North Dakota Board of Higher Education
Meeting Notice and Agenda
April 30, 2015

The State Board of Higher Education will meet on Thursday, April 30, 2014, 2:00 p.m. CT, Bismarck State College, NECE building, Bavendick room, 1200 Schafer Street, Bismarck, ND 58506. The live video stream can be viewed at: http://www.ndus.edu/board/live-stream/.

Call to Order

1. Approval of Agenda
2. Approval of Meeting Minutes:
   • February 26, 2015

Board Business
3. Approve the Chancellor’s Contract, if required
4. Approve MOU between US Immigration & Customs Enforcement Homeland Security Investigations and UPD
5. Approve the UND Chief of Police Memorandum
6. Elect SBHE Officers
7. Approve State Board of Agricultural Research & Education (SBARE) Nominations
8. Approve Changes to the SBHE Meeting Calendar
   • May 28, 2015 Board Meeting to May 14, 2015
   • September 24, 2015 Board Meeting from VCSU to DSU
9. Approve WSC Mission Statement
10. Approve Termination Process of the NDUS Attorneys and Auditors

Reports and Public Comment
11. Board Chair’s Report – Hjelmstad
12. Interim Chancellor’s Report – Interim Chancellor Skogen
   • Legislative Update
13. Institutional Reports
15. Council of College Faculties (CCF) Report – Fernando Quijano
16. Staff Senate Report – Emma Tufte
17. Public Comment

SBHE Academic and Student Affairs Committee Recommendations – Chair Reichert
18. Committee Consent:

   I. Stage II
   New Programs
      a) University of North Dakota’s request for a new program: Five-Year B.S.-M.S. Degree in Physics, (CIP Code 40.0801), effective fall 2015.

   Program Termination
      b) North Dakota State University’s request for a program termination: Physical Education Minor, (CIP Code 13.1314), effective summer 2015.
c) University of North Dakota’s request for a program termination: Bachelor of Fine Arts in Performance with Major in Theatre Arts, (CIP Code 50.0501), effective summer 2015.

II. Tenure Recommendations

III. Provisional Tenure Recommendations

SBHE Budget and Finance Committee Recommendations – Chair Morton

19. Committee Consent:
   I. Review and recommend SBHE 1.) Authorize issuance of not to exceed $4,000,000 Minot State University Facilities Revenue Refunding Bonds, Series 2015, for the purpose of refunding the Minot State University Student Services Facilities Revenue Bonds, Series 2006; 2.) Authorize the MiSU President and/or Vice President for Administration and Finance to approve the sale of the bonds provided that the true interest rate not exceed 4.0% provided the present value of the debt service savings is not less than 2%. The approximate final date upon which the principal amount of the obligation will mature or become payable is August 1, 2029; and, 3.) Appoint the firm of Arntson Stewart Wegner PC as the bond counsel and Public Financial Management, Inc.as the financial advisor.

II. Authorize NDSU to proceed with the construction of the Wallman Wellness Center Aquatics Addition Project at an estimated cost of $11,000,000, with $10,000,000 funded from revenue bond proceeds and $1,000,000 from local funds, subject to appropriate legislative approval, including the following:
   a) The issuance of not to exceed $10,000,000 State Board of Higher Education of the State of North Dakota, North Dakota State University, Housing and Auxiliary Facilities Revenue Bonds, Series 2015B, for the purpose of financing the construction of an Aquatic Center on the North Dakota State University campus as per N.D.C.C. Chapter 15-55;
   b) Authorize the execution of a Supplemental Indenture of Trust, Bond Purchase Agreement and Related Documents;
   c) Authorize the NDSU President and Vice President for Finance and Administration to approve the sale of the bonds (Series 2015B) at a price not less than 98% of the principal amount thereof and at a true interest rate not exceeding 5.00%. The approximate final date upon which the principal amount of the obligation will mature or become payable is April 1, 2036; and
   d) Appoint the firm of Armtson Stewart Wegner PC as the bond counsel and Fieldman, Rolapp & Associates (Independent Financial Advisors to Government) as the financial advisor.

20. Other Board Consent
   I. Authorize NDSU to proceed with the Renovation of Architecture and Landscape Architecture Building at an estimated cost of $2,500,000 funded from FY14 appropriated capital project designated reserves per SBHE policy 810.1; further, authorize NDSU to rename the building from Architecture and Landscape Architecture to Engineering.
II. Authorize NDSU to proceed with the Katherine Kilbourne Burgum (KKB) Family Life Center Footing Stabilization Project at an estimated cost of $750,000 funded from 2013-15 extra-ordinary repairs funds ($300,000) and 2013-15 appropriated operations funding ($450,000); furthermore, authorize the transfer of $450,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 25.

III. Authorize NDSU to proceed with the Memorial Union Dining Center and Upper Floor Fit Up project at an estimated cost of $1,450,000, funded from Dining Services ($1,060,000) and Memorial Union ($390,000) Repair and Replacement local funds.

IV. Authorize an increase for the NDSU AES Research Greenhouse from $32,930,984 to $33,044,068, an increase of $113,084 from private funds.

V. Authorize NDSU to proceed with the construction of a Campus-Wide Retention Pond at an estimated cost of $380,000 funded from 2013-15 appropriated operations funding; furthermore, authorize the transfer of $380,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 25.

VI. Authorize NDSU to proceed with the Library Entryway/Circulation/Deferred Maintenance Renovation project at an estimated cost of $1,400,000 to be funded from 2013-15 appropriated operations funding; furthermore, authorize the transfer of $1,400,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 35.

VII. Approve proposed change to the Investment Policy Statement to change staff membership on the Retirement Plan Oversight Committee to include two staff representatives from the 1000&3000 bands.

SBHE Audit Committee Recommendations – Chair Neset
21. Update on Performance Audits

Board Policy
22. First Reading
   Policy 806.3 - Moving Expenses
   Policy 918 - Alcoholic Beverages
   Policy 820.1 - Employee Tuition Waivers
   Policy 907 – Building Plaques

23. Second Reading
   Policy 840 - Contracts
Board Discussion Concerning Assessment of Meeting and Potential Future Agenda Items

Adjourn

Future Board Meetings
- May 14, 2015 – BSC, Possible Special Chancellor Search Meeting & Regular Board meeting
- June 24 &25 – Board Meeting and Retreat - Fargo

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:** Approve memorandum of understanding between UND and U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS) concerning the appointment of UND Police Department officers as Customs Officers (Excepted).

2. **Proposed motion:** Motion to authorize the UND Chief of Police to sign a Memorandum of Understanding between U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS) and University of North Dakota Police concerning the appointment of UND Police Department officers as Customs Officers (Excepted).

3. **Background:** The UND chief of police is recommending an arrangement with the U.S. Immigration and Customs Enforcement in which a UND Police Department officer would be designed a “Customs Officer (Excepted).” ICE would provide training and would handle any claims for injuries incurred when acting as a Customs Officer (Excepted). UND would assume responsibilities listed in the MOU.

4. **Financial implications:** ICE will provide the training to UND police officers. ICE will not provide additional compensation for UND police officers to perform the duties outlined in the MOU.

