North Dakota Board of Higher Education  
Meeting Notice and Agenda  
March 26, 2015

The State Board of Higher Education meeting on Thursday, March 26, 2015 will begin at 12:15 p.m. CDT at Bismarck State College, NECE building, EGC 335, 1200 Schafer Street, Bismarck, ND 58506. The live video stream can be viewed at: http://www.ndus.edu/board/live-stream/.

1. Approval of Agenda

Call to Order

Board Business
2. Discussion on HB1003/Legal Services and Action, if required – Mr. Thomas Trenbeath
3. Discussion on HB1003/Audit Services and Action, if required – Mr. Robert Peterson
4. Change SBHE Retreat Dates to June 24-25, in Fargo
5. Approve Dr. Doug Darling, President, Lake Region State College; Mary Hager, Vice President for Financial Affairs, University of Mary; and Bob Mason, BSC/NDSU student to the State Grant Advisory Board
6. Approve Honorary Degrees
7. Minard Hall litigation update and executive session pursuant to North Dakota Century Code sections 44-04-19.1 and 44-04-19.2, for the purposes of (1) attorney consultation and (2) discussion of negotiation strategy and providing negotiating instructions in connection with mediation and potential settlement of pending litigation, specifically those cases involving the December 2009 collapse of Minard Hall, a building located on the campus of North Dakota State University. An executive session is necessary to protect the bargaining position of the State Board of Higher Education in these cases.

The executive session shall be limited to: (1) members of the Board, including the faculty advisor to the Board and the staff senate advisor to the Board, and Board support staff; (2) NDUS Chancellor, NDUS Chief of Staff, and NDSU General Counsel; (3) NDSU President, Vice President for Finance and Administration, Budget Director, Facilities Management Director and litigation attorney; and (4) Executive Assistant to the SBHE.

Pursuant to the cited laws, the SBHE may go into an executive session after first convening in an open meeting and passing a motion to hold an executive session, stating the topic or topics to be discussed and the legal authority for holding the executive session.

6(a) Reconvene and take appropriate action following executive session

SBHE Budget and Finance Committee Recommendations – Chair Morton
8. Committee Consent:
   I. Approve to request increased authorization from $5,510,000 to $5,754,484, an increase of $244,484 for the MaSU Health and Physical Education Recreation (HPER) facility, to be funded from the SBHE 13-15 capital contingency fund; and, further authorize transfer of $244,484 from the SBHE capital project contingency fund to MaSU.

   II. Approve an amendment to Engrossed HB 1003 to seek authorization for additional non-state funded projects.
III. Approve increase for DCB Thatcher Hall Mechanical Upgrades from $769,500 to $798,694, an increase of $29,194 from state appropriated funds. Further, authorize DCB to request a $29,194 general fund appropriation from the 64th legislative assembly for the additional funds for Thatcher Hall Mechanical Upgrades as well as a $36,800 state general fund appropriation for maintenance replacement of a water heater in Thatcher Hall.

9. Other Facility Consent:

I. Authorization to extend the 2009 approval of the Master Governmental Lease-Purchase Agreement (No. 337298) with Wells Fargo Bank, N.A., subject to a maximum financing rate of 7%. The Master Governmental Lease-Purchase Agreement (No. 337298) shall be effective until terminated in writing by the chancellor.

II. Ratify Chancellor’s interim approval to proceed with MaSU Health and Physical Education Recreation (HPER) Facility, at $5,510,000 from 2013-15 general fund appropriations.

III. Authorize UND to proceed with installation of fire protection systems in Bek Hall, a residence hall facility, at an estimated cost of $1,575,000 to be funded from local funds.

IV. Authorize UND to proceed with general renovation work including electrical upgrades to the existing campus electrical distribution infrastructure (circuit 4) at an estimated cost of $825,000 to be funded from 13-15 state capital assets funding.

V. Authorize UND to proceed with installation of replacement elevators within the existing School of Medicine and Health Sciences (SMHS), at an estimated cost of $800,000 to be funded from 13-15 state capital assets funding.

VI. Authorize NDSU to increase Stevens Hall partial renovation by $370,000 from $750,000 to $1,120,000, to be funded with $135,173.36 of 2013-15 extraordinary repair funds and $234,826.64 from FY14 appropriated capital project designated reserves per SBHE policy 810.1.

VII. Authorize NDSU to proceed with the Expansion and Partial Reconstruction of R Lot at an estimated cost of $1,150,000 to be funded from Parking local funds.

VIII. Authorize NDSU to proceed with Phase 1 of the Bentson Bunker Fieldhouse Mechanical and Electrical systems upgrade at an estimated cost of $755,000 to be funded from FY14 appropriated capital project designated reserves per SBHE policy 810.1.

IX. Authorize MaSU to proceed with the partial renovation of Lewy Lee Fieldhouse in the amount of $429,000 to be funded from $154,000 13-15 state deferred maintenance pool funding $275,000 from FY14 appropriated capital project designated reserves per SBHE policy 810.1.
SBHE Academic and Student Affairs Committee Recommendations – Chair Reichert

