

STATE BOARD OF HIGHER EDUCATION

Minutes—November 19, 1998

Interactive Video Network

The regular meeting of the State Board of Higher Education was held November 19, 1998 over the Interactive Video Network. The president called the meeting to order at 1:00 p.m. