North Dakota State Board of Higher Education  
Minutes – June 20, 2013

Members present:
  Mr. Duaine Espegard, President  Dr. Kirsten Diederich, Vice President
  Dr. Terry Hjelmsstad  Ms. Kari Reichert
  Mr. Sydney Hull  Mr. Grant Shaft
  Mr. Don Morton  Ms. Janice Hoffarth, Staff Senate Adviser
  Ms. Kathleen Neset  Dr. Douglas Munski, CCF Adviser

Staff members present:
  Ms. Laura Glatt, Vice Chancellor for Administrative Affairs
  Ms. Lisa Feldner, Vice Chancellor for Information Technology and Institutional Research
  Ms. Claire Holloway, General Counsel
  Ms. Linda Donlin, Director of Communications and Media Relations
  Mr. Noah Brisbin, Special Assistant to the Chancellor
  Ms. Kirsten Franzen, Chief Compliance Officer
  Ms. Lisa Johnson, Director of Articulation and Transfer

The State Board of Higher Education met on Thursday, June 20, 2013, at 9:00 a.m. CT, in the Centennial Alumni Center, Thatcher Hall, Dakota College at Bottineau, 105 Simrall Boulevard, Bottineau, ND.

President Espegard called the meeting to order, informing attendees that officers from MaSU and NDSU were not present because adverse weather disrupted their flight plans.

North Dakota Student Association Report
Mr. Johan Mahlum, NDSA lobbyist, presented the NDSA report. He stated that the NDSA had submitted three finalists for the Office of the Governor’s consideration as the Board’s next student member. The NDSA will hold executive retreats in August, and convene as a full body in September with the start of the new academic year, Mr. Mahlum concluded.

Council of College Faculties Report
Dr. Munski stated that the CCF has not met since the Board’s last meeting.

Staff Senate Report
Ms. Hoffarth stated that the Staff Senate held its annual meeting in Minot, and put in place its statewide officers for the upcoming year. Institutional staff senates are in the process of holding elections, she continued, and newly elected boards will take office in July.

Procedure for Selection of Interim Chancellor
Dr. Diederich explained that she had been in contact with Narcisa Polonio of ACCT, who has offered to receive nominations for the interim chancellor position. Dr. Diederich suggested that the Board discuss
whether to use ACCT as a search consultant and form a contract; upon making that decision, the Board could field applications for the interim chancellorship.

Mr. Shaft asked if ACCT had indicated its experience in chancellor search processes. Dr. Diederich replied that among ACCT’s member benefits are board leadership services, including direct services in interim executive placements. Mr. Shaft asked if ACCT had provided a list of recently completed searches; Dr. Diederich stated that she had not requested such a list. Mr. Shaft noted that the ability of a search firm to solicit candidates is important.

Ms. Reichert then asked about the appropriate role of a consultant, suggesting that the Board discuss giving a search consultant direction in the form of a policy-driven job description. She noted that the next chancellor needs a special set of skills to lead rather than control; to be a relationship builder, collaborator, and listener; to have accountability that fosters trust-building; and to help serve students. Ms. Reichert observed that much pushback to Pathways have been directed at its focus on numbers; with a student service focus, however, good things can come of it.

Dr. Diederich stated that would be the Board’s next question after deciding whom to use to facilitate the search. Mr. Shaft then stated that searches typically begin with directive from the Board president as to their mechanical procedure, then continue with the process of formulating the Board’s desirable characteristics in a candidate. He asked if there would be a selection committee process with broad-based input or if the Board would lead the search on its own behalf. Dr. Diederich suggested that given the truncated timeframe for the search, Board-led action would be preferable.

President Espegard stated that it was important for the Board to remember that this search is for an interim chancellor of a tenure of at least two years before a regular search process would be held.

Mr. Morton asked what Board members’ impressions of ACCT were, acknowledging that he was impressed in one conversation he had. President Espegard stated that he was also impressed after speaking with ACCT staff and that he believed they were qualified to assist the search. Dr. Diederich echoed that statement, adding that ACCT and AGB consultants communicate with each other. Mr. Morton explained that search consultants are comprised by a community of former college presidents and chancellors, emphasizing that the person chosen by the Board to serve as interim chancellor needs to lead the Board through the 2014 constitutional referendum. Dr. Diederich added that the interim chancellor would also need to serve through the 2015 legislative session. Ms. Neset stated that the next two years will be the Board’s most important two years, and supported the idea of using an independent consultant to assist the search.

Mr. Morton stated that he would rely on presidents’ input in the search process. Dr. Diederich noted that she, President Espegard, and Dr. Hjelmstad met with presidents to ask about characteristics they would seek in the next chancellor, thanking the presidents for their forthrightness. President Espegard thanked President Fuller for arranging the meeting.

Ms. Hoffarth asked about the search’s timeline; Dr. Diederich suggested that the search process could last from 30 to 90 days.
It was moved by Hjelmstad, seconded by Shaft, to use ACCT to assist the Board’s interim chancellor search process. Diederich, Hjelmstad, Hull, Morton, Neset, Reichert, Shaft, and Espegard voted yes. The motion carried.

President Espegard then suggested that the Board accelerate Chancellor Shirvani’s administrative leave to begin immediately, soliciting a motion.

It was moved by Hull, seconded by Morton, to place Chancellor Shirvani on administrative leave immediately. Hjelmstad, Hull, Morton, Reichert, Diederich and Espegard voted yes; Neset and Shaft voted no. The motion carried.

Ms. Reichert suggested that with the chancellor on administrative leave, a discussion on operational matters would be warranted.

President Espegard submitted for the Board’s consideration a suggestion that President Skogen serve as the NDUS’s acting interim chancellor. President Espegard described him as a public servant, stating that President Skogen was willing to assist the NDUS while retaining his position at BSC and relying on the coverage he has at that institution. President Espegard suggested an appointment of sixty days, or as long as is necessary to allow for the completion of the interim chancellor search, to begin on June 24.

It was moved by Shaft, seconded by Hull, to appoint President Skogen as acting interim chancellor of the NDUS. Hull, Morton, Reichert, Shaft, Diederich, Hjelmstad, and Espegard voted yes; Neset voted no. The motion carried.

President Skogen noted that he would advance the operational work required of the system on a continuing basis. He expressed appreciation for the recognition of the BSC administration to help lead the college. Finally, President Skogen expressed confidence in the strength of the NDUS institutions’ presidents and the ability of the system office staff to make progress in providing North Dakota institutions with an improving support system.

Accept President Fuller’s developmental leave report
President Espegard that President Fuller’s developmental leave report was an accomplishment overlooked at the time it was completed. President Fuller reflected on higher education and read and wrote about its purpose for his month-long leave.

Approve UND tenure request
Dr. DiLorenzo presented to the Board UND’s request for the grant of tenure to Dr. Raymond Goldsteen, who will direct the campus’s Master in Public Health program and hold a professorial appointment.

It was moved by Hull, seconded by Hjelmstad, to accept the UND tenure request for Dr. Raymond Goldsteen, the incoming Director for the Master in Public Health Program. Morton, Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, and Espegard voted yes. The motion carried.

Approve SBHE annual budget for FY14
Ms. Glatt explained that the Board is required to set its budget for upcoming year. She stated that she reviewed the budget with Dr. Diederich. Ms. Glatt stated that the fiscal year 2014 budget would hold
even at $100,000 for members’ travel, lodging, per diem, and salaries. There is also money set aside for faculty and staff advisers to pay employing institutions to use as they determine.

**It was moved** by Diederich, seconded by Morton, to approve the Board’s annual budget for fiscal year 2014 at a level of $100,000. Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, and Espegard voted yes. The motion carried.

**Approve amendment to Minnesota-North Dakota tuition reciprocity agreement**
Ms. Glatt explained that since 1975, North Dakota has had an agreement with Minnesota on tuition reciprocity for students between the two states, which is periodically renegotiated based on mutual agreement. The current reciprocity agreement, she continued, is based on the assumption of an even flow of students between states, though in fact, North Dakota only sends about 60 percent of the students to Minnesota as Minnesota does to North Dakota. Minnesota’s payment has been increasing over time, but the state is now struggling financially. Ms. Glatt noted that she is empathetic to Minnesota wanting to reduce its state burden, but wants to keep North Dakota’s revenue stream intact.

The negotiated change to the agreement would reduce Minnesota’s state payment, shift some of the cost burden to Minnesota students, and remain revenue-neutral for North Dakota. Minnesota students attending NDUS institutions would now pay 112 percent of resident undergraduate tuition rates and 127 percent of resident graduate tuition rates, with provisions to increase those rates to 115 and 130 percent in coming years.

Other negotiated revisions to the agreement include treating Minnesota students equally to North Dakota student for admissions purposes except in medicine, law, and pharmacy programs. UND’s Occupational and Physical Therapy program would also be allowed to establish a cap on the number of Minnesota students in its programs; UND and NDSU’s joint Master in Public Health program would bring Minnesota students’ tuition rates to the full graduate level over three years.

Two campuses, Ms. Glatt noted, have asked for exemptions from immediate implementation of the undergraduate rate surcharge. LRSC would delay implementation to Fall 2015 in order to complete its current recruiting period under the same assumption about Minnesota students’ cost of attendance. MiSU would continue its GrowND tuition rate grandfathering period as approved by the Board.

Mr. Morton asked if there would be a negative impact on Minnesota enrollment; Ms. Glatt stated that she did not believe the agreement would have an effect, noting that the agreement has been vetted with NDUS institutions. Ms. Reichert asked if Minnesota had made concessions; Ms. Glatt replied that North Dakota students would continue to pay Minnesota tuition rates except for exempted programs, and that Minnesota would continue to reserve slots for North Dakota students in its veterinary and dental programs. President Espegard asked what was the difference between the previous agreement and the negotiated agreement, if the agreement was better for Minnesota and identical for North Dakota. Ms. Glatt noted that the agreement would assist Minnesota’s continuing ability to make its state payment to North Dakota.

**It was moved** by Shaft, seconded by Reichert, to approve the proposed amendment to the Minnesota-North Dakota tuition reciprocity agreement and allow UND’s occupational and physical therapy
program to cap Minnesota enrollment as necessary. Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, Neset, and Espegard voted yes. The motion carried.

**Approve TIAA-CREF § 401(a) and § 457(b) plan restatements**

Ms. Glatt explained that outside counsel with retirement plan expertise had updated NDUS employee retirement plan documents. The restated plan documents contain no substantive changes, she added. Future related work includes a § 403(b) plan restatement and creating plan summaries for NDUS employees.

*It was moved* by Morton, seconded by Hjelmstad, to approve the TIAA-CREF § 401(a) plan restatement. Shaft, Diederich, Hjelmstad, Hull, Morton, Neset, Reichert, and Espegard voted yes. The motion carried.

*It was moved* by Diederich, seconded by Hull, to approve the TIAA-CREF § 457(b) plan restatement. Diederich, Hjelmstad, Hull, Morton, Neset, Shaft, Reichert, and Espegard voted yes. The motion carried.

**Approve allocation of $325,000 for veterans’ assistance to NDSU Veteran’s Educational Training Program**

Ms. Glatt stated that House Bill 1289 appropriated funds to the NDUS for the purpose of providing assistance to eligible veterans. Her recommendation is that the NDSU Veteran’s Educational Training Program benefit from the appropriation. The program has existed since 1972, operating with a competitive federal grant through the Department of Education, which is ending. State funding would help replace the previously grant-funded program, providing many services at an expense of 3.25 FTE employees and operating cost. NDSU is fully committed to continue to provide outreach to other campuses. At a previous Student Affairs Council meeting, all institutional representatives supported this recommendation.

Ms. Neset asked about the history of the accessibility of this program to students at other institutions and the participation of students in western North Dakota. Laura Oster-Aalund explained that the program is designed to support low-income, first-generation veterans interested in college readiness. Veterans will be encouraged to enroll at any NDUS institution. Dr. Oster-Aalund stated that students in western parts of the state are harder to reach, but noted that the program plans to roll out more online resources to encourage participation. Dr. Munski mentioned that faculty have worked with the program at its branch office in Grand Forks, and described the program as successful. He also concurred with Ms. Neset about the importance of the program being more active outside Fargo.

*It was moved* by Shaft, seconded by Hull, to approve an allocation of $325,000 for veterans’ assistance to NDSU Veteran’s Educational Training Program. Hjelmstad, Hull, Morton, Neset, Reichert, Shaft, Diederich, and Espegard voted yes. The motion carried.

**Approve TrainND workforce training business plan for 2013-15**

President Richman first noted that he and his colleagues were pleased with the Board’s decision to name President Skogen as acting chancellor. He then explained that the workforce training business plan has been vetted and approved by the advisory boards of TrainND’s quadrants, the state workforce training board, and campus presidents. The changes to the plan are related to more activity in the northwest part of the state.
It was moved by Morton, seconded by Hjelmstad, to approve the TrainND workforce training business plan for 2013-15. Hull, Morton, Neset, Reichert, Shaft, Diederich, Hjelmstad, and Espegard voted yes. The motion carried.

Appoint two individuals to Education Challenge Fund review committee
Ms. Glatt stated that the legislature created a $29 million Education Challenge Fund providing up to $10 million for each of UND and NDSU, and up to $1 million for other campuses. The funding is a matching fund for institutions’ privately raised dollars at a 1 to 2 ratio. The authorizing legislation requires a grant review committee, of which two members are to be appointed by the Board SBHE with the consent of Legislative Management. The committee would set its own rules and criteria for matching grants and make recommendations to the Board for ultimate funding.

The Board recessed at 10:16 a.m., and reconvened at 10:38 a.m.

Approve May 9 and May 23, 2013, meeting minutes
Ms. Reichert noted a phrase in the May 9 minutes and suggested a revision.

It was moved by Hull, seconded by Hjelmstad, to approve the Board’s May 9 and May 23, 2013, meeting minutes, with the revision previously suggested. Morton, Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, and Espegard voted yes. The motion carried.

Appoint two individuals to Education Challenge Fund review committee, continued
President Espegard stated that he and Ms. Neset would be willing to serve on the Education Challenge Fund committee.

It was moved by Shaft, seconded by Morton, to nominate President Espegard and Ms. Neset to serve on the matching fund grant committee created by the NDUS appropriation bill. Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, and Espegard voted yes. The motion carried.

Presidents’ evaluations
President Espegard explained that the presidential evaluation process involves the steps of establishing goals at the beginning of the year; submitting a self-analysis to the chancellor; the chancellor drafting an evaluation; and the possible reconciliation of any disagreements about the evaluation between the chancellor and the presidents. This year, he continued, an open records request was made for the presidents’ evaluations after the chancellor had drafted evaluations. The complete evaluation, President Espegard noted, would include self-evaluations and evidence of consultation between the chancellor and presidents. He stated that it was unfortunate that the evaluations came forward in their present state.