10. Committee Consent:

I. Stage II -- New Programs

II. Stage II – Organizational Change
   a) Mayville State University’s request for an organizational change: From Division of Education and Psychology to Division of Education, effective fall 2016.
   b) North Dakota State University’s request for an organizational change: From College of Pharmacy, Nursing, and Allied Science to College of Health Professions, effective spring 2015.
   c) North Dakota State University’s request for an organizational change: From Department of Nursing to School of Nursing, effective spring 2015.
   d) North Dakota State University’s request for an organizational change: From College of Pharmacy to School of Pharmacy, effective spring 2015.
   e) North Dakota State University’s request for an organizational change: From MPH Master of Public Health program housed within Department of Pharmacy Practice to Department of Public Health (stand-alone department), effective spring 2015.
   f) University of North Dakota’s request for an organizational change to establish a new department: Department of Basic Science, effective summer 2015.
   g) University of North Dakota’s request for an organizational change to establish a new department: Department of Geriatrics, effective summer 2015.
   h) University of North Dakota’s request for an organizational change to establish a new department: Department of Medical Laboratory Science, effective summer 2015.
   i) University of North Dakota’s request for an organizational change to establish a new department: Department of Neurology, effective summer 2015.
   j) University of North Dakota’s request for an organizational change to establish a new department: Department of Physician Assistant Studies, effective summer 2015.
   k) University of North Dakota’s request for an organizational change to establish a new department: Department of Population Health, effective summer 2015.
   l) University of North Dakota’s request for an organizational change to establish a new department: Department of Psychiatry and Behavioral Science, effective summer 2015.
   m) University of North Dakota’s request for an organizational change to terminate a department: Department of Anatomy and Cell Biology, effective summer 2015.
   n) University of North Dakota’s request for an organizational change to terminate a department: Department of Biochemistry and Molecular Biology, effective summer 2015.
   o) University of North Dakota’s request for an organizational change to terminate a department: Department of Clinical Neuroscience, effective summer 2015.
   p) University of North Dakota’s request for an organizational change to terminate a department: Department of Microbiology and Immunology, effective summer 2015.
   q) University of North Dakota’s request for an organizational change to terminate a department: Department of Pharmacology, Physiology, and Therapeutics, effective summer 2015.
**Board Policy**
First Reading
11. Policy 840 – Contract Review

Second Reading None

Policies Under Review
- Policy 340.2 – Foundations
- Policy 918 – Alcoholic Beverages on Campus
- Policy 611.10 – Employee Responsibility and Activities: Theft, Fraud, Abuse and Waste

**Reports and Public Comment**
12. Board Chair’s Report – Board Chair Hjelmstad
13. Interim Chancellor’s Report – Interim Chancellor Skogen
   - Introduction to Evolving Mission Responsiveness Discussion
   - UND/WSC Discussions
14. Institutional Reports
15. North Dakota Student Association Report – Zachary Niebuhr
17. Staff Senate Report – Emma Tufte
18. Public Comment

**Board Discussion Concerning Assessment of Meeting and Potential Future Agenda Items**

**Adjourn**

Future Board Meetings
- April 14, 2015 – BSC (Chancellor Search Special Meeting )
- April 30, 2015 – BSC
- May 14, 2015 – BSC (Chancellor Search Special Meeting)
- May 28, 2014 – BSC

Contact Kristie Hetzler (701) 328-2966 or Kristie.hetzler@ndus.edu prior to the scheduled meeting date if auxiliary aids or services are needed.
1. **Issue:** Change of dates for the 2015 SBHE retreat

2. **Proposed motion:** Motion to reschedule the July 2015 SBHE meeting to June 24 (business meeting and new member orientation) and 25 (retreat) at Microsoft, 3900 Great Plains Dr. S., Fargo, ND 58104.

3. **Background:** On October 2, 2014, the annual SBHE meeting schedule was approved for 2015, which included the Board retreat scheduled for July 29 and 30, 2015. Several Board members are unavailable on those dates due to other obligations. Mr. Morton has offered to hold the retreat at Microsoft in Fargo.

4. **Financial implications:** None

5. **Academic implications:** None

6. **Legal/policy issues:** None

7. **Review Process:**
   - Mr. Don Morton
   - Chancellor’s senior staff

8. **Enclosures:** N/A

9. **Contact person:** Kristie Hetzler can be contacted for additional information at [Kristie.Hetzler@ndus.edu](mailto:Kristie.Hetzler@ndus.edu) or 701-328-2966.

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** Approve recommended members to the State Grant Advisory Board.

2. **Proposed motion:** Motion to approve Dr. Doug Darling, President, Lake Region State College; Mary Hager, Vice President for Financial Affairs, University of Mary; and Bob Mason, BSC/NDSU student to the State Grant Advisory Board.

3. **Background:** N.D.C.C. 15-62.2-03 established the North Dakota student financial assistance program advisory board to advise the State Board of Higher Education (SBHE) all matters relating to the program and to act as a liaison between the SBHE and participating institutions.

4. **Financial implications:** None.

5. **Academic implications:** None.

6. **Legal/policy issues:** The board membership, as set by statute, requires three practicing financial aid officers, one chief administrator of a postsecondary education institution, one chief fiscal officer of a postsecondary education institution, one full-time secondary school counselor and one student enrolled full-time at a postsecondary institution. No single institution may provide more than one member. Representatives are asked to serve two consecutive terms of 3 years, with the exception of the student member. Current standing members include the following individuals and their terms:
   - Sandy Klein, Dickinson State University, Financial Aid Director (2012/13–2017/18)
   - Valerie Heilman, Dakota College Bottineau, Financial Aid Director (2011/12–2016/17)
   - Steve Martin, Magic City Campus Counselor, Minot, ND (2012/13-2017/18)

   The positions of chief administrator, chief fiscal officer and student member are vacated for the 2015-16 academic year. Dr. Doug Darling will be replacing Dr. John Richman of NDSCS as chief administrator. Dr. Richman sat on the board for six years (2009/10-2014/15). Mary Hager will be replacing Steve Bensen of Mayville State in the role of chief fiscal officer. Steve sat on the board for four years (2011/12-2014/15). Bob Mason will be replacing Mikayla Greely as the student member. Bob is completing his education at BSC in spring 2015 and will be transferring to NDSU in fall 2015 to continue his undergraduate education. Ms. Greely is continuing her education at UND in the Master in OT program. She sat on the board in the 2014/15 academic year. All candidates have expressed their willingness and desire to participate in the State Grant Advisory Board.

