are confidential under N.D.C.C. § 44-04-28; and

h. Title IX records at state universities and colleges (N.D.C.C. § 44-04-18.28).

9. Disclosure of Public Records. Copies of records that are not confidential or exempt from public disclosure shall be provided upon request.

   a. Records must only be provided in the form in which they are stored. If records are stored electronically, only an electronic copy may be provided, subject to providing a physical copy if a requestor does not have access to means to receive and review the electronic copy.

   b. SBHE, NDUS, and ins(opy.)]TJ 34.476 (nd i)-4.7rut(i)-4.6 6 (nda8 (os)8.6 (ur)-4 (e)-1.1.6(a)-y.7

The NDUS and institutions may waive any fees in the discretion of the Chancellor or institutional chief executive officer or their designee for this purpose. Prior to beginning any review for which a fee may be charged, the NDUS or institution must provide the requester with an estimate of such fee and request approval or payment.

d. Legal Review. The SBHE, NDUS, and institutions should seek legal counsel from the appropriate assigned attorney or other individual who has received training on proper redaction and production procedures prior to releasing information or records which may contain exempt or confidential information.

e. Referral. NDUS entities may not refer a request for the disclosure of records to another entity within the NDUS. If an NDUS entity does not have records, they may respond that they have no responsive records to the request. NDUS entities, may, but are not required to, provide information to a requester about what entity may have more records related to the request; however, providing such information does not eliminate the requirement to respond to the request.

10. Records which are designated as either "exempt" or "confidential" by N.D.C.C. § 44-04-18, et seq may only be released to the public as permitted by that statute or SBHE Policy.

    a. The following exempt records may only be released to the public by a roll call vote on behalf of the SBHE:

        i. Exempt recordings of executive sessions of SBHE or SBHE committee meetings, including to ~~SBHE members and~~ NDUS employees.

        ii.

State Board of Higher Education
PolicySummary

Title: Policy 461 Digital Literacy

Proposedaction: Approve/deny the new SBHEPolicy for Digital Literacy.

Backgroundinformation: In 2018, the ND State Board of HigherEducation directed the colleges and universities of the NDUS to begin implementation of a digital literacy requirement for NDUS graduates. Institution presidents have been charged with implementation of a digital literacy requirement at their respectiveinstitution. Institutions are provided latitude in how they choose to implement digital literacy at their respective campus.

Financialmatters: N/A

Legal/policymatters: N/A

Academicmatters: Expected timeline for implementation:

May 15, 2023	Documented campus determination of what approach will be adopted to implement a digital literacy requirement at the institution
May 22-23, 2023	Each campus will share a summary of their implementation progress and future plans at the SBHE Retreat
July 1, 2024	2024 institution academic catalogs and corresponding degree audits software/forms will reflect how students meet the digital literacy requirement
May 2026	First year students of associate level degrees will have met the published digital literacy requirement.
May 2028	First year students of baccalaureate level programs will have met the published digital literacy requirement.

ReviewProcess

Legal Review	03/21/2023	Recommends moving forward
Senior Staff	03/27/2023	Recommends moving forward
AAC	04/04/2023	
Admin	04/04/2023	Informational only
SAC	04/04/2023	Informational only
Cabinet	04/12/2023	Recommends moving forward
AAC	05/02/2023	Suggested changes, recommends moving forward
Admin	05/02/2023	Informational only
SAC	05/02/2023	Informational only
Cabinet	5/10/2023	Cabinet reinstated 4.d and e

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Committee Review

ASAC	04/19/2023	
	05/17/2023	
SBHE	04/27/2023	1st Read
	05/23/2023	2nd Read

Contact information:

Lisa A. Johnson, Vice Chancellor of Academic and Student Affairs, 328-4143, lisa.a.johnson@ndus.edu

NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual

Policy: 461 Digital Literacy
Effective: TBD, 2023 NEW POLICY

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1. DEFINITION:
    a. Digital literacy is the ability to use technology to find information, evaluate sources,

and

c. By May 2028, first-year students with a term to enter of fall semester, 2024, graduating from a baccalaureate-level program must have met the published digital literacy requirement.
d. If campuses cannot identify the resources to implement the requirements of this policy, the Board shall be notified.

State Board of Higher Education
PolicySummary

Title: Policy 330 Policy Introduction, Amendment, Passage

Proposedaction: Approve/Deny the revised SBHE

State Board of Higher Education
PolicySummary

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und information:Two things here-
n section 2, the existing policy limits a voting member of the SBHE to serving no more than three consecutive
ne-year terms on the committee. This update removes that limitation.
n section 4.i, the language is clarified to state information technology matters that have a significant financial
mpact on the NDUS will be brought before the budget and finance committee.

Financial matters: N/A

Legal/policy matters: N/A

Academic matters: N/A

Review Process

Legal Review	3/27/2023	Recommends moving forward
Senior Staff	3/27/2023	Recommends moving forward
AAC	4/04/2023	Informational only
Admin	4/04/2023	Informational only
SAC	4/04/2023	Informational only
Cabinet	4/12/2023	Recommends moving forward

Chancellor's recommendation: Chancellor Hagerott recommends approval.

Committee Review

RGC	4/19/2023	
SBHE	4/27/2023	1st Read, update section 4i, as discussed, have BFC review as informational and then to RGC for recommend to full Board for 2nd reading

,Vice Chancellor for Strategic Engagem ,701-969-9229,

Policy: 302.3 Budget and Finance Committee
Effective: June 29, 2021

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1. The SBHE budget and finance committee is established to ensure the NDUS fiscal stability and long-term economic health.

