North Dakota Board of Higher Education  
Meeting Notice and Agenda  
September 3, 2015

The State Board of Higher Education will meet on Thursday, September 3, 2015, 8:30 a.m. CDT, Williston State College, Area Recreation Center (ARC), Board Room, 822 18th St E, Williston, ND 58801. The live video stream can be viewed at: http://www.ndus.edu/board/live-stream/.

Call to Order  
Approval of Agenda  
Approval of Meeting Minutes:  
- June 24, 2015  
- August 8, 2015

Approval of Chancellor Search Committee Meeting Minutes:  
- March 26, 2015  
- April 14, 2015  
- April 29, 2015  
- April 30, 2015

Chancellor Opening Remarks

Institutional Reports

Current Board Business:  
1. Demonstration of Predictive Analytics Reporting (PAR) – Feldner  
2. Update SBHE 2015-2020 Strategic Plan – Donlin  
   - Overview of tuition model – Glatt  
   - Consider Mission Responsiveness and Immediate Needs Programs – Rothaus  
3. Approve DCB Strategic Plan – President Shirley  
4. Approve Data Inconsistencies Charter – Feldner  
5. Update on DSU and UND Presidential Searches  
   - Appoint Ms. Kathleen Neset to the search committee for the next president of the University of North Dakota

Consent (other facility and finance):  
6. Ratify Chancellor’s interim authorization to proceed with reroofing and replacement of skylight in the North Dakota Museum of Art building located on the UND campus at an estimated cost of $950,000 to be funded from $190,000 from 13-15 deferred maintenance pool (SB2003) and $760,000 from 15-17 biennium one-time deferred maintenance funding (Section 2 HB1003).  
7. Ratify Chancellor’s interim authorization to increase spending authorization for ADA compliance renovations to the entrance of UND McVey Hall from $600,000 to $771,500, an increase of $171,500 to be paid from Housing and Auxiliary Facilities System excess reserves designated for plant improvements.  
8. Ratify Chancellor’s interim authorization for NDSU to proceed with construction of a Veterinary Diagnostic Lab to be built at the Main Station Research Center in Fargo, ND
for a total cost of $18,000,000 to be funded by Strategic Investment and Improvements Funds (SIIF) appropriated by the 64th Legislative Assembly in HB1020 (2015).

9. Ratify Chancellor’s interim approval authorizing LRSC to charge MN reciprocity students the MN reciprocity surcharge rate beginning Fall 2015.

10. Authorize North Dakota State College of Science to proceed with the Campus Water, Sewer Infrastructure Replacement project at a cost of $13,298,000 funded by 2015-17 capital assets funding.

11. Authorize VCSU to proceed with an addition to the VCSU W.E. Osmon Fieldhouse in the amount of $350,000 to be funded from 2015-17 extraordinary repair funds.

12. Authorize UND to raise funds to support the renovation of Chester Fritz Library to meet the needs of the student body, and to address major deferred maintenance needs.

**SBHE Academic and Student Affairs Committee Consent**


14. **Tenure Recommendation.**

15. **Approve TrainND Plan**

**SBHE Budget and Finance Committee:**

16. Review Williston State College Fees

**SBHE Audit Committee Consent:**

17. No consent and/or report.

**Board Policy:**

18. 1st Reading, Policy 302.4 – Councils
19. 1st Reading, Policy 506.1 – Immunizations
20. 1st Reading, Policy 514 – Due Process
21. 2nd Reading, HR Policy 8 – Worker’s Compensation

**Waive 1st Reading**

22. 2nd Reading, HR Policy 7 – Sick Leave
23. 2nd Reading, Policy 507 - Student Publications
24. 2nd Reading, Policy 603.2 – Equal Employment Opportunity
25. 2nd Reading, Policy 902.5 – Construction Process-Architects, Engineers and Construction Managers

**Public Comment**

26. Public Comment

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

**Future Board Meeting:** September 30, 2015 at Dickinson State University

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:** Strategic plan retreat review and proposed updates to the NDUS Edge, the State Board of Higher Education’s 2015-2020 strategic plan.

2. **Proposed motion:** Motion to approve revisions to the NDUS Edge, specifically to authorize the Chancellor to conduct studies to revisit the tuition model and reviewing campus missions.

3. **Background:** In October 2014, the Board approved its 2015-2020 strategic plan. At the June 2015 Board retreat, discussion focused on mission responsiveness to fill the workforce needs of the state, legislature relationships and new legislation, student attraction and retention, working as a system, and development of metrics to ensure plan advancement and as a tool to evaluate presidents’ effectiveness.

4. **Financial implications:** Implications of the current tuition model in the plan will be presented by Vice Chancellor Laura Glatt.

5. **Academic implications:** Implications of campus mission review will be presented by Interim Vice Chancellor Richard Rothaus.

6. **Legal/policy issues:** None at this time.

7. **Review Process:** Glatt will discuss tuition model review.

8. **Enclosures:** None.

9. **Contact person:** Linda Donlin, Vice Chancellor of Strategic Engagement, 701-328-2962, linda.donlin@ndus.edu

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** A motion and formal action from the SBHE indicating they support DCB’s strategic plan would be greatly appreciated.

2. **Proposed motion:** Move to support DCB’s 2015-2020 Strategic Plan.

3. **Background:** This Strategic Plan is an interim report that was to be submitted to the HLC (that was done earlier this summer). Attached is a letter from HLC in July. They were very complementary of the Plan. However, as you will note on the first page of the PDF (and reiterated on the last page), they have requested:

   An additional interim report is required and is to be submitted no later than October 1, 2015. The interim report should include 1) documentation showing institutional approval for the plan; 2) documentation showing system approval for the plan; and 3) the final draft of the plan, including any revisions that derive from College or system review.

4. **Financial implications:** Support is necessary to complete requests as stated by the HLC

5. **Academic implications:** Support is necessary to complete requests as stated by the HLC

6. **Legal/policy issues:** Support is necessary to complete requests as stated by the HLC

7. **Review Process:** This plan has been thoroughly developed and vetted by DCB faculty and staff.

8. **Enclosures:** [Letter from HLC, July 2015](#)

9. **Contact person:** Larry Brooks, Associate Dean for Academic Services
   Dakota College at Bottineau
   105 Simrall Blvd
   Bottineau, ND 58318
   701.228.5457

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Approve the charter to resolve system-wide data inconsistencies as prescribed in HB 1003.

2. **Proposed motion:** Move to approve Data Inconsistencies Charter, specifically to authorize the CIO and the NDUS Office to engage the resources necessary from campuses to resolve inconsistencies in definitions and data.

3. **Background:** A list of system-wide data inconsistencies was compiled in 2012 and prioritized in the fall of 2013. Work began on the prioritized list in 2014 with the number one item, Bio-Demo Sync, completed in December 2014. In April 2015, the SBHE Audit Committee supported the resolution of data inconsistencies elaborated in the SAO -NDUS Audit Governance and Report on Internal Control and Compliance – June 30, 2014. The data inconsistencies were identified in HB 1003 and passed by the 64th Legislature.

4. **Financial implications:** The project management component consists of contract with Eide Bailly for $150,000 and $10,000 for other expenses.

5. **Academic implications:** Academic policies and procedures will require modifications.

6. **Legal/policy issues:** Policy and procedure review will be required.

7. **Enclosures:** Data Inconsistencies Charter.

8. **Contact person:** Lisa Feldner, Interim Chief of Staff, Vice Chancellor of IT & IR, 701-328-1510, lisa.feldner@ndus.edu

9. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** UND seeks authorization to proceed with re-roofing the North Dakota Museum of Art building. The NDMOA is a UND-owned building leased to the NDMOA. UND is responsible for exterior maintenance of the facility, and so is using carry-over 13-15 deferred maintenance pool funding along with a special one-time funding appropriation allocation for this project identified in Section 2 of HB1003.

2. **Proposed motion:** Ratify Chancellor’s interim authorization to proceed with reroofing and replacement of skylight in the North Dakota Museum of Art building located on the UND campus at an estimated cost of $950,000 to be funded from $190,000 from 13-15 deferred maintenance pool (SB2003) $190,000 and $760,000 from 15-17 biennium one-time Museum of Art deferred maintenance funding (Section 2 HB1003).

3. **Background:** The NDMOA is the former women's gymnasium at UND constructed nearly 100 years ago using a clay-tile roofing system. The roof was modified with a skylight when converted to house the NDMOA. The historic nature of the building requires replacement with a similar roofing system which will be more integral with the skylight and resolve the roof leaks which are detrimental to its art gallery function.

4. **Financial implications:** None

5. **Academic implications:** None

6. **Legal/policy issues:** HB 1003 Section 2 specifies the one-time funding approved by the 63rd legislative assembly included within the appropriation for UND in Section 1 of HB 1003.

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

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

9. **Contact person:** Alice Brekke, VP for Finance and Operations – alice.brekke@und.edu

10. **Chancellor’s Recommendation:** Approve
1. Issue: Due to construction bids coming in significantly higher than original estimates (an increase of approximately $171,500), additional funding is required to complete the ADA compliance renovation project at UND’s McVey Hall.

2. Proposed motion: Ratify Chancellor’s interim authorization to increase spending authorization for ADA compliance renovations to the entrance of McVey Hall from $600,000 to $771,500, an increase of $171,500 to be paid from Housing and Auxiliary Facilities System excess reserves designated for plant improvements.

3. Background: On March 27, 2014, the SBHE approved UND’s request to proceed with ADA compliance renovations to the entrance of McVey Hall at an estimated cost of $600,000 to be funded with Housing and Auxiliary Facilities System excess reserves designated for plant improvements. Project includes construction of a new entrance to McVey Hall, a UND residence facility, whereby improvements will create an ADA compliant entrance. Scope of work includes construction of entrance doors, ramps, exterior modifications, interior modifications, and sundry electrical/mechanical modifications.

4. Financial implications: All costs for this project will be funded by Housing and Auxiliary Facilities System excess reserves designated for plant improvements, and are sufficient and available for the project.

5. Academic implications: There are no academic implications related to this project.

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:** NDSU is requesting authorization to proceed with construction of the Veterinary Diagnostic Lab project.

2. **Proposed motion:** Ratify Chancellor’s interim authorization for NDSU to proceed with construction of a Veterinary Diagnostic Lab to be built at the Main Station Research Center in Fargo, ND for a total cost of $18,000,000 to be funded by Strategic Investment and Improvements Funds (SIIF) appropriated by the 64th Legislative Assembly in HB1020 (2015).

3. **Background:** A new and modern facility to house the veterinary diagnostic laboratory (VDL) at NDSU should be a minimum of 20,000 square feet (current facility is approximately 8,000 square feet) and be designed to allow cost effective addition of laboratory space, as needed, to meet future testing demands (e.g. meat testing, analysis of feed and animal samples for petroleum residues, international export testing). A new VDL needs to have dedicated Biosafety Level 3 necropsy/laboratory space (including the ability to capture effluent) to safely address current and future public health threats and potential introductions of foreign animal diseases.

4. **Financial implications:** The project is fully funded by appropriations, and includes no other legislative requirements for matching funds or funding from other institutional sources which may have a negative impact on NDSU. Future annual operating costs are estimated to be $50,000 and are derived from institutional collections and local funds.

5. **Academic implications:** None

6. **Legal/policy issues:** HB1020 of the 64th Legislative Assembly (2015):

   **SECTION 6. MAIN RESEARCH CENTER - VETERINARY DIAGNOSTICS LABORATORY - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The main research center line item in subdivision 4 of section 1 of this Act includes $18,000,000 from the strategic investment and improvements fund for the veterinary diagnostics laboratory project.

   **SECTION 21. EMERGENCY.** The appropriation for capital projects of $22,650,000 in subdivision 4 of section 1 and sections 4 and 5 of this Act are declared to be an emergency measure.

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@ndsu.edu, or 701-231-8412

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Change tuition rate LRSC charges MN students from resident rate to 112% of resident rate.

2. **Proposed motion:** Ratify Chancellor’s interim approval authorizing LRSC to charge MN reciprocity students the MN reciprocity surcharge rate beginning Fall 2015.

3. **Background:** In September 2009, the SBHE authorized LRSC to charge the resident rate to MN students. The ND/MN reciprocity agreement has authorized that exception each year since 2009. The new SBHE tuition model addressed in the 2015-2020 Strategic Plan, calls for all NDUS campuses to move to the same non-resident rates, including MN, by no later than Fall 2018. In order to demonstrate continued progress to that end, LRSC is moving to the plan rate for MN students now. That will leave one remaining campus, MiSU, that will have until not later than Fall 2018 to also make the change. In order to permit timely release of 2015-16 tuition rates the Chancellor approved this change on 7/14/15 under SBHE policy 304.1, subject to SBHE ratification.

4. **Financial implications:** Change increases the rate for MN reciprocity students from $3,261 to $3,652 (112% of resident rate) or $391 per year. This is in addition to the $64 annual increase experienced by all students. In the fall 2014, MN students paid $3,197 and in the fall 2015 they will now pay $3,652 a total increase of $455. A total of approximately 35-40 students per year will be impacted by the change.

5. **Academic implications:** None

6. **Legal/policy issues:** HB1003 (2015), section 39 related to 2.5% annual tuition limit, provides the following: “This section does not apply to tuition rates determined under tuition reciprocity agreements entered into by the state board of higher education with other state or state education compacts.”

7. **Review Process:** Glatt, Pres. Darling, Sagsveen, Chancellor Hagerott

8. **Enclosures:** None

9. **Contact person:** Laura Glatt, VC For Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue**: NDSCS requests authorization to proceed with the Sewer/Water infrastructure replacement project approved by the 2015 legislative assembly.

2. **Proposed motion**: Authorize North Dakota State College of Science to proceed with the Campus Water, Sewer Infrastructure Replacement project at a cost of $13,298,000 funded by 2015-17 capital assets funding.

3. **Background**: This project has been a NDSCS priority for 4 years, and was approved for inclusion by the SBHE in the 2015-17 biennial budget request. The project was approved by the 2015 legislative assembly, with construction scheduled to begin in late 2015 if approved by the SBHE. The project includes the replacement the majority of the campus underground water and sewer lines. This would also include several storm sewer line replacements and rightsizing areas. It also includes various levels of repair or replacement of a majority of the streets and parking lots on campus. Several new fire hydrants will also be added to adequately cover the fire protection needs of the campus.

4. **Financial implications**: None

5. **Academic implications**: None

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


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

9. **Contact person**: Dennis Gladden, Vice President Administrative Affairs, NDSCS, dennis.gladden@ndscs.edu or 671-2217

10. **Chancellor’s Recommendation**: Approve
1. **Issue**: VCSU seeks authorization to construct a small office addition on to the existing fieldhouse.

2. **Proposed motion**: Authorize VCSU to proceed with an addition to the VCSU W.E. Osmon Fieldhouse in the amount of $350,000 to be funded from 2015-17 extraordinary repair funds.

3. **Background**: This project has risen from a need for privacy as a result of HIPAA regulations affecting student athletes. Personnel that are currently sharing space designed for a single user will be relocated to the office addition. The vacated spaces will be repurposed. This project supports VCSU athletic department staff and is not a duplication of facility space planned for the new VCSU/Valley City joint Wellness Center.

4. **Financial implications**: None

5. **Academic implications**: None

6. **Legal/policy issues**: The project will resolve HIPPA requirements in regard to additional office space within the fieldhouse.


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

9. **Contact person**: Bill Ament, VCSU Interim Vice President for Business Affairs

10. **Chancellor’s Recommendation**: Approve.
1. **Issue:** UND seeks authorization to proceed with fund-raising for renovation of *Chester Fritz Library*. The library will be renovated to provide collaborative seating for students, group study spaces, tutoring and computer research spaces, high-density collections storage, and address a backlog of deferred maintenance needs throughout the building. UND’s student body has expressed significant interest in renovation of the library.

2. **Proposed motion:** Authorize UND to raise funds to support the renovation of Chester Fritz Library to meet the needs of the student body, and to address major deferred maintenance needs.

3. **Background:** Chester Fritz Library, constructed in 1960, is the largest library in the state of North Dakota and the primary research facility for the University of North Dakota and the Upper Midwest region. It supports more than 100 master’s and doctoral degree programs at UND, and provides services to nearly 15,000 students and more than 800 faculty members.

   UND’s space utilization analysis identified limited student success and collaboration spaces. Research has shown that suitable physical space that encourages learning and collaboration has a positive impact on student success (e.g., degree completion).

4. **Financial implications:** A library master planning process is underway to define the full scope and estimated cost of the project. Once identified, a roadmap approach will be adopted enabling renovations to proceed in phases as funding becomes available.

5. **Academic implications:** There are no academic implications related to this project.

6. **Legal/policy issues:** Per SBHE policy requirements, UND will return to the SBHE at a later date to further request authorizations as the project unfolds.

7. **Review Process:** Reviewed by Rick Tonder

8. **Enclosures:** SBHE agenda item

9. **Contact person:** Alice Brekke, vice president for finance and operations, alice.brekke@und.edu, 701-777-3511

10. **Chancellor’s Recommendation:** Approve
1. Issue: The University of North Dakota (UND) has submitted a Stage II request to offer a Minor in Biomedical Engineering, using CIP Code 14.0501, effective Fall 2016.

2. Proposed actions: Approve the Stage II request of University of North Dakota (UND) to offer a Minor in Biomedical Engineering, using CIP Code 14.0501, effective Fall 2016.

3. Background Information: This program will prepare undergraduate students for a wider range of employment opportunities upon graduation. It will also increase the opportunity for UND to recruit its undergraduate students to pursue a graduate degree in the same field. The minor can be offered using existing faculty and facilities.

4. Financial implications: The program will be self-supporting.

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 July 6, 2015 Academic Affairs Council (AAC) meeting.

7. Coordination: On July 6, 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: Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-4136/email: richard.rothaus@ndus.edu.

10. Chancellor’s recommendation: The Chancellor’s Cabinet recommended approval of this request on August 5, 2015.

11. SBHE Committee on Academic and Student Affairs recommendation: The SBHE Academic and Student Affairs Committee moved to approve forwarding this request on August 13, 2015 to the SBHE for action.
1. **Issue:** Valley City State University (VCSU) has recommended that Dr. Joan Aus be awarded tenure by the State Board of Higher Education (SBHE). Criteria for tenure have been identified and applied by Valley City State University’s internal review process.

2. **Proposed actions:** Approval of tenure for Dr. Joan Aus in the School of Education and Graduate Studies at Valley City State University (VCSU).

3. **Background information:** Dr. Joan Aus was awarded tenure by the State Board of Higher Education in Spring 2011. Dr. Aus left her job at VCSU to pursue an opportunity elsewhere. She has since returned to VCSU and this action will award her tenure again. Dr. Aus was reevaluated by VCSU prior to this recommendation of tenure.

4. **Financial implications:** Any additional expenses associated with Dr. Aus’ tenure will be drawn from the VCSU’s budget for the AY 2015-16, and thereafter.

5. **Legal/policy issues:** SBHE Policy 605.1, Academic Freedom and Tenure—Academic Appointments, requires Board approval of candidates for tenure at the respective institutions.

   Paragraph 1-c specifies the authority of the SBHE, and states:

   Tenure is awarded by the Board upon recommendation of the Chancellor, following review and recommendations made pursuant to the procedures established at the institution and a recommendation by the institution’s president to the Chancellor. A favorable recommendation means that the applicant meets all of the prerequisites and criteria and the award of tenure is consistent with the sound fiscal management and academic priorities of the institution and the system of education under the control of the Board.

   Tenure recommendations submitted to the Board shall include a brief summary of the candidate’s qualifications and reasons for the recommendation. Tenure is not an entitlement, and the granting of tenure requires an affirmative act by the Board. Tenure is limited to the academic unit or program area in the institution in which tenure is granted and shall not extend to an administrative or coaching position.

   The effective dates of the tenure appointments would be fall 2015 for the 2015-2016 Academic Year (AY); Paragraph 2-a provides definitions for “Academic Year” and “Faculty”, as follows:

   “Academic Year” means the period, approximately nine months in duration, starting with the beginning of the Fall semester and ending following completion of the Spring semester.

   “Faculty” means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.

   Paragraph 3-b specifies the role of the individual campuses in establishing and applying criteria for tenure that is “consistent with the nature of mission” of each institution, and so reads:
The criteria for tenure evaluation and continuing evaluation of probationary and tenured faculty shall include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria. The regulations defining these criteria shall be consistent with the nature and mission of the institution.

Paragraph 3-c specifies the probationary period of time a faculty member has to be considered for tenure, and so reads:

Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution, during which the faculty member is evaluated at least annually according to an evaluation process designed to foster continuous improvement. The term may be extended beyond six years or the continuous service requirement may be waived in exceptional circumstances. Institutions shall establish procedures for granting extensions or waivers of the continuous service requirement in exceptional circumstances, which must include maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including, for example, family emergencies or extended illness.

Paragraph 3-c specifies the timeframe in which contracts must be issued and accepted between an individual institution and its faculty, and in the case where a tenure recommendation is approved by the SBHE, an institution would need to issue a contract with the continuing faculty no later than 30 June of 2015, and receive acceptance of that contract no later than 20 July of 2015.


7. Coordination: The recommendation was reviewed initially by the sending institution and was approved by its president. The recommendation was also reviewed by the Interim Vice Chancellor for Academic and Student Affairs.

8. Attachments: Tenure Recommendation

9. Contact information: Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-2965 / email: richard.rothaus@ndus.edu.

10. Chancellor’s recommendation: N/A

11. SBHE Committee on Academic and Student Affairs recommendation: The SBHE Committee on Academic and Student Affairs moved to approve forwarding this request on 13 August 2015 to the SBHE for action.
Summary of Proposed Action  
ND State Board of Higher Education  
Meeting - September 3, 2015

1. **Issue:** Review and approval of the proposed [2016-2017 TrainND Business Plan](#).

2. **Proposed actions:** Seeking SBHE approval of the 2016-2017 TrainND Business Plan effective July 1, 2015.

3. **Background information:** In 1999, House Bill 1443 established a world class workforce training system, organized into four quadrants, serving the workforce training needs of North Dakota. The four community colleges charged with operating the TrainND regions provide physical space, utilities, and equipment, for both office and training activities. The 2016-2017 TrainND Business Plan is drafted in consultation with each of the four regional TrainND Advisory Boards was reviewed by the NDUS community college presidents on August 5, 2015.

4. **Financial implications:** The original funding formula (HB 1443) adopted in 1999 is an excellent working model, with funding provided from the following areas: Direct Training, State Legislative Funds, and Business Donations (equipment, cash, etc.). Legislative funds are allocated to pay for infrastructure, awareness of services, additional employees, and the cost to continue workforce training services. Business and industry pay for their employee training programs. Businesses have donated equipment/cash/services to assist TrainND for specific types The 2016-2017 TrainND Business Plan provides an operational framework that serves as a guide for the regional directors.

5. **Legal/policy issues:** No known legal or policy issues at this time.

6. **Academic issues:** No known academic issues at this time.

7. **Coordination:** The four regional Advisory Boards provide feedback and guidance in the development of the Business Plan. The four TrainND directors compile regional information into a single, statewide business plan. NDUS community college presidents reviewed the proposed 2016-2017 TrainND Business Plan on August 5, 2015 and recommended approval of the plan by the SBHE.

8. **Attachments:** A draft of the 2016-2017 TrainND Business Plan is enclosed for SBHE member review.

9. **Contact information:** Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-4136/email: richard.rothaus@ndus.edu.

10. **SBHE recommendation:**
1. **Issue:** Changes to HR policy 7 – Sick Leave – are required as a result of 2015 legislation. Changes include: 1.) expanded use of sick leave hours in case of a serious health condition of an eligible family member; 2.) change sick leave hours for birth or adoption; and, 3.) add new provisions for use of sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.

2. **Proposed motion:** Ratify Chancellor’s interim approval of revisions to HR policy 7, sick leave, and **waive** the second meeting requirement and to approve the introduction and final adoption.

3. **Background:** For birth or adoption, HB1244 changed use of sick leave from 160 hours during first 6 weeks to 6 weeks during the first 6 months. Under FMLA, employee could be eligible for up to 12 weeks, which could include a combination of sick leave, annual leave and unpaid leave.

HB1403 adds a provision which permits use of sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing involving the employee or employee’s immediate family (spouse, parent, child, sibling and others who live in the household). Employer may limit to 40 hours per calendar year.

HB1387 permits employees to use up to 12 weeks (480 hours) of sick leave in a 12 month period to care for a child, spouse, or parent with a serious health condition. Currently, it is limited to 80 hours, except with employers approval, an employee may take up to an additional 10% of employee’s accrued sick leave to care for a family member with a serious health condition.

4. **Financial implications:** Potential additional cost to fill long-term absences with temporary staff or lost productivity if position remains unfilled. Dollar estimate difficult to project.

5. **Academic implications:** None

6. **Legal/policy issues:** Changes consistent with 2015 legislation as noted above.

7. **Review Process:** Human Resource Council, AG’s Office, Glatt

8. **Enclosures:** Revised HR Policy 7

9. **Contact person:** Laura Glatt, VC for Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Updates to [HR policy 8 related to Worker's Compensation](#)

2. **Proposed motion:** Approve changes to HR policy 8, Worker’s Compensation

3. **Background:** In addition to routine terminology updates consistent with state law, the updated policy adds explanation that PERS only maintains employee records for two years. Thus, if the employee is not able to return to work within two years of being placed on leave without pay, the employee forfeits rights to be considered for placement into a position at the institution, except to participate in regular recruitment procedures.

4. **Financial implications:** None

5. **Academic implications:** None

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

7. **Review Process:** Human Resource Council

8. **Enclosures:** HR policy 8

9. **Contact person:** Laura Glatt, VC for Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** The State Board of Higher Education Policy 302.4 - Councils authorizes the Chancellor to establish advisory councils, such as the academic affairs council, to conduct research, prepare reports and make recommendations. Existing policies do not explicitly authorize the Chancellor to create user groups for systemwide collaboration and special projects.

2. **Proposed actions:** This request is to approve recommended edits to State Board of Higher Education Policy 302.4 to authorize the chancellor to establish user groups to assist on special projects.

3. **Background information:** See details described above in “Issues” section.

4. **Financial implications:** No known financial implications.

5. **Legal/policy issues:** SBHE Policy 302.4.

6. **Academic issues:** None.

7. **Coordination:** The recommended edits have been reviewed and recommended for approval by the Chancellor’s Cabinet, the Academic Affairs Council, and Student Affairs Council.

8. **Attachments:** See attached State Board of Higher Education Policy 302.4 – Councils.

9. **Contact information:** Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS; Ph: 701-328-4136/email: richard.rothaus@ndus.edu.

10. **Chancellor’s Recommendation:** Approval.
Summary of Proposed Action
ND State Board of Higher Education
Meeting – September 3, 2015

1. Issue: SBHE Policy 506.1, section 3, states, “Each institution shall establish procedures for TB skin testing of foreign students.” The Policy is unnecessarily restrictive in requiring a skin test, as other forms of testing are acceptable or even preferable.

2. Proposed actions: Remove the word “skin” in the first line of section 3.

3. Background information: NDSU is using QuantiFERON-TB Gold (QCT) which is a simple blood test that aids in the detection of Mycobacterium tuberculosis, the bacteria which causes tuberculosis. QFT is a more accurate, modern alternative to the 100-year-old tuberculin skin test. NDSU has found this to be a very positive change for the international students because it requires a single visit, is unaffected by BCG vaccination.

4. Financial implications: None.

5. Legal/policy issues: None.

6. Academic issues: None.

7. Coordination: None.

8. Attachments: Attachment A indicates proposed changes.

9. Contact information: Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-4136/email: richard.rothaus@ndus.edu.

10. Chancellor’s recommendation:

11. SBHE Committee on Academic and Student Affairs recommendation:
Summary of Proposed Action  
State Board of Higher Education  
(3 September 2015)

1. **Issue:** The current SBHE Policy 514 Student Due Process, as of 1 August 2015, is not in compliance with new century code as passed during the 2015 legislative session.

2. **Proposed actions:** Approve the changes outlined in Attachment A.

3. **Background information:** Effective 1 August 2015 North Dakota Century Code enrolled a new law expanding NDUS student due process rights in judicial proceedings that may result in the expulsion or suspension of a student. SBHE Policy 514 Student Due Process has been amended to reflect these changes.

4. **Financial implications:** None.

5. **Legal/policy issues:** Should SBHE Policy 514 not be amended our student due process requirements will not be in compliance with state law.

6. **Academic issues:** None.

7. **Coordination:** This issue, through the work of a Task Force, has been and will continue to be coordinated with the appropriate NDUS Councils to ensure that campus policies and procedures are adjusted accordingly, thus ensuring compliance with both federal and state law.

8. **Attachments:** Attachment A indicates proposed changes.

9. **Contact information:** Richard M. Rothaus, Ph.D., Interim Vice Chancellor for Academic and Student Affairs, NDUS. Ph: 701-328-4136/ email: richard.rothaus@ndus.edu.

10. **Chancellor's recommendation:**
1. **Issue:** Revisions to [SBHE policy 507 – Student Publications](#) as a result of legislative changes.

2. **Proposed motion:** Ratify Chancellor’s interim approval of revisions to SBHE policy 507 and **waive** the second meeting requirement and to approve the introduction and final adoption.

3. **Background:** HB1471 passed during the 2015 legislative session addressed student publications. The policy changes resulting from the legislative changes are largely editorial and are not substantive.

4. **Financial implications:** None

5. **Academic implications:** None

6. **Legal/policy issues:** HB1471 (2015)

7. **Review Process:** Wagner-Goulet; Glatt

8. **Enclosures:** Revised SBHE policy 507

9. **Contact person:** Laura Glatt, VC for Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. **Chancellor’s Recommendation:** Approve
1. Issue: Revisions to 603.2 – Equal Employment Opportunity, as a result of legislative changes.

2. Proposed motion: Ratify Chancellor’s interim approval of revisions to SBHE policy 603.2 and waive the second meeting requirement and to approve the introduction and final adoption.

3. Background: HB1463 (2015) dealt with changes relating to reasonable accommodations in the workplace for pregnancy. The main change is the insertion of the word “pregnancy,” as a specific grounds of unlawful discrimination. This change has been incorporated into 603.2, along with other minor changes, including removing specific reference to the Genetic Information Nondiscrimination Act (GINA) of 2008 and replacing it with a more general reference to “genetic information”.

4. Financial implications: Minimal

5. Academic implications: None


7. Review Process: Goulet, Glatt

8. Enclosures: Revised SBHE policy 603.2

9. Contact person: Laura Glatt, VC for Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. Chancellor’s Recommendation: Approve
1. **Issue:** Change SBHE policy to reflect legislative change from >$100,000 to >$150,000 for procurement of architect or engineer services for public improvement projects.

2. **Proposed motion:** Ratify Chancellor’s interim approval of revisions to [SBHE policy 902.5](#) and waive the second meeting requirement and to approve the introduction and final adoption.

3. **Background:** Current law and policy requires campuses to procure licensed architect or registered professional engineer services for plans, drawings and specifications for public improvement projects costing over $100,000. HB1426 (2015) increased the dollar limit from $100,000 to $150,000. Other minor editorial changes are also included in proposed policy revisions.

4. **Financial implications:** Not material.

5. **Academic implications:** None

6. **Legal/policy issues:** Change is compliant with law taking effect on 8/1/15.

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

8. **Enclosures:** Revised SBHE policy 902.5

9. **Contact person:** Laura Glatt, VC for Administrative Affairs, 701-328-4416, laura.glatt@ndus.edu

10. **Chancellor’s Recommendation:** Approve