7. **Review Process:** Brenda Zastoupil, NDUS Director of Financial Aid.

8. **Enclosures:** None.

9. **Contact person:** Brenda Zastoupil, NDUS Director of Financial Aid.

10. **Chancellor’s Recommendation:** Approve.
1. **Issue:** The North Dakota State College of Science (NDSCS) has submitted a request to award two honorary Associate degrees. The University of North Dakota (UND) has submitted a request to award three honorary Doctorate of Letters degrees.

2. **Proposed actions:** Approve the request of the North Dakota State College of Science to award two honorary Associate degrees and the request of the University of North Dakota to award three honorary Doctorate of Letters degrees.

3. **Background information:** Information on the honorary degree candidates will be presented at the 26 March 2015 State Board of Higher Education meeting.

4. **Financial implications:** n/a.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy authorizes institutions to award honorary degrees at the degree levels for which the institution has been approved. The award of an honorary degree may not be made until approved by the Board. SBHE Policy 430.1(4) states “In order to avoid any embarrassment, no suggestion shall be made to any person to be so honored until the Board has acted.” SBHE Policy 430.1(6) identifies the Associate degree and Doctorate of Letters degree as appropriate honorary degrees. SBHE Policy 430.1(2) indicates that the Board may award honorary degrees upon recommendation of the President of the institution and concurrence of the Chancellor.

6. **Academic issues:** n/a

7. **Coordination:** n/a

8. **Attachments:** n/a

9. **Contact information:** Richard M. Rothaus, Ph.D., Director of Academic Programs, Research and Accreditation, NDUS. Ph: 701-328-2965 / email: richard.rothaus@ndus.edu.

10. **Chancellor’s recommendation:** Approval of the request of the North Dakota State College of Science to award two honorary Associate degrees and the request of the University of North Dakota to award three honorary Doctorate of Letters degrees.
1. **Issue:** Requested executive session concerning Minard Hall, NDSU.

2. **Proposed motion:** The proposed motion is:

   Move to meet in executive session pursuant to North Dakota Century Code sections 44-04-19.1 and 44-04-19.2, for the purposes of (1) attorney consultation and (2) discussion of negotiation strategy and providing negotiating instructions in connection with mediation and potential settlement of pending litigations, specifically those cases involving the December 2009 collapse of Minard Hall, a building located on the campus of North Dakota State University. An executive session is necessary to protect the bargaining position of the State Board of Higher Education in these cases.

   The executive session shall be limited to: (1) members of the SBHE, including the faculty advisor and the staff senate advisor; (2) NDUS Chancellor, Chief of Staff, and General Counsel - Fargo; (3) NDSU President, Vice President for Finance and Administration, Budget Director, Facilities Management Director and litigation attorney; and (4) Executive Assistant to the SBHE and SBHE support staff.

3. **Background:** The collapse of Minard Hall in December 2009 led to the following lawsuits, all venued in Cass County District Court, Fargo:

   - North Dakota State University, Plaintiff, vs. State Fire and Tornado Fund of the North Dakota Insurance Department; Johnson Laffen Galloway Architects, Ltd; Heyer Engineering, P.C.; Northern Technologies, Inc.; Meinecke-Johnson Company and Earth Developers, Inc., Defendants;
   - State of North Dakota by and through the North Dakota State Board of Higher Education and North Dakota State University, Plaintiff, vs. Johnson Laffen Galloway Architects, Ltd.; Heyer Engineering, P.C.; Northern Technologies, Inc.; Meinecke-Johnson Company and Earth Developers, Inc., Defendants;
   - Grant’s Mechanical, Inc., Plaintiff, vs. State of North Dakota, North Dakota Board of Higher Education and North Dakota State University, Defendants.

A mediation session involving all parties is scheduled for April 6. The executive session will provide an opportunity for the SBHE to provide settlement guidance and instructions to the NDUS General Counsel - Fargo and NDSU litigation attorney.
4. **Financial implications:** To be determined by the SBHE in executive session.

5. **Academic implications:** N/A

6. **Legal/policy issues:** Pursuant to N.D.C.C. 44-04-19.1 and 44-04-19.2, the SBHE may meet in executive session after first convening in an open meeting and passing a motion to hold an executive session, stating the topic or topics to be discussed and the legal authority for holding the executive session. The executive session will be recorded and all participants are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to the attorney or negotiator.

7. **Review Process:**
   - Christopher Wilson, NDUS General Counsel - Fargo
   - Murray G. Sagsveen, Chief of Staff and Director of Legal Services

8. **Enclosures:** None.

9. **Key contact person(s) concerning issue:** Christopher Wilson, NDUS General Counsel - Fargo, 701-231-7215, christopher.s.wilson@ndus.edu.

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** MaSU requests increased authorization for the HPER project using SBHE capital contingency funds. Contingency funds will restore a portion of the lost functionality created by reducing the project size and scope in order to meet budget requirements.

2. **Proposed motion:** Request increased authorization from $5,510,000 to $5,754,484, an increase of $244,484 for the MaSU Health and Physical Education Recreation (HPER) facility, to be funded from the SBHE 13-15 capital contingency fund; and, further authorize transfer of $244,484 from the SBHE capital project contingency fund to MaSU.

3. **Background:** The reduction in scope necessary to meet the $5,510,000 original project base budget included removal of a teaching lab, practice facility space, and HPER (academic function) locker room. Contingency funds will partially restore functions included within the teaching lab and practice facility, specifically: 1) an up-to-date training lab, 2) classroom sound system, and 3) protective flooring in the Fitness & Weight Room. The HPER locker room will not be replaced. Overall, MaSU was able to retain the original functionality and original stated purpose of the project.

4. **Financial implications:** None

5. **Academic implications:** Partial restoration of lost functionality will enhance the HPER program well beyond what was provided for in the base project.

6. **Legal/policy issues:** None

7. **Review Process:** Reviewed by Glatt, Tonder.

8. **Enclosures:** (agenda item and related material)

9. **Contact person:** Steven P. Bensen, VP for Business Affairs, MaSU. 701-788-4755 or steve.bensen@mayvillestate.edu
10. Chancellor’s Recommendation: Approve
1. **Issue:** Section 6 of Engrossed HB1003 would amend N.D.C.C. 15-10-12.1 to require legislative approval of all capital projects costing $385,000 or more (except those funded from state appropriated capital project or extra-ordinary repair funds), including those funded solely from local institutional funds. This request is to seek an amendment to Engrossed HB1003 to include local fund projects if section 6 is not removed from the bill.

2. **Proposed motion:** Approve an amendment to Engrossed HB1003 to seek authorization for following additional non-state funded projects if the bill includes an amendment to N.D.C.C. 15-10-12.1 to require legislative approval of the projects:

   - WSC Teton "Marsh" Wetland $1,500,000 private funds
   - WSC Stevens Hall 2nd floor renovation $ 400,000 private funds
   - WSC Frontier Hall repair $ 400,000 local funds
   - WSC Crighton Hall renovation $ 400,000 private funds
   - UND EERC Fuel Storage $ 700,000 federal funds
   - NDSU R Lot Phase II reconstruction $1,600,000 local funds
   - NDSU AR lot reconstruction $ 550,000 local funds
   - NDSU Memorial Union Dining expansion $1,450,000 local funds
   - NDSU RDC Kitchen Renovation & Roof $2,000,000 local funds
   - NDSU Reed Hall Low Rise Lav Phase V $1,300,000 local funds
   - NDSU health plan partial boiler tube replace $ 400,000 local funds $200,000 State funds $200,000

3. **Background:** Historically, legislative approval (full legislature or Budget Section) was required for projects costing $385,000 or more, if funded from gifts, grants or bequests. The statute is being amended to also include projects funded from local institutional sources (e.g. parking revenues, residence hall or dining services revenues, utility sales, etc.). Thus, full legislative approval or during the interim, Budget Section, approval would be required for these projects funded 100% from local funds.

4. **Financial implications:** Required approvals may cause project delays, as projects if not authorized during the legislative session, would have to be scheduled around Budget Section meeting dates. This would make it difficult, at times, to schedule work during the summer term during other narrow construction seasons or to address emergency situations.

5. **Academic implications:** Poorly scheduled projects could disrupt business operations during inopportune times.

6. **Legal/policy issues:** If HB1003 includes the proposed amendment to N.D.C.C. 15-10-12.1, legislative approval will be required for the projects listed in paragraph 2.

7. **Review Process:**
   - Laura Glatt, Vice Chancellor for Administrative Affairs
• Rick Tonder, NDUS Director of Facilities Planning
• Murray Sagsveen, NDUS Chief of Staff

8. **Enclosures:** Amended non-state funded projects recommended for inclusion in 2015-17 budget request

9. **Contact person:** Rick Tonder, NDUS Director of Facilities Planning, 701-777-4270 or rick.tonder@ndus.edu

10. **Chancellor’s Recommendation:** Recommend approval.

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1. **Issue:** Costs for the [DCB Thatcher Hall Mechanical](#) Upgrade project have exceeded the available appropriations and legislative authorization. Although this project was eligible for contingency pool funding, the amount available was transferred to the companion generator project at DCB when costs for that project exceed available funds. In addition, a water heater failure, at the same time, resulted in maintenance repairs which also exceed available maintenance funds. DCB requests approval to seek additional state authorization and funding to cover the shortfall.

2. **Proposed motion:** Approve increase for DCB Thatcher Hall Mechanical Upgrades from $769,500 to $798,694, an increase of $29,194 from state appropriated funds. Further, authorize DCB to request a $29,194 general fund appropriation from the 64th legislative assembly for the additional funds for Thatcher Hall Mechanical Upgrades as well as a $36,800 state general fund appropriation for maintenance replacement of a water heater in Thatcher Hall.

3. **Background:** Bids for the Thatcher Hall Mechanical Upgrade project were accepted without recognizing professional design fees in the total project cost and therefore, total project costs exceeded available funding. Replacement of the water heater was necessary to maintain domestic hot water supply. The municipal water supply at Bottineau is very corrosive and greatly reduces the life of plumbing systems. Component failure is often unpredictable. The water heater replacement was completed by the same contractor who was on site at the time of the failure.

4. **Financial implications:** Both projects have expenditures exceeding available resources. DCB has indicated no other source of funds is available to pay for the $65,994 shortfall, without jeopardizing other campus needs.

5. **Academic implications:** None

6. **Legal/policy issues:** SB2003 (2013) appropriated $769,500 in state general funds for this project. Further, the legislation allocated a portion of all state funded projects to a contingency fund to be allocated by the SBHE to an institution “if the lowest acceptable bid received for a capital project exceeds the legislative appropriation provided for the project.” Proper capital project budget planning and monitoring tools were not in place at DCB, and thus, appropriate SBHE and legislative approvals were not attained. This issue is being corrected for any future projects at DCB, in part through a staffing change, and also through assistance through the NDUS Facilities Planning Division.

7. **Review Process:** Reviewed by Glatt, Tonder.
8. **Enclosures:** (agenda item and related material)

9. **Contact person:** Dr. Ken Grosz, Dean, DCB at 701-228-5431 or at ken.grosz@dakotacollege.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Extension of the *Master Governmental Lease-Purchase Agreement* with Wells Fargo Bank.