President Espegard explained that he wanted the evaluations to be revisited. He added that he is not opposed to 360 evaluations, and would welcome a discussion on how to finish the evaluation process. Mr. Shaft noted that the Board is required by policy to complete the current process, and that he supports President Skogen and his ability to follow that process. He also stated that a discussion of 360-degree evaluations in the future would be fruitful. Mr. Morton noted that 360-degree evaluations identify areas of potential improvement, a best practice, and lend credibility to the performance review process.
Dr. Hjelmstad objected to the distribution of the evaluations to media sources and the departure from normal evaluation process. He disclaimed the evaluations and the language used in them. Ms. Reichert agreed with Dr. Hjelmstad, describing the evaluations as not objective and lacking requisite dialogue. President Espegard noted that the evaluation process still needs to be completed, and requested that President Skogen finish the process in consultation with NDUS presidents, as prescribed by policy. Mr. Hull stated that he would be comfortable with President Skogen using his discretion to complete the process, while noting his concern that the present evaluations were constructed with no intent of following the process set out in policy.

Mr. Shaft stated that the Board should determine if President Skogen, as the new acting chancellor, should complete the evaluation process. President Skogen agreed with Board members’ comments about the damage done by the evaluations, and stated the need to move forward with the process at the Board’s direction.

Ms. Holloway explained that under open records law, a finalized document subject to a standing request needs to be sent to comply with the request. In this instance, the chancellor deemed the evaluations to be final, which rendered the documents subject to open records law. The NDUS thus had the legal responsibility to submit the documents. The release does not mean, however, that presidential compensation setting or evaluation processes for presidents’ personnel files were complete.

President Shirley recommended that the Board leave the resolution of the evaluation process to President Skogen’s discretion. He noted that presidents had set goals with Chancellor Shirvani in the fall and submitted self-evaluations based on those goals in the spring, which President Skogen would have available to inform the evaluation process. President Richman stated that the NDUS presidents would appreciate a Board statement disapproving Chancellor Shirvani’s evaluations’ comments. President Coston noted the trust that NDUS presidents have in President Skogen to proceed with the process; he also observed that the Board’s deliberations were heartening, suggesting that the Board would ultimately act wisely.

President Fuller described his evaluation as the most egregious, also pointing to negative evaluations for two other presidents who had performed with integrity. He objected to the manner in which he discovered the release of Chancellor Shirvani’s evaluations. President Fuller stated that the release was damaging and intolerable. He expressed pride in his work at MiSU and noted that he met performance goals for the year. President Fuller urged the Board not to legitimize the evaluation process undertaken. He described his respect for President Skogen, and expressed a desire to move forward without suggesting that Chancellor Shirvani’s evaluations were meritorious, giving President Skogen the chance to see a legitimate process through.

President Espegard stated that President Skogen could take up any evaluation anew. He also noted that counsel’s advisement regarding the release of open records should be followed, despite the nature of the evaluation process. Ms. Donlin described the timing of open records request from media sources for the evaluations, noting that Chancellor Shirvani had described his evaluations as complete, at which point they were released. President Fuller replied that the release process sounded logical, clear, and appropriate, but he described the evaluation process as illegitimate. He stated that Chancellor Shirvani strategized to act vindictively toward certain presidents. President Espegard noted that he agrees on the open records issue, but also regrets the evaluations’ release based on their content. He suggested
phrasing a motion to disapprove of the negative personal components of the evaluations, and apologized to President Fuller. President Fuller stated his belief in camaraderie, collegiality, and mutual respect, and regretted the loss of that in the past year. The hostility of the evaluations and the nature of their release, he continued, prevented any opportunity for growth.

Ms. Reichert affirmed that open records include draft documents. She noted that if Chancellor Shirvani had consulted with presidents as directed by policy, these evaluations would not have resulted. Ms. Reichert stated that the Board needs to follow its values, and expressed her surprise that Chancellor Shirvani was still in a position to draft evaluations. President Espegard noted that it would now be up to President Skogen to complete the evaluation process. Mr. Hull stated uncertainty in the manner of moving forward with the evaluation process, given that several presidents had received strong, positive reviews. President Espegard stated his confidence in good leaders determining to do the right thing in completing the evaluation process. President Skogen observed the present situation, and expressed his relish in having the opportunity to rectify the situation.