2. The budget and finance committee shall consist of no less than three voting members of the SBHE and the Chancellor shall serve, ex officio, as a non-voting member of the committee. The SBHE president will appoint committee members as well as the committee chair by June 30th each year to serve one year terms starting July 1st. No voting member of the SBHE shall serve more than three

i. Suggestions on information technology matters that present could have a significant financial

State Board of Higher Education
Policy Summary

Title: Policy 302.7 Research and Governance Committee

Proposed action: Approve/Deny Policy 302.7 Research and Governance Committee

Background information: Two primary edits/updates:

- x Section 4 clarifies the membership terms of the regional/dual mission and 2-year/polytechnic institutions representative to the committee. It also outlines process for nomination and election process for identifying a new representative.
- x Section 8.d adds the Vice Chancellor of IT and Chief Information Officers council to the governance function for

Legal Review	3/27/2023	Recommends moving forward
Senior Staff	3/27/2023	Recommends moving forward
AAC	4/04/2023	Informational only
Admin	4/04/2023	Informational only
SAC	4/04/2023	Informational only
Cabinet	4/12/2023	Recommends moving forward

Chancellor's recommendation: Chancellor Hagerott recommends approval.

Committee Review

RGC	4/19/2023	amended section 4 (five-year term)
SBHE	4/27/2023	1

st Read

5/23/2023 2

Policy: 302.7 Research and Governance Committee
Effective: June 30, 2020

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1. The SBHE research and governance committee is established to ensure that the SBHE and NDUS are serving the research needs of the institutions which make up the NDUS, including primarily the University of North Dakota and North Dakota State University, as well as to ensure the effectiveness of SBHE governance through thoughtful, focused attention placed on strategic evaluation and improved SBHE performance.

2. The research function of the committee shall consist of no fewer than three voting members of the SBHE and the Chancellor shall serve, ex officio, as a voting member of the committee. The research committee shall also have the following voting members:

    a.

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JOINT POWERS AGREEMENT
State Board of Higher Education and City of Minot, North Dakota

THIS JOINT POWERS AGREEMENT ("Agreement") is between the City of Minot, North Dakota, (the "City"), party of the first part, and the North Dakota State Board of Higher Education ³%RDUG´ SDUW\ RI WKH VHFRQG SDUW %RWK SDUWLHV laws of the State of North Dakota, and the Board has lawful control and administration over Dakota College at Bottineau ³' & %, ´ party of the third part, which is located in Bottineau, North Dakota

CDBG-NDR Subrecipient Agreement.

4.

7. Liability and Insurance. Each party to this Agreement shall be responsible for its own acts and agrees to assume its own liability for those acts and consequences. The liability of the Board is governed by North Dakota Century Code Chapter 32-12.2 and the liability of the City is governed by North Dakota Century Code Chapter 32-12.1. DCB must maintain the insurance requirements set forth in the Lease for as long as this

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BOARD MEMBER ORIENTATION

1. Structure

a. Current Board Members – Bios/Background
   I. Board Officers; Officer Responsibilities; Election Process (SBHE Policy 310.2)
      - Mentorship Program
      - Board Spokesperson

b. Chancellor
   I. NDUS Org Chart and Directory
   II. Past, Present, and Future Challenges and Accomplishments

c. Campus President
   I. Institution President Authority and Responsibilities; Contract Terms (SBHE Policy 305.1)
   II. NDUS Presidents Contact Information
      - Campus Directory
   III. Campus Overview and Mission Statements
      - Research Institutions: NDSU and UND
      - Four-year Institutions: DSU, MaSU, MiSU, and VCSU
      - Two-year Institutions: BSC, DCB, LRSC, NDSCS, and WSC

2. Core Value and Mission / Roles and Responsibilities

a. SBHE Policies:
   I. 100.1 - Constitutional and Statutory Authority
      - North Dakota Century Code, Chapter 15-10
   II. 100.4 - Mission and Vision of the State Board of Higher Education
      - Mission "To enhance economic growth, social vitality, and quality of life for North Dakota through the discovery, sharing, and application of knowledge."
      - Vision "To lead the nation in educational attainment through access, innovation and excellence."
   III. 100.5 - Principles and Core Values of the State Board of Higher Education
   IV. 100.6 - Authority and Responsibility of the State Board of Higher Education, Chancellor, and Institution Presidents
   V. 310.1 - Board Member Responsibilities
   VI. 304.1 - Chancellor Authority, Roles/Responsibilities
   VII. 305.1 - Institution President Authority and Responsibilities; Contract Terms

b. SBHE Committees and Associated Policies:
   I. 302.1 Academic and Student
   II. 302.2 Audit
   III. 302.3 Budget and Finance
   IV. 302.7 Research and Governance
   V. Ad Hoc -

ND State Board of Higher Education
Governance Committee Meeting

2023 Timeline

Evaluation Activity	Proposed Date(s)	Status
Governance Committee approves 2023 Evaluation Process and Timeline	May 17, 2023	
Survey questions updated for 2023 goals	May 17-19, 2023	
Governance Committee approves survey tool with goals updated	NA	

Chair Ryan authorizes sharing survey report with Chancellor and all SBHE members	June 23, 2023	
SBHE discusses Chancellor evaluation and contract renewal in executive session; vote on Chancellor contract renewal in open session	June 27, 2023	