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

6. **Legal/policy issues:** The U.S. Code, at 19 USC 1401(i), authorizes the Secretary of the Treasury, or designee, to appoint a customs officer.

   Mr. Sagsveen has discussed the MOU with Deputy Attorney General Trenbeath and Director Dallas Carlson, Bureau of Criminal Investigation. They have advised the BCI has such an MOU between BCI and ICE.

7. **Review Process:** Murray Sagsveen, Chief of Staff and Director of Legal Services.

8. **Enclosures:** Memorandum of Understanding between U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HIS) and University of North Dakota Police

9. **Key contact person(s) concerning issue:** Chief of Staff Sagsveen.

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** To permit UND’s Police Department’s (UPD) to enter into a joint powers agreement for participation in the Grand Forks County Public Safety Answering Point (PSAP).

2. **Proposed motion:** Authorize UND’s request to enter into the *Intergovernmental Agreement for the Establishment and Operation of a Combined Public Safety Answering Point (PSA)* in order to participate in consolidated public safety communications to provide the most efficient and effective delivery of public safety and emergency services.

3. **Background:** This agreement extends UND’s participation in the Grand Forks PSAP system which provides law enforcement dispatch, public safety communications, and 9-1-1 services to the campus community.

4. **Financial implications:** PSAP cost allocation for each party, including UND, are calculated annually by the number of calls for service for each jurisdiction averaged over a five year period. UND’s cost is approximately $100,000 and is budgeted. UND bears no other costs as infrastructure expenses that are allowable for use are derived by PSAP from the collection of excise fees or other taxes (i.e. 9-1-1 fees) and are tracked and utilized by PSAP as provided by state law.

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

6. **Legal/policy issues:** This joint powers agreement for the Grand Forks County PSAP is made pursuant to NDCC § 54-40.3-01.

7. **Review Process:** UND’s Vice President for Finance and Operations has reviewed this proposal. Additionally, this agreement has been reviewed by UND’s General Counsel, and approved for legal sufficiency and signed by Tom Trenbeath, North Dakota Chief Deputy Attorney General.

8. **Enclosures:** *Intergovernmental Agreement for the Establishment and Operation of a Combined Public Safety Answering Point (PSA).*

9. **Contact person:** Eric Plummer, University of North Dakota Associate Vice President for Public Safety and Chief of Police, eric.plummer@und.edu, 701-777-3391

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** Election of officers and secretary for the SBHE.

2. **Proposed motions:**

   a. Motion to elect __________ as the president of the SBHE effective July 1, 2015, and ending June 30, 2016.
   
   b. Motion to elect __________ as the vice president of the SBHE effective July 1, 2015, and ending June 30, 2016.
   
   c. Motion to elect ___________ as the secretary of the SBHE effective July 1, 2015, and ending June 30, 2016.

3. **Background:** The Board has a policy that governs the annual election of the officers and secretary.

4. **Financial implications:** N/A

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

6. **Legal/policy issues:** Policy 310.2 provides:

   1. The officers of the Board shall be a president and a vice president.

   2. The president shall be elected by the Board from its members and shall serve for a term of one year or until a successor is elected and qualified. No Board member shall be eligible to serve more than two consecutive terms as president. The president shall preside at all meetings of the Board and, as directed by the Board, shall have such other duties, powers, and responsibilities as are assigned by the Board.

   3. The vice president shall be elected by the Board from its membership and shall serve for a term of one year or until a successor is elected and qualified. The vice president shall act as the president in the absence of the president and shall have such other duties, powers, and responsibilities as may be assigned by the president of the Board. In the event the office of the president becomes vacant during the elected term, the vice president shall act as temporary president until a new president is elected to fill the vacancy and serve the balance of the unexpired term.

   4. The Board shall appoint an executive secretary to serve at the pleasure of the Board. The executive secretary shall be responsible to the chancellor and shall be charged with the responsibility of recording, maintaining, and distributing a
record of all the board meetings and performing such other duties as the Board or the chancellor may direct.

5. The election of officers of the Board shall be held no later than May each year. Nominations may be made and voting conducted at the same meeting. The terms of office shall begin July 1. In the event an office is vacated, an election to fill the unexpired term shall be held at the next regular meeting of the Board.


8. Enclosures: None.

9. Key contact person(s) concerning issue: Murray Sagsveen, Chief of Staff.

10. Chancellor’s Recommendation: No recommendation concerning the three motions.
1. **Issue:** Appointment to State Board of Agricultural Research and Education (SBARE).

2. **Proposed motion:** Motion to appoint Keith Peltier and Dean M. Wehri to an initial four-year terms on the State Board of Agricultural Research and Education beginning July 1, 2015.

3. **Background:** The State Board of Agricultural Research and Education (SBARE) is a statutory board (NDCC 4-05.1-16 through 4-05.1-21), which is responsible for budgeting and policymaking associated with the agricultural experiment station and the NDSU Extension Service. The SBARE has seventeen board members.

   The SBHE is authorized to appoint members who are nominated by the Ag Coalition (five board members) and the Extension Service’s multicounty program units (five board members).

4. **Financial implications:** N/A

5. **Academic implications:** Mr. Wehri is an agricultural producer, who will bring operational expertise to SBARE.

   Mr. Peltier attended NDSU and has a BS in Zoology and a MS in Agriculture Economics from North Dakota State University. He has been involved in the agriculture industry for more than 30 years.

6. **Legal/policy issues:** The SBHE has implemented NDCC 4-05.1-16 through 4-05.1-21 by adopting [SBHE Policy 350.1 – State Board of Agricultural Research and Education](#).

7. **Review Process:**
   - NDSU Extension Service’s Southwest District.
   - Northern Canola Growers Association.

8. **Enclosures:**
   - March 30, 2015, letter from NDSU Extension Service, Southwest District Office.

9. **Key contact person(s) concerning issue:** Gerald M. Sturn, Southwest District Director, NDSU Extension Service.

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** Updated mission statement for Williston State College.

2. **Proposed motion:** Motion to approve the updated mission statement for Williston State College as follows:

   Williston State College, "Where the People Make the Difference", is to provide accessible, affordable, life changing, and life-long educational pathways to residents of North Dakota, the Upper Plains, and beyond.

3. **Background:** The SBHE approved the WSC mission statement in September 2002. The proposed change to the current mission statement is shown below:

   Williston State College, "Where the People Make the Difference", is an open admission learning center, comprehensive community college of the North Dakota University System providing academic transfer and occupational education, workforce training, and cultural activities to provide accessible, affordable, life changing, and life-long educational pathways to residents of North Dakota, the Upper Plains, and beyond. Williston State is committed to providing educational opportunities that are accessible, affordable, life changing, and life-long.

   Williston State College would like to maintain the essence of the mission approved in 2002, however the College prefers more concise wording to convey its mission to internal and external stakeholders. Williston State College's AQIP 1 Helping Student first proposed such changes during the 2012 Annual Strategic Planning event. The changes are considered nominal by the HLC and do not require any substantive change processes.

4. **Financial implications:** There may be nominal expenses for changes to signage and printed material.