The Board recessed at 11:46 a.m. and reconvened at 12:57 p.m.

President Skogen explained that during the lunch recess, he reviewed the policy and law relevant to the evaluation process and the release of Chancellor Shirvani’s evaluations. He stated that it was clear that the chancellor did not complete the process as required by Board policy. President Skogen also explained that open records law applies to recorded information of any kind, including drafts and working papers. The interpretation of legal counsel was correct, he noted, and the evaluations were properly released.

President Espegard noted his appreciation for the clarification on the applicable law. He explained that President Skogen and NDUS presidents devised language to amend the motion regarding Chancellor Shirvani’s evaluations. Mr. Shaft noted that the evaluation process has value in its interaction between the chancellor and presidents regarding goal-setting, and suggested that salient, goal-oriented language continue to be included in the evaluations. Mr. Morton, in stating his support for Mr. Shaft’s explanation, also expressed a desire for presidents to set more ambitious goals.

**It was moved** by Espegard, seconded by Morton, to state that “the Board rejects the actions the former chancellor followed in the presidents’ evaluations. He did not finish the requirements of the policy. We find some of the language repugnant, offensive, and unprofessional. We regret that he initiated the process to include drafting the reviews. We apologize for any personal and professional damage that this process may have had on the reputations of our valued presidents. We therefore direct the acting chancellor to begin the process of conducting the presidents’ evaluations as he sees fit, hopefully starting after the self-evaluations.” Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, and Espegard voted yes; Neset voted no. The motion carried.

**Status report on HLC letter**

**It was moved** by Shaft, seconded by Hull, to approve the NDUS’s letter of response to the HLC. Shaft, Diederich, Hjelmstad, Hull, Morton, Neset, Reichert, and Espegard voted yes. The motion carried.

**Report on meeting with NDUS presidents**
President Espegard noted that the meeting of President Espegard, Dr. Diederich, Dr. Hjelmstad, and NDUS presidents was productive. He acknowledged President Fuller for arranging the meeting.

Discussion of appointment of vice chancellor for academic affairs
Ms. Reichert noted that there had been recent discussion about the Board’s responsibility for involvement with the system office during the transition in leadership. She stated that several positions are held by individuals with not a lot of experienced. Ms. Reichert expressed concern that the office may need direction or guidance from Board. Now that President Skogen has been appointed as acting chancellor, she stated, this is his responsibility; Ms. Reichert stated that she has full confidence in his ability to handle any challenges. She noted that the Board may have the responsibility to give President Skogen some direction in this regard.

Financial and Facility Agenda
It was moved by Shaft, seconded by Hull, to accept by consent the following financial and facility requests:

- Authorize an increase in authority from $710,000 to $760,000 for the MiSU campus fiber network rebuild and server room relocation, funded from 11-13 capital assets appropriation.
- Ratify Chancellor’s interim approval authorizing NDSCS to proceed with remodel of Old Main and decommissioning of Burch Hall and Hektner Hall, at a cost of $8,085,879 from the 2013-15 state general fund appropriation.
- Authorize NDSCS to proceed with the $1,350,000 renovation of the NDSCS Football Complex, from $400,000 local, $900,000 auxiliary and $50,000 private funds.
- Authorize NDSU-North Dakota Forest Service to proceed with construction of the Nursery Freezer and Shop Facility at Towner State Nursery in the amount of $785,000 to be funded from 13-15 state appropriated capital assets funding.
- Authorize NDSU AES to proceed with the $1,350,000 renovation of the NDSCS Football Complex, from $400,000 local, $900,000 auxiliary and $50,000 private funds.
- Authorize NDSU AES Research Greenhouse to proceed with construction of four (4) Agronomy Labs at: Carrington REC, Central Grasslands REC, Hettinger REC, and Langdon REC at a cost of up to $5,925,000 from 13-15 state appropriated capital assets funding.
- Authorize NDSU Extension Service to proceed with the renovation and expansion of the North Dakota 4-H Camp facilities located near Washburn, North Dakota, in an amount up to $1,900,000, with $950,000 from 13-15 state appropriated capital assets funding and $950,000 in privately raised funds.
- Authorize an increase for the NDSU AES Research Greenhouse from $32,619,823 to $32,930,984, an increase of $311,161 from private funds.
- Ratify Chancellor’s interim authorization for UND to proceed with ADA compliance renovations to the entrance of West Hall, at a cost of $412,610 from housing reserves.
- Authorize UND to proceed with construction of phase 1 of an indoor practice facility with an estimated total cost of $13,500,000, to be funded from private funds. Furthermore, approve the attached resolution authorizing University of North Dakota Foundation to issue not more than $13,500,000 in University Facilities Bonds, Series 2013A, securing the Facilities’ Training Facility.
- Ratify Chancellor’s interim approval authorizing WSC to proceed with completion of Phase II of the Campus Drive project at a cost of up to $1,710,000 from 13-15 state appropriated capital assets funding.
- Ratify Chancellor’s interim approval authorizing WSC to proceed with Stevens Hall Renovation at a cost of up to $11,630,354 from 13-15 state appropriated capital assets funding.
• Authorize WSC to proceed with demolition of Dickson Hall, a 90-bed residence hall, at an estimated cost of $175,000, contingent upon the receipt of grant funding.

Diederich, Hjelmstad, Hull, Morton, Neset, Shaft, Reichert, and Espegard voted yes. The motion carried.

Academic Agenda

It was moved by Shaft, seconded by Neset, to accept by consent the following academic requests:

• NDSU – Institutional Organization – Center in Leadership Practice
• NDSU – Program Approval – Ph.D. in Couple and Family Therapy
• NDSU – Program Approval – Minor in Managerial Psychology
• NDSU – Program Terminations – Certificates in Marketing and Human Resources Management
• UND – Program Approval and Distance Learning Credit Activities – Earth System Science and Policy Minor in Sustainability Studies
• UND – Program Approval and Distance Learning Credit Activities – Earth System Science and Policy Minor in Sustainability Studies
• UND – Program Approval and Distance Learning Credit Activities – Earth System Science and Policy Minor in Sustainability Studies
• UND – Change in Department Title
  o FROM: Department of Indian Studies
  o TO: Department of American Indian Studies
• VCSU – Program Approval and Distance Learning Credit Activities – Concentration in Elementary Education within M.Ed. program
• VCSU – Program Approval and Distance Learning Credit Activities – Concentration in English Education within M.Ed. program
• WSC – Program Termination – Certificate of Completion in American Studies

Hjelmstad, Hull, Morton, Neset, Reichert, Shaft, Diederich, and Espegard voted yes. The motion carried.

Board Policy Manual Revisions

Ms. Holloway gave an overview of the proposed policy revisions. She explained that the deletions under Policy 302 are a follow-up to the Board’s decision to disband its committees. Policy 305.1 was first read in May, and has returned for a second reading to include a redlined version of the revised policy. The impetus for the revision stems from dissatisfaction with the September revision of the same policy. Ms. Holloway stated that she has worked with presidents in a series of Cabinet meetings to gather input, and noted that this revision is the consensus of the Cabinet. She explained that a number of presidents asked to have no upper limit to the number of years for a contract, though this was not ultimately recommended. The policy, if adopted, would apply to ongoing contractual relationships after the conclusion of the current review process.

It was moved by Shaft, seconded by Hjelmstad, to accept by consent the proposed deletion of the following policies:

• Policy 302.10: Executive Committee
• Policy 302.11: Academic Affairs Committee
• Policy 302.12: Audit Committee

Hull, Morton, Neset, Reichert, Shaft, Diederich, Hjelmstad, and Espegard voted yes. The motion carried.