2. **Proposed motion:** Move to extend the 2009 approval of the *Master Governmental Lease-Purchase Agreement* (No. 337298) with Wells Fargo Bank, N.A., subject to a maximum financing rate of 7%. The *Master Governmental Lease-Purchase Agreement* (No. 337298) shall be effective until terminated in writing by the chancellor.

3. **Background:** The SBHE approved the following motion on May 14, 2009:

   Approve a new North Dakota University System master lease-purchase agreement with Wells Fargo Brokerage Services, for an initial term of five years, subject to terms as set out in the Wells Fargo Brokerage Services Governmental Lease-Purchase Agreement and subject to necessary and appropriate revisions and edits to that document recommended by legal counsel and approved by the chancellor, and also subject to a maximum financing rate of 7%.

   Chancellor Goetz signed a *Master Governmental Lease-Purchase Agreement* with Wells Fargo Brokerage Services, LLC, on May 21, 2009.

   Chancellor Goetz re-signed a *Master Governmental Lease-Purchase Agreement* (No. 337298) with Wells Fargo Bank, N.A., on July 27, 2011, apparently to simply transfer the agreement from Wells Fargo Brokerage Services, LLC, to Wells Fargo Bank, N.A.

   The initial motion was effective for five years, so it expired in 2014. The proposed motion would extend the Master Governmental Lease-Purchase Agreement (No. 337298) until terminated by the Chancellor.

4. **Financial implications:** The extended agreement would be subject to a maximum financing rate of 7%.

5. **Academic implications:** N/A.

6. **Legal/policy issues:** None.

7. **Review Process:**
   - Murray G. Sagsveen, Chief of Staff and Director of Legal Services
   - Christopher Wilson, NDUS General Counsel - NDSU
8. Enclosures:

9. Key contact person(s) concerning issue: Murray G. Sagsveen, NDUS Chief of Staff and Director of Legal Services.

1. **Issue:** MaSU requests authorization to proceed with its HPER replacement project funded by 2013-15 general fund appropriation.

2. **Proposed motion:** Ratify Chancellor’s interim approval to proceed with the MaSU Health and Physical Education Recreation (HPER) Facility Replacement Project, at $5,510,000 from 2013-15 general fund appropriations.

3. **Background:** The project has two components. (1) Raze the 1929 Old Gymnasium Building. The 14,000 sq. ft. building is in poor condition and is a safety concern. (2) Construct a building which will replicate and expand the functional component areas of the Old Gymnasium, and provide additional instructional lab/practice space.

   Original plans for this project were initiated as a design-bid-build endeavor for which base bids received exceeded the available appropriation and contingency. As a result, MaSU solicited proposals for a Construction Manager at Risk (CMaR) as per NDCC 48-01.2, and redesigned the project to reduce it in size by approximately 55% to 17,000 square feet by eliminating an instructional lab, practice facility area, and locker room. The change in project scope resulted in cost reductions sufficient for MaSU to proceed; however, MaSU was able to retain the original functionality and original stated purpose of the project.

   MaSU intends to apply for the full amount ($244,484) of SBHE contingency funds allocated for this project. The additional funding will allow MaSU to restore a portion of the functionality that was lost due to the removal of the instructional lab and practice facility noted above. The request for contingency appropriation will be forthcoming later in March pending the execution of the Guaranteed Maximum Price amendment (GMP).

4. **Financial implications:** Subsequent request for $244,484 in SBHE contingency funds forthcoming.

5. **Academic implications:** Although original goals for the HPER facility were scaled back, the project retains significant benefit for the program and will improve retention and recruitment at MaSU

6. **Legal/policy issues:** None
7. **Review Process:** Reviewed by Glatt, Tonder.

8. **Enclosures:** (agenda item and related material)

9. **Contact person:** Steven P. Bensen, VP for Business Affairs, MaSU 701-788-4755 or steve.bensen@mayvillestate.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** UND plans to install a fire protection system within **Bek Hall**, a residence hall, in the summer of 2015.

2. **Proposed motion:** Authorize UND to proceed with installation of fire protection systems in Bek Hall, a residence hall facility, at an estimated cost of $1,575,000 to be funded from local funds.

3. **Background:** Bek Hall is the fourth residence hall fire protection system installation project that UND has undertaken since 2009. Other residence facilities outfitted with fire protection systems include Squires Hall, Walsh Hall and Johnstone Hall.

4. **Financial implications:** All funds for this project will be from Housing and Auxiliary Facilities System excess reserves designated for plant improvements, and are sufficient and available for this project, and contain no unrestricted gift funds.

5. **Academic implications:** None

6. **Legal/policy issues:** None

7. **Review Process:** Glatt / Tonder

8. **Enclosures:** SBHE agenda item

9. **Contact person:** Alice Brekke, VP for Finance and Operations, alice.brekke@und.edu, 701-777-3511

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** UND plans to upgrade its campus electrical distribution system (circuit 4) by August 2015.

2. **Proposed motion:** Authorize UND to proceed with general renovation work including electrical upgrades to the existing campus electrical distribution infrastructure (circuit 4) at an estimated cost of $825,000 to be funded from 13-15 state capital assets funding.

3. **Background:** The upgrade will replace aged underground electrical distribution cable and associated equipment. It will provide a more reliable portion of the distribution system for the campus and allow for better distribution of electrical load.

4. **Financial implications:** Authorize UND to proceed with general renovation work including electrical upgrades to the existing campus electrical distribution infrastructure (circuit 4) at an estimated cost of $825,000 to be funded from 13-15 state capital assets funding.