5. **Academic implications:** The updated mission statement will better summarize the academic mission of WSC.

6. **Legal/policy issues:** SBHE Policy 100.7 provides:

   The State Board of Higher Education must approve the individual mission/role/scope statements of the constituent campuses as published in their bulletins. Mission statements are expected to reflect North Central Association requirements and, as appropriate, the strategic plan of the North Dakota University System. Such statements must be submitted to the Chancellor's Office
for review and forwarding to the Board upon Board's request. If a campus wishes to revise its mission, the Board will consider such a request.

7. **Review Process:** All staff and faculty reviewed the proposed mission update as it was first proposed at the 2012 Annual Strategic Planning Event. Executive Cabinet approved the proposed mission as of 3/23/15.

8. **Enclosures:** None.

9. **Key contact person(s) concerning issue:** Dr. Raymond Nadolny, President, WSC.

10. **Chancellor's Recommendation:** Recommend approval.
Summary of Proposed Action
SBHE Meeting – April 30, 2015

1. **Issue**: Declaration of financial exigency concerning notices of termination to thirteen NDUS employees.

2. **Proposed motion**: Motion to declare that – because of the passage of House Bill 1003, the chancellor must issue notices terminating employment to eight attorneys, two legal support staff and three internal auditors on May 1 and the legislature has not provided sufficient funds to provide up to twelve months notice pursuant to SBHE Policy 608.2 – the State Board of Higher Education is declaring a financial exigency in accordance with Policy 608.2(2) and is authorizing notice of termination of employment on July 31, 2015, for:
   - Julie Evans
   - Chuck Evans
   - Jason Jenkins
   - Crystal Olson
   - Christopher Wilson
   - Matthew Hammer
   - Mimi Monson
   - Cynthia Wagner Goulet
   - Noah Brisbin
   - Tracy Vigness Kolb
   - Tim Rerick
   - Cynthia Beiswenger
   - Eric Miller

3. **Background**:

   a. **Attorneys and support staff.** The NDUS has employed its own attorneys for many years. At UND, the dean of the School of Law provided legal services for years, then the associate dean of the School of Law was designated general counsel. At NDSU, the president retained outside counsel until an in-house general counsel was hired in 2012. At the NDUS office, the SBHE and the other institutions have been served by employed in-house attorneys since 1993. In 2013, the NDUS appropriation bill transferred funding for all attorneys to the NDUS office.

   House Bill 1003, the NDUS appropriation bill for the 2015-2017 biennium, eliminates all funding for NDUS attorneys. Although the chancellor and chief of staff have urged the legislature to continue funding for all attorneys through June 2016 to permit addition time for the transition of legal services to the attorney general’s office, the request was denied.

   Effective July 1, the attorney general’s office will be providing legal services to the SBHE and the eleven institutions. Senate Bill 2003 authorizes attorney FTEs and funds to the attorney general’s office to provide legal services to the NDUS system.
Normally, if the employment of an NDUS employee is terminated without cause, the employee is provided 3-12 months notice in accordance with SBHE Policy 608.2 (enclosed). Normally, under this policy the soon-to-be-terminated employees would receive the following notice:

- **Twelve months**
  - Cynthia Wagner Goulet – General Counsel (7 institutions) [NDUS hire date – September 21, 2009]
  - Julie Evans – UND General Counsel [UND hire date – August 1, 1989]
  - Chuck Evans – Associate General Counsel [UND hire date – August 1, 1995]
  - Jason Jenkins – Assistant General Counsel [UND hire date – June 1, 2009]
  - Christopher Wilson – NDSU General Counsel [NDSU hire date – July 16, 2012]
  - Matthew Hammer – Assistant General Counsel [May 31, 2011]
  - Mimi Monson – Administrative Assistant [NDSU hire date – December 16, 2009]

- **Six months**
  - Noah Brisbin – Assistant General Counsel [NDUS hire date – November 5, 2012]

- **Three months**
  - Tracy Kolb – Assistant General Counsel [October 27, 2014]
  - Crystal Olson – Office Manager/Legal Assistant [UND hire date – January 22, 2015]

If the chancellor or director of legal services provides notices of termination of employment to the eight NDUS attorneys and two support staff on May 1, they will be paid their salaries and benefits through August 1, 2015. The attorney general will terminate their special assistant attorney general appointments effective close of business on June 30, so they will not be able to provide, as NDUS employees, legal services to the NDUS during July.

**b. Internal auditors.** UND and NDSU have employed internal auditors for many years. However, in 2013, the NDUS appropriation bill transferred funding for all internal auditors to the NDUS office.

House Bill 1003, the NDUS appropriation bill for the 2015-2017 biennium, eliminates funding for the NDUS internal auditor program, except for $300,000 for an “internal audit funding pool.” Although the chancellor has urged the legislature to restore up to $1.5M in internal audit funding, the request was denied.

Senate Bill 2004 authorizes 6.0 additional auditor FTEs to the state auditor’s office to provide addition audit services to the NDUS system, effective July 1, 2015.

Again, normally, if the employment of an NDUS employee is terminated without cause, the employee is provided 3-12 months notice in accordance with SBHE Policy 608.2 (enclosed). Normally, under this policy the soon-to-be-terminated employees would receive a twelve-month notice:
If the chancellor provides notices of termination of employment to the three NDUS internal audit staff on May 1, they will be paid their salaries and benefits through August 1, 2015. They will be able to continue providing internal audit services through July.

4. **Financial implications:** The cost to continue the salary of legal and internal audit personnel for one month into the next biennium will be $149,581. The estimated annual and sick leave payout for the legal and internal audit personnel will be an additional $216,373, to be paid in the next biennium.

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

6. **Legal/policy issues:** SBHE Policy 608.2, at paragraph 2, states:

   Employees excluded from the broadbanding system who are not members of the academic staff at an institution may be dismissed…upon financial exigency as determined by the Board, loss of appropriations….If a dismissal other than for just cause is implemented pursuant to this subsection, no less than 90 days notice shall be given the employee.

House Bill 1003, concerning the NDUS attorneys and internal auditors, may have constitutional implications. Article VIII, section 6(6)(b) states:

   The said state board of higher education shall have full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions. In furtherance of its powers, the state board of higher education shall have the power to delegate to its employees details of the administration of the institutions under its control. The said state board of higher education shall have full authority to organize or reorganize within constitutional and statutory limitations, the work of each institution under its control, and do each and everything necessary and proper for the efficient and economic administration of said state educational institutions.

The elimination of in-house attorneys may require the revision of a number of SBHE policies.

7. **Review Process:** Chancellor’s senior staff

8. **Enclosures:**
   - SBHE Policy 608.2 (NDUS Employees – Non-renewal and Dismissals)
9. **Key contact person(s) concerning issue:**
   - Murray G. Sagsveen, Chief of Staff and Director of Legal Services
   - Laura Glatt, CPA, Vice Chancellor for Administrative Affairs

10. **Chancellor’s Recommendation:** Recommend approval.
1. **Issue:** The University of North Dakota has submitted a Stage II request to offer a five-year *Bachelor of Science (B.S.) and Master of Science (M.S.) in Physics*, using CIP Code 40.0801, effective Fall 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota to offer a five-year *Bachelor of Science (B.S.) and Master of Science (M.S.) in Physics*, using CIP Code 40.0801, effective Fall 2015.