Ms. Holloway described that the 305.1 policy revision lengthens presidential appointments on subsequent contracts from 1 year to 1 to 3 years, and provides retreat rights.
It was moved by Shaft, seconded by Neset, to approve the proposed revisions to Policy 305.1: College and University Presidents’ Authority and Responsibilities. Morton, Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, and Espegard voted yes. The motion carried.

Ms. Holloway next explained the proposed new policy regarding student due process requirements. Students had requested an evaluation about the process of conducting student disciplinary hearings. Ms. Holloway stated her intent to have a high-level system policy laying out minimum legal requirements, while allowing institutions to tailor their policies in more detail. She requested and recommended that the policy’s effective date would be August 1, 2014, to give schools time to incorporate this policy into their own policy. Ms. Johnson added that immediate implementation would render obsolete institutions’ related publications to students. The delayed effective date would give time to the NDSA and campuses to apprise students of the policy. The proposed policy has been reviewed and assented to by the NDSA, SAC, AAC, Cabinet, and Due Process Task Force, she concluded.

It was moved by Shaft, seconded by Morton, to approve the proposed new Policy 514: Due Process Requirements, with an effective date of August 1, 2014. Neset, Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, and Espegard voted yes. The motion carried.

Ms. Holloway noted that the revision to Policy 608.2 was generated through Cabinet. The policy was revised in September to provide for a shorter payout period for employees terminated without cause. When the revised policy was approved in September, Ms. Holloway continued, there was discussion to the effect that current employees would be grandfathered under the previous version of the policy, but that intent was not written into the policy. After conversations with the Cabinet, the NDUS has proposed a revised policy adding a paragraph explaining the grandfathering of employees who began with the NDUS prior to the September policy change.

It was moved by Shaft, seconded by Neset, to approve the proposed revisions to Policy 608.2: NDUS Employees – Non-renewal and Dismissals. Reichert, Shaft, Diederich, Hjelmstad, Hull, Morton, Neset, and Espegard voted yes. The motion carried.

Ms. Franzen explained the proposed revisions to human resources policies. The change is relatively small, she stated, but important to the HLC. The revisions address the situation in which an employee takes leave and works extra hours within the same week. Previously, Ms. Franzen noted, an employee would receive overtime pay in that situation; the policy recommendations are to offset leave and overtime hours. Ms. Hoffarth noted that this recommendation has been discussed at length; she thanked human resources directors for adding provisions that closures outside of employees’ control would not count against employees’ leave. Ms. Franzen noted that the revised policy is consistent with the way other state agencies handle issues. Ms. Glatt asked for an effective date at beginning of the payroll period, which would be July 1.

It was moved by Shaft, seconded by Neset, to approve, with an effective date of July 1, 2013, the proposed revisions to the following policies:

- NDUS Human Resource Policy 6: Annual Leave
- NDUS Human Resource Policy 7: Sick Leave
- NDUS Human Resource Policy 12: Overtime
Shaft, Diederich, Hjelmstad, Hull, Morton, Neset, Reichert, and Espegard voted yes. The motion carried.

Presidents’ Comments
President Nadolny stated that he is grateful for the Board’s help in past fiscal year, and looks forward to future, encouraged by the selection of President Skogen as interim chancellor. Dr. DiLorenzo described the day’s meeting as excellent, and expressed his eagerness to working with the Board, institution presidents, and other provosts. President Shirley noted that the Rhoades Science Center will have an open house and ribbon-cutting ceremony on October 4; the center will be VCSU’s first new academic building in forty years. President Richman announced the September 20 opening of NDSCS’s diesel expansion building, adding 65,500 square feet to provide NDSCS with 125,000 total square feet for diesel technology instruction. The space is the most for a program of this type in North America.

President Espegard noted that the Board will need to hold special meetings to advance the interim chancellor search. Ms. Hoffarth and President Espegard thanked Mr. Hull for his year of service to the Board.

The meeting adjourned at 1:34 p.m.