5. **Academic implications:** None

6. **Legal/policy issues:** None

7. **Review Process:** Glatt / Tonder

8. **Enclosures:** SBHE agenda item

9. **Contact person:** Alice Brekke, VP for Finance and Operations, alice.brekke@und.edu, 701-777-3511

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** UND plans to replace two elevators in the existing School of Medicine and Health Sciences (SMHS) building by December 2015.

2. **Proposed motion:** Authorize UND to proceed with installation of replacement elevators within the existing School of Medicine and Health Sciences (SMHS), at an estimated cost of $800,000 to be funded from 13-15 state capital assets funding.

3. **Background:** The SMHS passenger elevators are more than 60 years old and repairs parts are unavailable. SMHS is the third facility to undergo an elevator replacement project since 2013. Previous elevator replacements have taken place in Leonard Hall and Twamley Hall.

4. **Financial implications:** All funds for this project are derived from the 13-15 Deferred Maintenance Pool funds (Section 21, SB2003) distributed by the SBHE to UND.

5. **Academic implications:** None

6. **Legal/policy issues:** None

7. **Review Process:** Glatt / Tonder

8. **Enclosures:** SBHE agenda item

9. **Contact person:** Alice Brekke, VP for Finance and Operations, alice.brekke@und.edu, 701-777-3511

10. **Chancellor’s Recommendation:** Approve
1. **Issue**: Due to delays in construction schedule and costs exceeding estimates, NDSU seeks additional spending authorization for the Stevens Hall renovation.

2. **Proposed motion**: Authorize NDSU to increase Stevens Hall partial renovation by $370,000 from $750,000 to $1,120,000, to be funded with $135,173.36 of 2013-15 extraordinary repair funds and $234,826.64 from FY14 appropriated capital project designated reserves per SBHE policy 810.1.

3. **Background**: Renovation of Stevens Hall was approved by the SBHE in April, 2014 at $750,000. As work progressed, certain components could not be completed during the summer construction season and required postponement until the spring of 2015. The delay, along with repairs for unforeseen conditions, gave rise to increased repair costs for which this request seeks authorization to complete.

4. **Financial implications**: none

5. **Academic implications**: none

6. **Legal/policy issues**: none


8. **Enclosures**: (agenda item and related material)

9. **Contact person**: Bruce Bollinger, VP for Finance and Administration at bruce.bollinger@ndsu.edu, or 701-231-8412

10. **Chancellor’s Recommendation**: Approve
1. **Issue:** NDSU seeks to repair and reconstruct a portion of the R parking lot using Parking local funds. In addition, NDSU will increase the size of the lot by removing unusable tennis courts which are adjacent to the lot.

2. **Proposed motion:** Authorize NDSU to proceed with the Expansion and Partial Reconstruction of R Lot at an estimated cost of $1,150,000 to be funded from Parking local funds.

3. **Background:** The R lot sees substantial use from a number of athletic venues and subsequently now requires a major restoration in order to retain its long-term use. The majority of the project will involve reconstruction of the north half of R Lot. In addition, the project will allow expansion into the non-useable tennis courts directly adjacent to it, adding approximately 280 additional parking spots.

4. **Financial implications:** none

5. **Academic implications:** none

6. **Legal/policy issues:** none

7. **Review Process:** Reviewed by Glatt, Tonder.

8. **Enclosures:** (agenda item and related material)

9. **Contact person:** Bruce Bollinger, VP for Finance and Administration at bruce.bollinger@ndus.edu or 701-231-8412

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** NDSU must repair and upgrade the HVAC system in the Bentson Bunker Fieldhouse in order to maintain air quality requirements for this facility as well as reduce deferred maintenance needs.

2. **Proposed motion:** Authorize NDSU to proceed with Phase 1 of the Bentson Bunker Fieldhouse Mechanical and Electrical systems upgrade at an estimated cost of $755,000 to be funded from FY14 appropriated capital project designated reserves per SBHE policy 810.1.

3. **Background:** The Bentson Bunker Fieldhouse is a 1931 structure that has been renovated numerous times to accommodate various academic, athletic, and research functions. Through this time, the facility use (as well as updated code requirements) has outgrown the HVAC system, leading to this request for replacement.

4. **Financial implications:** none

5. **Academic implications:** Improvements to the air quality will have a significant impact on future academic and research operations within the facility.

6. **Legal/policy issues:** none

7. **Review Process:** Reviewed by Glatt, Tonder.

8. **Enclosures:** (agenda item and related material)

9. **Contact person:** Bruce Bollinger, VP for Finance and Administration, bruce.bollinger@ndsu.edu or 701-231-8412

10. **Chancellor’s Recommendation:** Approve
1. Issue: MaSU requests authorization to proceed with a renovation of the Lewy Lee Fieldhouse in order to add needed toilets, showers, and locker room space.

2. Proposed motion: Authorize MaSU to proceed with the partial renovation of Lewy Lee Fieldhouse in the amount of $429,000 to be funded from $154,000 13-15 state deferred maintenance pool funding $275,000 from FY14 appropriated capital project designated reserves per SBHE policy 810.1.

3. Background: Renovate 2,800 sq. ft. of office and classroom space into a football locker room. The classroom and office space will be relocated to the new HPER facilities building additions planned for construction beginning spring 2015. The project will gut the 1960 vintage building space, and construct toilet room, showers, locker spaces and team gathering space. Construction upgrades include mechanical, electrical and plumbing improvements and code upgrades.

4. Financial implications: None

5. Academic implications: None

6. Legal/policy issues: None


8. Enclosures: (agenda item and related material)

9. Contact person: Steven P. Bensen, Vice President for Business Affairs, at 701-788-4745 or steven.besen@mayvillestate.edu

10. Chancellor’s Recommendation: Approve
1. **Issue:** Dakota College at Bottineau (DCB) has submitted a Stage II request to offer a Certificate (C) and an Associate of Applied Science (A.A.S.) in **Aquaponics**, via on-campus and distance delivery, using CIP Code 01.0308, effective Fall 2015.