3. **Background information:** UND currently offers a B.S. and M.S. in Physics. The combined B.S. and M.S. program will allow high-achieving students to shorten their educational journey by completing both degrees in five years.

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 24 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 24 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 8 April 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 9 April 2015 to the SBHE for action.
1. Issue: North Dakota State University (NDSU) has submitted a Stage II request to terminate the *Minor in Physical Education*, using CIP Code 13.1314, effective summer 2015.

2. Proposed actions: Approve the Stage II request of North Dakota State University (NDSU) to terminate the *Minor in Physical Education*, using CIP Code 13.1314, effective summer 2015.

3. Background information: The minor has been inactive for several years, and there is no longer student interest or need for this minor.

4. Financial implications: None.


6. Academic issues: No academic issues were raised at the 24 March 2015 Academic Affairs Council (AAC) meeting.

7. Coordination: On 24 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 8 April 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 9 April 2015 to the SBHE for action.
1. **Issue:** The University of North Dakota has submitted a Stage II request to terminate the *Bachelor of Fine Arts (B.F.A.) in Performance with a Major in Theater Arts*, effective summer 2015.

2. **Proposed actions:** Approve the Stage II request of the University of North Dakota has submitted a Stage II request to terminate the *Bachelor of Fine Arts (B.F.A.) in Performance with a Major in Theater Arts*, effective summer 2015.

3. **Background information:** The program has suffered from extremely low enrollment and there are currently no students in the program. UND will continue to offer the *Bachelor of Arts (B.A.) in Theater*.

4. **Financial implications:** None.

5. **Legal/policy issues:** State Board of Higher Education (SBHE) Policy 403.1.1, *Program Approval*, states, “Academic program termination requires approval of the Board of Higher Education.”

6. **Academic issues:** No academic issues were raised at the 24 March 2015 Academic Affairs Council (AAC) meeting.

7. **Coordination:** On 24 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 8 April 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 9 April 2015 to the SBHE for action.
Summary of Proposed Action
ND State Board of Higher Education
Meeting – 30 April 2015

1. **Issue:** North Dakota University System institutions have submitted their recommendations for tenure for approval by the State Board of Higher Education (SBHE). In each case, criteria for tenure has been identified and applied by each of the campuses’ respective internal review entities (i.e., faculty within the designated department/division/college, Provost/ Vice President for Academic Affairs, and President).

2. **Proposed actions:** Approve all recommendations for tenure, listed in paragraph 3, effective for the academic year of 2015-16.

3. **Background information:** The following individual faculty members are recommended for tenure by their respective institutions. If a tenure unit has had a name change or termination approved since the tenure recommendation form was completed, that individual’s tenure will be assigned to the newly named or created unit.

   **Bismarck State College**
   Elizabeth **Braunagel**, M.A., Assistant Professor of Mathematics, Department of Mathematics;
   Greg **Hutzenbiler**, B.S., Assistant Professor of Lineworker (Electrical), Lineworker (Electrical);
   Jode **Knutson-Person**, M.S., Assistant Professor of Chemistry, Department of Chemistry;
   Jason **Lueder**, B.S., Assistant Professor of Graphic Design and Communications, Department of Graphic Design and Communications;
   Anthony **Musumba**, Ph.D., Assistant Professor of Physics, Department of Physical Science; and,
   Tyler **Schau**, M.S., Assistant Professor of Agriculture, Technology and Natural Resources, Department of Agriculture.

   No tenure recommendations.

   **Dakota College at Bottineau**

   **Dickinson State University**
   Reb Zebroski **Olsen**, M.S., Assistant Professor of Mathematics, Department of Mathematics; and,
   Ashley Breylinger **Stark**, M.S., Assistant Professor of Accounting, Department of Business and Management.

   **Lake Region State College**
   Jay **Johnson**, M.A., Assistant Professor of Wind Energy Technician, Career and Technical Education-Wind Energy Technician.

   **Mayville State University**
   Jeremiah **Moen**, Ph.D, Assistant Professor of Health, Physical Education, and Recreation, Department of Health, Physical Education, and Recreation.

   **Minot State University**
   Jynette **Larshus**, Ph.D., Assistant Professor of Social Science, Division of Social Science; and,
   Daniel **Ngugi**, Ph.D., Assistant Professor of Social Science, Division of Social Science.

   **North Dakota State College of Science**
   Marilyn **Evenson**, Ph.D., Assistant Professor of Social and Behavioral Science, Department of Social and Behavioral Science;
Anne Taylor, M.A., Assistant Professor of English and Humanities, Department of English and Humanities; and, Tyler Slettedahl, A.A.S., Assistant Professor of Diesel Technology, Department of Diesel Technology.

**North Dakota State University**

Azer Akhmedov, Ph.D., Assistant Professor of Mathematics, Department of Mathematics; Amelia Asperin, Ph.D., Assistant Professor of Apparel, Design, and Hospitality Management, Department of Apparel, Design, and Hospitality Management; Kristen Benson, Ph.D., Assistant Professor of Human Development and Family Science, Department of Human Development and Family Science; Achintya Bezbaruah, Ph.D., Assistant Professor of Civil and Environmental Engineering, Department of Civil and Environmental Engineering; Benjamin Braaten, Ph.D., Assistant Professor of Electrical and Computer Engineering, Department of Electrical and Computer Engineering; Elizabeth Crawford, Ph.D., Assistant Professor of Communication, Department of Communication; Carol Ciwak, Ph.D., Assistant Professor of Emergency Management, Department of Emergency Management; Mark Engler, M.F.A., Assistant Professor of Theatre Arts, Department of Theatre Arts; Anthony Flood, Ph.D., Assistant Professor of Philosophy, Department of History, Philosophy and Religious Studies; Erin Gillam, Ph.D., Assistant Professor of Biological Sciences, Department of Biological Sciences; Abby Gold, Ph.D., Assistant Professor of Health, Nutrition and Exercise Science, Department of Health, Nutrition and Exercise Science; Stuart Haring, Ph.D., Assistant Professor of Chemistry and Biochemistry, Department of Chemistry and Biochemistry; Yongtao (David) Hong, Ph.D., Assistant Professor of Accounting, Finance, and Information Systems, Department of Accounting, Finance, and Information Systems; Fariz Huseynov, Ph.D., Assistant Professor of Accounting, Finance, and Information Systems, Department of Accounting, Finance, and Information Systems; Wei Jin, Ph.D., Assistant Professor of Computer Science, Department of Computer Science; James Korcuska, Ph.D., Associate Professor of Education, School of Education; Sukumarakurup Krishnakumar, Ph.D., Assistant Professor of Management and Marketing, Department of Management and Marketing; Michael Krush, Ph.D., Assistant Professor of Management and Marketing, Department of Management and Marketing; Mila Kryjevskaia, Ph.D., Assistant Professor of Physics, Department of Physics; Estelle Leclerc, Ph.D., Assistant Professor of Pharmaceutical Sciences, Department of Pharmaceutical Sciences; Siew Hoon Lim, Ph.D., Assistant Professor of Agribusiness and Applied Economics, Department of Agribusiness and Applied Economics; Simone Ludwig, Ph.D., Associate Professor of Computer Science, Department of Computer Science; Frayne Olson, Ph.D., Assistant Professor of Agribusiness and Applied Economics, Department of Agribusiness and Applied Economics; Deirdre Prischmann-Voldseth, Ph.D., Assistant Professor of Entomology, Department of Entomology; Saeed Salem, Ph.D., Assistant Professor of Computer Science, Department of Computer Science; Molly Secor-Turner, Ph.D., Assistant Professor of Nursing, School of Nursing; Sangita Sinha, Ph.D., Assistant Professor of Chemistry and Biochemistry, Department of Chemistry and Biochemistry; Mark Strand, Ph.D., Associate Professor of Pharmacy Practice, Department of Pharmacy Practice; Kendall Swanson, Ph.D., Associate Professor of Animal Sciences, Department of Animal Sciences; Gursimran Walia, Ph.D., Assistant Professor or Computer Science, Department of Computer Science; Yechun Wang, Ph.D., Assistant Professor of Mechanical Engineering, Department of Mechanical Engineering; Rebecca Woods, Ph.D., Assistant Professor of Human Development and Family Science, Department of Human Development and Family Science; Nan Yu, Ph.D., Assistant Professor of Communication, Department of Communication; and, Qi Zhang, Ph.D., Assistant Professor of Plant Sciences, Department of Plant Sciences.
University of North Dakota

Crystal Alberts, Ph.D., Assistant Professor of English, Department of English; Brent Baker, Ph.D., Assistant Professor of Marketing, Department of Marketing; Marc D. Basson, M.D., Professor of Surgery, Department of Surgery; Caroline Campbell, Ph.D., Assistant Professor of History, Department of History; Emily Cherry, M.F.A., Assistant Professor of Theatre Arts, Department of Theatre Arts; Qianli Chu, Ph.D., Assistant Professor of Chemistry, Department of Chemistry; Alycia Cummings, Ph.D., Assistant Professor of Communication Sciences and Disorders, Department of Communication Sciences and Disorders; Kenneth Flanagan, Ph.D., Assistant Professor of Social Work, Department of Social Work; Mikhail Yuryevich Golovkov, Ph.D., Assistant Professor of Basic Sciences, Department of Basic Sciences; Yun Ji, Ph.D., Assistant Professor of Chemical Engineering, Department of Chemical Engineering; Donald A. Jurivich, D.O., Professor of Geriatrics, Department of Geriatrics; Andrei P. Kirilenko, Ph.D., Associate Professor of Earth Systems Science and Policy, Department of Earth Systems Science and Policy; Joyce Ohm, Ph.D., Assistant Professor of Basic Sciences, Department of Basic Sciences; Nuri Oncel, Ph.D., Assistant Professor of Physics and Astrophysics, Department of Physics and Astrophysics; Igor Ovchinnikov, Ph.D., Assistant Professor of Biology, Department of Biology; Carolyn Ozaki, Ph.D., Assistant Professor of Teaching and Learning, Department of Teaching and Learning; Timothy Pasch, Ph.D., Assistant Professor of English, Department of English; Jody Ralph, Ph.D., Assistant Professor of Nursing, Department of Nursing; Vamegh Rasouli, Ph.D., Professor of Petroleum Engineering, Department of Petroleum Engineering; Rebecca Romsdahl, Ph.D., Associate Professor of Earth Systems Science and Policy, Department of Earth Systems Science and Policy; A. Rebecca Rozelle-Stone, Ph.D., Assistant Professor of Philosophy and Religion, Department of Philosophy and Religion; Gary G. Schwartz, Ph.D., Professor of Population Health, Department of Population Health; Lucian Stone, Ph.D., Assistant Professor of Philosophy and Religion, Department of Philosophy and Religion; Robert Stupnisky, Ph.D., Assistant Professor of Educational Foundations and Research, Department of Educational Foundations and Research; Bret A. Weber, Ph.D., Assistant Professor of Social Work, Department of Social Work; Helene Weldt-Basson, Ph.D., Professor of Modern and Classical Languages and Literature, Department of Modern and Classical Languages and Literatures; and, Kurt Zhang, Ph.D., Assistant Professor of Pathology, Department of Pathology.

Valley City State University

Jacqueline Owen, M.Ed., Instructor of Education and Graduate Studies, School of Education and Graduate Studies; and, Jenni Lou Russi, M.F.A., Assistant Professor of Communication Arts, Department of Communication Arts.

Williston State College

Rhoda Owens, M.S.N., Assistant Professor of Nursing, Division of Instruction.

4. Financial implications: Any additional expenses associated in contracting the listed candidates as tenured faculty will be drawn from the respective campuses' budgets 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: Each request was reviewed initially by the sending institution and was approved by its president. Each request was also reviewed by the Interim Vice Chancellor for Academic and Student Affairs.

8. Attachments: A list of units renamed or created since 1 January 2015 is attached. A consolidated North Dakota University System Faculty Appointment Data Sheet 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:** 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 9 April 2015 to the SBHE for action.
Unit Organizational Changes since 1 January 2015

Mayville State University
Division of Education and Psychology renamed to Division of Education, effective fall 2016.

North Dakota State University
College of Pharmacy, Nursing, and Allied Science renamed to College of Health Professions, effective spring 2015.

Department of Nursing renamed to School of Nursing, effective spring 2015.

College of Pharmacy renamed to School of Pharmacy, effective spring 2015.

MPH Master of Public Health program housed within Department of Pharmacy Practice renamed to Department of Public Health (stand-alone department), effective spring 2015.

University of North Dakota
New Department: Department of Basic Science, effective summer 2015.

New Department: Department of Geriatrics, effective summer 2015.

New Department: Department of Medical Laboratory Science, effective summer 2015.

New Department: Department of Neurology, effective summer 2015.

New Department: Department of Physician Assistant Studies, effective summer 2015.

New Department: Department of Population Health, effective summer 2015.

New Department: Department of Psychiatry and Behavioral Science, effective summer 2015.

Terminated Department: Department of Anatomy and Cell Biology, effective summer 2015.

Terminated Department: Department of Biochemistry and Molecular Biology, effective summer 2015.

Terminated Department: Department of Clinical Neuroscience, effective summer 2015.

Terminated Department: Department of Microbiology and Immunology, effective summer 2015.

Terminated Department: Department of Pharmacology, Physiology, and Therapeutics, effective summer 2015.
Summary of Proposed Action
ND State Board of Higher Education
Meeting – 30 April 2015

1. **Issue:** North Dakota University System institutions have submitted their recommendations for provisional tenure for approval by the State Board of Higher Education (SBHE). In each case, criteria for provisional tenure has been identified and applied by each of the campuses’ respective internal review entities (i.e., faculty within the designated department/division/college, Provost/ Vice President for Academic Affairs, and President). Provisional tenure is offered to faculty who are in the process of completing a terminal degree prior to the close of the Spring 2015 semester. There is only one recommendation for provisional tenure for the 2015-2016 academic year.

2. **Proposed actions:** Approve the recommendation for provisional tenure, listed in paragraph 3, effective for the academic year of 2015-16. All documentation of completion of the terminal degree must be submitted to the institution prior to issuing the contract for the 2015-16 academic year.

3. **Background information:** The following individual faculty member is recommended for tenure by the respective institution:

   **Bismarck State College**
   - No provisional tenure recommendations.

   **Dakota College at Bottineau**
   - No provisional tenure recommendations.

   **Dickinson State University**
   - No provisional tenure recommendations.

   **Lake Region State College**
   - No provisional tenure recommendations.

   **Mayville State University**
   - Kelli Odden, Doctoral Candidate, Assistant Professor of Education, Department of Education and Psychology.

   **Minot State University**
   - No provisional tenure recommendations.

   **North Dakota State College of Science**
   - No provisional tenure recommendations.

   **North Dakota State University**
   - No provisional tenure recommendations.
University of North Dakota

No provisional tenure recommendations.

Valley City State University

No provisional tenure recommendations.

Williston State College

No provisional tenure recommendations.

4. Financial implications: Any additional expenses associated in contracting the listed candidate as tenured faculty will be drawn from the respective campuses' budgets 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.

In most cases, the effective dates of the tenure appointment would be fall 2015 for the 2015-2016 Academic Year (AY); exceptions are noted in paragraph 3 and the attached documents in those instances whereby the effective date is dependent upon completion and award of a terminal degree by a specific date or academic term; 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 campus 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 5 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: Each request was reviewed initially by the sending institution and was approved by its president. Each request was also reviewed by the Interim Vice Chancellor for Academic and Student Affairs.

8. Attachments: Candidate recommendations are attached. A consolidated North Dakota University System Faculty Appointment Data Sheet 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: 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 9 April 2015 to the SBHE for action.
1. **Issue:** MiSU requests approval to refund bonds to achieve a lower interest rate and as a result, overall savings over the remaining life of the bond.

2. **Proposed motion:** SBHE 1.) Authorize issuance of not to exceed $4,000,000 Minot State University Facilities Revenue Refunding Bonds, Series 2015, for the purpose of refunding the Minot State University Student Services Facilities Revenue Bonds, Series 2006; 2.) Authorize the MiSU President and/or Vice President for Administration and Finance to approve the sale of the bonds provided that the true interest rate not exceed 4.0% provided the present value of the debt service savings is not less than 2%. The approximate final date upon which the principal amount of the obligation will mature or become payable is August 1, 2029; and, 3.) Appoint the firm of Amstson Stewart Wegner PC as the bond counsel and Public Financial Management, Inc. as the financial advisor.

3. **Background:** The refinancing of the existing bonds requires SBHE approval per NDCC 15-55.

4. **Financial implications:** Refinancing of the existing $3,690,000 outstanding bonds will take advantage of lower interest rates and subsequently reduce the overall carrying costs of the bonds. Financial advisors indicate the anticipated net present value savings will be approximately $724,886.

5. **Academic implications:** No significant implications.

6. **Legal/policy issues:** No significant legal/policy issues

7. **Review Process:**Reviewed by Glatt, Goulet-Wagner, external bond counsel

8. **Enclosures:** 1.) Request to issue and call; 2.) MiSU 2015 Board Resolution

9. **Contact person:** Brian Foisy, MiSU VP for Finance and Administration 701-858-3331, brian.foisy@minotstateu.edu

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** NDSU seeks authorization to proceed with the sale of $10 million in revenue bonds for and the subsequent construction of the $11 million Wallman Wellness Center Aquatics Addition, to be repaid from student fee revenues.

2. **Proposed motion:** Authorize NDSU to proceed with the construction of the Wallman Wellness Center Aquatics Addition Project at an estimated cost of $11,000,000, with $10,000,000 funded from revenue bond proceeds and $1,000,000 from local funds, subject to appropriate legislative approval, including the following:
   1. The issuance of not to exceed $10,000,000 State Board of Higher Education of the State of North Dakota, North Dakota State University, Housing and Auxiliary Facilities Revenue Bonds, Series 2015B, for the purpose of financing the construction of an Aquatic Center on the North Dakota State University campus as per N.D.C.C. Chapter 15-55;
   2. Authorize the execution of a Supplemental Indenture of Trust, Bond Purchase Agreement and Related Documents;
   3. Authorize the NDSU President and Vice President for Finance and Administration to approve the sale of the bonds (Series 2015B) at a price not less than 98% of the principal amount thereof and at a true interest rate not exceeding 5.00%. The approximate final date upon which the principal amount of the obligation will mature or become payable is April 1, 2036; and
   4. Appoint the firm of Amstson Stewart Wegner PC as the bond counsel and Fieldman, Rolapp & Associates (Independent Financial Advisors to Government) as the financial advisor.

3. **Background:** NDSU has been without an operable, recreational pool since 2008. Student demand for an aquatic center has remained strong, and in 2013 NDSU students voted, and the SBHE approved an annual fee increase of $58.32 (from $188.80 to $247.12) in support of the addition in 2013-14. The $1.0 million in local funds pledged to the project have come from fee revenues collected since 2013-14. There will be an additional $27.12 per semester fee increase required beginning Fall 2016. The total increase will be $112.56/yr. The fee increase is intended to cover the additional costs of operating the facility once it is in service.

The designed project is approximately 30,000 square feet in size and incorporates two separate pools and natatoriums — one for leisure and one for other activities including lap swimming, scuba and other forms of recreation. Other features in the building include: wet classroom, additional locker rooms including gender neutral, sauna, a
couple of offices and storage. The structure is attached directly to the existing wellness center and adjacent to the existing parking lots.

4. **Financial implications**: Authorization to proceed will require the sale of $10,000,000 in revenue bonds which will be retired using the abovementioned student fees, including a pending fee increase in 2016-17. The 2016-17 fee increase is not being approved at this time, since it must be considered along with other fee increases at that time to comply with the one percent legislative limitation.

5. **Academic implications**: None

6. **Legal/policy issues**: Subject to revenue bond and project authorization from the Legislative Assembly. Project is currently authorized in the Senate version of the HB1003.


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 is requesting authorization to proceed with renovation of the Architecture and Landscape Architecture Building to accommodate program growth, meet code requirements, and enhance the overall interior environment. In addition, NDSU seeks authorization to rename the building “Engineering” as the architecture programs have been relocated to Renaissance and Klai Halls.

2. **Proposed motion:** Authorize NDSU to proceed with the Renovation of Architecture and Landscape Architecture Building at an estimated cost of $2,500,000 funded from FY14 appropriated capital project designated reserves per SBHE policy 810.1; further, authorize NDSU to rename the building from Architecture and Landscape Architecture to Engineering.

3. **Background:** This building was the original home to architecture programs, but is now accommodating engineering program growth. The building lacks essential updates and efficiencies, needs HVAC improvements, does not fully meet current code standards. Renovation of the facility will correct deficiencies, and make the building more conducive to educational functions of engineering programs.

4. **Financial implications:** None

5. **Academic implications:** The project should have a significant impact on academic vitality for Engineering and its related programs.

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@ndsu.edu, or 701-231-8412

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** NDSU is requesting authorization to proceed with a project designed to **correct settlement of the FLC building** using a piling or pier system which is installed under the existing structural supports. In addition, NDSU is seeking authority to transfer funds from appropriated operating to capital assets.

2. **Proposed motion:** Authorize NDSU to proceed with the Katherine Kilbourne Burgum (KKB) Family Life Center Footing Stabilization Project at an estimated cost of $750,000 funded from 2013-15 extra-ordinary repairs funds ($300,000) and 2013-15 appropriated operations funding ($450,000); furthermore, authorize the transfer of $450,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 25.

3. **Background:** This 1976 facility has settled over the past 26 years due to a condition referred to as “soil consolidation” whereby the building footings settle from the as-built state creating uneven floors and structural shifting. This project is one of several completed over time to correct the problem.

4. **Financial implications:** The project is a significant investment for restoring as-built conditions without significantly improving or adding to building value.

5. **Academic implications:** (if any)

6. **Legal/policy issues:** This project will help avoid potential personal injury claims by leveling floors / walking surfaces. It will also slow additional settling which may cause significant structural damage.

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
Summary of Proposed Action
SBHE Meeting – April 30, 2015

1. **Issue:** NDSU is requesting authorization to proceed with renovation of the Memorial Union Dining area to accommodate functional needs within this building.

2. **Proposed motion:** Authorize NDSU to proceed with the Memorial Union Dining Center and Upper Floor Fit Up project at an estimated cost of $1,450,000, funded from Dining Services ($1,060,000) and Memorial Union ($390,000) Repair and Replacement local funds.

3. **Background:** The Memorial Union Dining Center is operating at maximum capacity which results in a loss of service to students. The proposed renovations will increase capacity, and provide needed meeting rooms for general use in the Memorial Union itself. This project was listed as the number 1 capital project in the 2014 NDSU master plan using non-state funds.

4. **Financial implications:** Minimal, although renovations to the dining center have the potential to serve more students and subsequently strengthen their market.

5. **Academic implications:** No significant implications other than improved access by students.

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@ndsu.edu, or 701-231-8412

10. **Chancellor’s Recommendation:** Approve
1. Issue: NDSU Agriculture Extension Service (NDAES) continues to receive private funds to support the construction of a greenhouse complex on the NDSU campus. The current request is for approval of $113,084 in additional authorization to implement a higher level of biological safety for greenhouse compartments requiring that capacity for certain types of research. The $113,084 fits within the $5 M in other funds already authorized and appropriated for the project.

2. Proposed motion: Authorize an increase for the NDSU AES Research Greenhouse from $32,930,984 to $33,044,068, an increase of $113,084 from private funds.

3. Background: The NDUS/NDAES Main Station Research Greenhouse project was originally authorized by the 59th legislative assembly in 2005 for $7 M using $2 M in bonding and $5 M in other funds. Since that time, the legislature has approved additional funding, including general funds, bonding, and special funds; bringing the legislatively authorized total to $34,944,981.

The total amount of other funds approved by the legislature is $7,502,931. Of this, the SBHE has previously approved expenditures of $5,488,934, with $2,013,997 remaining (not including the current request).

4. Financial implications: The NDSU development foundation will continue to raise the remaining amount of special funds approved for this project.

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 is requesting authorization to construct a storm-water retention pond for the purpose of complying with storm water run-off codes. In addition, NDSU is seeking authority to transfer funds from appropriated operating to capital assets.

2. **Proposed motion**: Authorize NDSU to proceed with the construction of a Campus-Wide Retention Pond at an estimated cost of $380,000 funded from 2013-15 appropriated operations funding; furthermore, authorize the transfer of $380,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 25.

3. **Background**: NDSU is required to mitigate the effects of storm water run-off from impervious surfaces such as building roofs and parking lots. Retention ponds allow for settlement of run-off debris which protects waterways. NDSU is requesting to construct one large pond instead of several small ponds for future projects as a means to save money.

4. **Financial implications**: Constructing a single large pond is more cost effective than constructing several small ponds for future projects.

5. **Academic implications**: None

6. **Legal/policy issues**: This project is required for compliance with EPA regulations.


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 is requesting authorization to proceed with improvements to the entrance of the NDSU Library. The current entrance does not provide clear way finding, prevents intuitive egress and exit, and is unsupportive of a positive campus image. In addition, NDSU is seeking authority to transfer funds from appropriated operating to capital assets.

2. **Proposed motion**: Authorize NDSU to proceed with the Library Entryway/Circulation/Deferred Maintenance Renovation project at an estimated cost of $1,400,000 to be funded from 2013-15 appropriated operations funding; furthermore, authorize the transfer of $1,400,000 from 2013-15 operations to capital assets line item per SB2003 (2013), Section 35.

3. **Background**: The NDSU library was constructed as two separate projects dating 1949 and 1978 respectively. The original design has contributed to the conditions noted above, and requires a significant effort to correct. Doing so will greatly improve circulation, appearance, and ADA accessibility.

4. **Financial implications**: None

5. **Academic implications**: No significant implications other than improved access by students.

6. **Legal/policy issues**: This project will improve ADA compliance and help avoid potential accessibility claims


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:** Update Retirement Investment Policy Statement (IPS) to reflect a change in staff membership on the Retirement Plan Oversight Committee to include two staff representatives from the 1000&3000 bands instead of one from the 1000&3000 bands and one from the 4000-7000 bands.

2. **Proposed motion:** Approve proposed change to the Investment Policy Statement to change staff membership on the Retirement Plan Oversight Committee to include two staff representatives from the 1000&3000 bands.

3. **Background:** In June 2014, the SBHE approved the IPS which requires a retirement plan oversight committee for the management of the defined contribution plan administered through TIAA-CREF, with the following membership:
   - 2 Faculty Representatives (Ask for up to 4 names from CCF, at least one with an economics or finance background and a representative from each institutional sector)
   - 2 Staff Representatives (Ask for up to 4 names from State Staff Senate, at least one from 1000 & 3000 bands and one from 4000-7000 bands and a representative from each institutional sector)
   - 1 Admin. Affairs Council Representative
   - 1 Legal Representative
   - 1 Human Resource Representative
   - Vice Chancellor for Administrative Affairs
   - Retirement Plan Coordinator, Chair

   Positions in the 4000-7000 bands (technical and paraprofessional, office support, crafts/trades and services) would not be TIAA-CREF participants, but instead would be participants in the Public Employees Retirement System (PERS) defined benefit plan. Therefore, it would be more appropriate to have two staff representatives from the 1000&3000 bands (administrative/managerial/professional).

4. **Financial implications:** None

5. **Academic implications:** None

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

7. **Review Process:** NDUS Retirement Plan Oversight Committee; Glatt

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

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Proposed revisions to Employee Moving Expense policy 806.3 to provide, at the discretion of the institution, reimbursement or a lump-sum payment to the employee for moving expenses for new hires or current employee relocations.

2. **Proposed motion:** Approve proposed changes to SBHE policy 806.3-Moving Expenses.

3. **Background:** Current SBHE policy permits reimbursement of certain actual moving travel, and living expenses based on receipt. The revised policy would permit either reimbursement of certain actual moving travel, and living expenses based on receipt OR a negotiated lump sum amount for relocation expenses for new employees. There would be no change for relocated employees due to current statutory restrictions.

   The changes are intended to: 1.) provide added flexibility to tailor moving payment to each individual position and/or employee location; 2.) to eliminate disincentive inherent in current policy for the employee to perform some or all of moving preparations, instead of outsourcing those to external provider; 3.) with lump sum payment option, reduce the amount of administrative overhead due to reduced number of receipt and expense audits; 4.) with lump sum option, provides a fixed moving cost amount for both the employer and employee upfront at time of hire for budgeting purposes; 5.) with lump sum option, reduces employee frustration about which expenses are reimbursed and which are not reimbursed and at what level.

4. **Financial implications:** Depending on the option chosen by the institution at the time of hire, the moving cost could be more or less than current costs, depending on the negotiated lump sum amount. However, it is anticipated that the institutions will generally choose the negotiated lump sum approach.

5. **Academic implications:** Would apply to faculty positions, as well as staff positions.

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


8. **Enclosures:** Revised SBHE policy 806.3

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

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** Proposed amendments to SBHE Policy 918 – Alcoholic Beverages.

2. **Proposed motion:** Motion to approve the proposed amendments to SBHE Policy 918 for a second reading at the next board meeting.

3. **Background:** Policy 918 was adopted in 1994, then amended several times to address specific issues at individual institutions. The proposed amendments would generally prohibit alcoholic beverages on a campus, unless specifically authorized by the president.

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

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

6. **Legal/policy issues:** The proposed amendments would delegate to the presidents and dean the authority to allow alcoholic beverages on the campuses for specific purposes.

7. **Review Process:**
   - Chancellor’s Cabinet
   - Chancellor’s Senior Staff
   - Student Affairs Council
   - Administrative Affairs Council

8. **Enclosures and links:**
   - [Current Policy 918](#)
   - Proposed amendments to Policy 918 in redline format
   - Policy 918 (if amended)

9. **Key contact person(s) concerning issue:** Murray G. Sagsveen, Chief of Staff

10. **Chancellor’s Recommendation:** Recommend approval.
1. Issue: Proposed modifications to employee tuition waiver, effective Fall 2015. Revisions are intended to standardize the benefit across the NDUS, simplify current practice for ease of employee understanding and campus administration, while maintaining, to the extent possible, current employee benefits. Based on current usage patterns, almost 90% of the employees would see no change or an increase in benefit, and about 10% would experience a reduction in benefits.

2. Proposed motion: Approve recommended changes to SBHE policy 820.1, with an effective date of June 1, 2015.

3. Background: In June 2014, the SBHE adopted changes to expand the employee waiver to provide for an additional employer assistance payment for on-line and other distance delivery courses, with a minimum of 50% of tuition paid by the employing campus and the balance paid by the employee. Differences between campuses under the waiver and assistance provisions and policy definitions created confusion and administrative challenges.

Currently proposed changes include:
- A policy which is based on where, not how course is offered. If course is offered by employing institution, employee receives 100% tuition waiver. If employee takes a course at another NDUS institution, payment exchanges hands with 50% of tuition paid by the employer and the balance paid by employee.
- Establishes standard eligibility criteria across the NDUS
- Provides a standard application/approval form for use by all NDUS campuses.
- Provisions would be standardized across all campuses, so nothing more or less than the prescribed policy and procedure provisions can be provided to employees, creating a standardized benefit across the NDUS.

The March 20, 2015 SAO Tuition Waiver Performance Audit report notes: “SBHE policy establishes an employee tuition waiver. However, rather than identifying all criteria for the employee tuition waiver, the policy requires each institution adopt their own policy defining circumstances under which the institution will waive or pay for the courses. We identified institutions were not establishing the required policies and inconsistencies exist. Inconsistencies may lead to employees at one institution receiving a different benefit than employees at another institution. To ensure consistency in what is required by state law to be a unified system of higher education, SBHE should establish all criteria regarding specific waivers authorized. The criteria should address the areas institution policies are recommended to address. A SBHE policy could eliminate the need of resources being expended at all institutions for establishing and maintaining 11 separate policies.”
4. **Financial implications:** Based on AY14-15 usage statistics of 529 employees, the impact of the proposed changes would be as follows:

- 78.5% (415 employees) will have the same level of benefit under the proposed changes
- 10.8% (57 employees) will have an increased benefit under the proposed changes
- 6.4% (34 employees) will have a reduced benefit under the proposed change
- An additional 4.3% (23 employees) will have a unique reduced benefit under the proposed change. These employees are currently receiving an additional benefit due to certain institutions which go beyond current policy. These institutions waive 100% of tuition for other campus employees taking non-traditional courses at their institution. Employees in this group will see a decreased benefit as all institutions will be required to adhere to the 50% tuition assistance policy.

The increased benefit for 57 employees is due to the proposed policy which changes the waiver percentage from 50% to 100% for distance classes taken at the campus of employment. The decreased benefit for 34 employees is due to the proposed policy which changes the waiver percentage from 100% to 50% for traditional classes taken at a campus other than the campus of employment. The additional unique decreased benefit for 23 employees is due to required adherence to the 50% proposed tuition assistance policy; campuses will no longer be authorized to go beyond SBHE minimum policy.

5. **Academic implications:** None

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

7. **Review Process:** Admin. Affairs Council, Human Resource Council, Chancellor’s Cabinet; Statewide Staff Senate, Council of College Faculties

8. **Enclosures:** Proposed policy revision, and tuition and fee matrix

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

10. **Chancellor’s Recommendation:** Approve
1. **Issue:** [Adopt new policy requiring all newly constructed or acquired buildings](#), newly constructed major building additions over 1,000 sq. feet and newly constructed major public improvements costing in excess of $500,000 to be memorialized with a plaque. The plaque shall include the names of the SBHE members and other dignitaries and officials who were in office on the date the SBHE provided authorization to proceed with the project.

2. **Proposed motion:** Approve proposed new SBHE policy 907 related to Building Plaques.

3. **Background:** Up until 2012, building plaques were required in new buildings. Current procedure permits, but does not require plaques in new buildings.

4. **Financial implications:** Cost of the plaque and placement considered minimal.

5. **Academic implications:** None

6. **Legal/policy issues:** NDUS procedure 902.5 will require modification to remove references to building plaques. The current procedure permits, but does not require, a plaque for new buildings. The necessary revision to 902.5 will be incorporated into comprehensive 900 section policy and procedure changes currently under development.

7. **Review Process:** Administrative Affairs Council, Chancellor’s Cabinet

8. **Enclosures:** Proposed policy 907

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

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