2. **Proposed actions:** Approve the Stage II request of Dakota College at Bottineau (DCB) to offer a Certificate (C) and an Associate of Applied Science (A.A.S.) in **Aquaponics**, via on-campus and distance delivery, using CIP Code 01.0308, effective Fall 2015.

3. **Background information:** The Aquaponics program will teach a combination of aquaculture and hydroponics to address state and regional need for sustainable agriculture. The program is being developed with an industry partner, Aspen Aquaponics. The students learning will be enhanced by the opportunity to run the Aquaponics activities as a business. The curriculum has been designed to use open education resources with multiple delivery methods to serve students who need flexible educational opportunities.

4. **Financial implications:** The program will be self-supporting. DCB will begin the program using an existing greenhouse while raising external funds for a larger greenhouse.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 403.1 *Program Approval* states: “Board approval is required for all new programs of study that designate a focused collection of instructional/learning activities the completion of which signifies a level of competence which the awarding institution so designates by a notation on the front of the student transcript.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 3 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.

10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
Summary of Proposed Action  
ND State Board of Higher Education  
Meeting – 26 March 2015

1. Issue: Mayville State University (MaSU) has submitted a Stage II request to rename the Division of Education and Psychology as Division of Education, effective Fall 2016.

2. Proposed actions: Approve the Mayville State University (MaSU) Stage II request to rename the Division of Education and Psychology as Division of Education, effective Fall 2016.

3. Background information: The new name better reflects the programs in the academic division. The Applied Psychology degree will be moved to the Division of Liberal Arts.

4. Financial implications: Not applicable.

5. Legal/policy issues: State Board of Higher Education (SBHE) Policy 307.1 Institutional Organization Notice and Approval states:
“1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

“2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. Academic issues: No academic issues were raised at the 6 February 2015 Academic Affairs Council (AAC) meeting.

7. Coordination: On 6 February 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. Attachments: The Stage II request is attached.

9. Contact information: Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.

10. Chancellor’s recommendation: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** North Dakota State University has submitted a Stage II request to rename the *College of Pharmacy, Nursing, and Allied Science* as *College of Health Professions*, effective Spring 2015.

2. **Proposed actions:** Approve the North Dakota State University Stage II request to rename the *College of Pharmacy, Nursing, and Allied Science* as *College of Health Professions*, effective Spring 2015.

3. **Background information:** The new name establishes discipline designation more in line with marketplace norms, and provides NDSU programs with the recognition and status need for their future success.

4. **Financial implications:** Not applicable.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 6 February 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 6 February 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.

10. **Chancellor's recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** North Dakota State University has submitted a Stage II request to rename the *Department of Nursing* as *School of Nursing*, effective Spring 2015.

2. **Proposed actions:** Approve the North Dakota State University Stage II request to rename the *Department of Nursing* as *School of Nursing*, effective Spring 2015.

3. **Background information:** The new name establishes discipline designation more in line with marketplace norms, and provides NDSU programs with the recognition and status need for their future success.

4. **Financial implications:** Not applicable.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 6 February 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 6 February 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.

10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
11. **SBHE Committee on Academic and Student Affairs recommendation**: The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue**: North Dakota State University has submitted a Stage II request to rename the *College of Pharmacy* as *School of Pharmacy*, effective Spring 2015.

2. **Proposed actions**: Approve the North Dakota State University Stage II request to rename the *College of Pharmacy* as *School of Pharmacy*, effective Spring 2015.

3. **Background information**: The new name establishes discipline designation more in line with marketplace norms, and provides NDSU programs with the recognition and status need for their future success.

4. **Financial implications**: Not applicable.

5. **Legal/policy issues**: State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues**: No academic issues were raised at the 6 February 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination**: On 6 February 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor's Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments**: The Stage II request is attached.

9. **Contact information**: Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.

10. **Chancellor's recommendation**: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** North Dakota State University has submitted a Stage II request to rename the *Master of Public Health (housed within the Department of Pharmacy Practice)* as *Department of Public Health*, effective Spring 2015.

2. **Proposed actions:** Approve the North Dakota State University Stage II request to rename the *Master of Public Health (housed within the Department of Pharmacy Practice)* as *Department of Public Health*, effective Spring 2015.

3. **Background information:** The new name establishes discipline designation more in line with marketplace norms, and provides NDSU programs with the recognition and status need for their future success.

4. **Financial implications:** Not applicable.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 6 February 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 6 February 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Basic Science* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Basic Science* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:

   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor's Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue**: The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Geriatrics* effective Summer 2015.

2. **Proposed actions**: Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Geriatrics* effective Summer 2015.

3. **Background information**: The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications**: This structural change has no significant associated costs.

5. **Legal/policy issues**: State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues**: No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination**: On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments**: The Stage II request is attached.

9. **Contact information**: Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. Chancellor’s recommendation: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. SBHE Committee on Academic and Student Affairs recommendation: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Medical Laboratory Science* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Medical Laboratory Science* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor's recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to establish the Department of Neurology effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to establish the Department of Neurology effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:
   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”
   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Physician Assistant Studies* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Physician Assistant Studies* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:

   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Population Health* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Population Health* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:

   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue**: The University of North Dakota (UND) has submitted a Stage II request to establish the *Department of Psychiatry and Behavioral Science* effective Summer 2015.

2. **Proposed actions**: Approve the Stage II request of the University of North Dakota (UND) request to establish the *Department of Psychiatry and Behavioral Science* effective Summer 2015.

3. **Background information**: The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications**: This structural change has no significant associated costs.

5. **Legal/policy issues**: State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:

   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues**: No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination**: On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments**: The Stage II request is attached.

9. **Contact information**: Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation**: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation**: The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to terminate the *Department of Anatomy and Cell Biology* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to terminate the *Department of Anatomy and Cell Biology* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 307.1 *Institutional Organization Notice and Approval* states:

   “1. Board approval is required to create, discontinue or name a school, college, center or institute. Institutions shall submit such requests, along with rationale and supporting information, to the Chancellor and the Chancellor shall forward the proposal to the Board with a recommendation.”

   “2. As used in this policy, ‘center or institute’ means a unit that has as a primary function or activity academic instruction, research, or service beyond the immediate campus community. The terms do not include space designations, or units that simply have the word ‘center’ in their title, or units that provide non-academic services, such as dining centers.”

6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to terminate the Department of Biochemistry and Molecular Biology effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to terminate the Department of Biochemistry and Molecular Biology effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

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10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to terminate the *Department of Clinical Neuroscience* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to terminate the *Department of Clinical Neuroscience* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

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10. **Chancellor’s recommendation**: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation**: The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. Issue: The University of North Dakota (UND) has submitted a Stage II request to terminate the *Department of Microbiology and Immunology* effective Summer 2015.

2. Proposed actions: Approve the Stage II request of the University of North Dakota (UND) request to terminate the *Department of Microbiology and Immunology* effective Summer 2015.

3. Background information: The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

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6. Academic issues: No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. Coordination: On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. Attachments: The Stage II request is attached.

9. Contact information: Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation:** The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation:** The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota (UND) has submitted a Stage II request to terminate the *Department of Pharmacology, Physiology, and Therapeutics* effective Summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota (UND) request to terminate the *Department of Pharmacology, Physiology, and Therapeutics* effective Summer 2015.

3. **Background information:** The developing strategic priorities of the UND School of Medicine and Health Sciences have resulted in a corresponding change in its organizational department structure. Five departments will be eliminated: Anatomy and Cell Biology; Biochemistry and Molecular Biology; Clinical Neuroscience; Microbiology and Immunology; and Pharmacology, Physiology, and Therapeutics. Seven department will be created: Basic Science; Geriatrics; Medical Laboratory Science; Neurology; Physician Assistant Studies; Population Health; and Psychiatry and Behavioral Science.

4. **Financial implications:** This structural change has no significant associated costs.

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6. **Academic issues:** No academic issues were raised at the 3 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 2 March 2015, the AAC voted unanimously to recommend that the Stage II request be reviewed by the Chancellor’s Cabinet and advanced to the SBHE Committee on Academic and Student Affairs/SBHE for approval.

8. **Attachments:** The Stage II request is attached.

9. **Contact information:** Sonia S. Cowen, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: sonia.cowen@ndus.edu.
10. **Chancellor’s recommendation**: The Chancellor’s Cabinet recommended approval of this request on 11 March 2015.

11. **SBHE Committee on Academic and Student Affairs recommendation**: The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 12 March 2015 to the SBHE for action.
1. **Issue:** Proposed amendments to [SBHE Policy 840](#) (Contract Review)

2. **Proposed motion:** Motion to amend SBHE Policy 840 as provided on the enclosed draft.

3. **Background:** Currently, contracts entered into by institutions and the system office must be reviewed by legal counsel or other qualified institution employee, with limited exceptions. The exceptions are “standard form contracts, including employment contracts, purchase orders and other standard forms, and documents that are substantially equivalent to documents previously reviewed and approved by legal counsel.” The internet has provided a multitude of options for various applications to be downloaded onto a user’s computer, some for free, or “freeware,” and others for purchase of the application or a license to use the application. Many of these require the user or purchaser to agree to terms and conditions set out in what is referred to as a “click through” agreement, which entails clicking on a box in the on-line agreement that user or purchaser agrees to terms and conditions of the associated agreement. The sheer magnitude of the numbers of these downloads and purchases throughout the NDUS precludes their review by legal counsel. The proposed amendments to Policy 840 will allow additional exceptions to contract review by legal counsel, to include template contracts reviewed in last two years; and contract documents relating to the purchase or use of software for less than $2,500, including freeware, providing that when entering into such agreements, the institutions and system office follow the procedures which are also directed to be established by this policy. Other amendments to the Policy are non-substantive, but are made for clarity and improved organization.

4. **Financial implications:** None.

5. **Academic implications:** The departments and instructors who seek to use or purchase small cost software and freeware for educational purposes will be able to do so on a timely basis, and not have their planned use unduly delayed by the requirement that each contract document be reviewed by legal counsel.

6. **Legal/policy issues:** The demand for software and freeware purchase and use far exceeds the capacity of legal counsel to review the “click through” agreements that are associated with the purchase or use of the software and various applications. Providing that the user or purchaser complies with the institution’s or system office’s established procedures for purchasing or using such products, and in light of the nature of the product that is being used (i.e., software), there is very minimal risk in agreeing to the terms and conditions of the contract documents absent review by legal counsel, and any risk is significantly outweighed by the benefit of being able to timely use those applications that the department or authorized employee has identified as important and sometimes necessary for academic or other appropriate institutional purposes.
7. **Review Process:**
   - Chancellor’s Cabinet
   - Chief Information Officers Council
   - Administrative Affairs Council.

8. **Enclosures:**
   - SBHE Policy 840 showing proposed amendments
   - Companion [NDUS Procedure 840](#) showing proposed amendments.

9. **Contact person:**
   - Lisa Feldner, Vice Chancellor for IT and Institutional Research
   - Cynthia Wagner Goulet, General Counsel, NDUS – Bismarck.

10. **Chancellor’s Recommendation:** Recommend approval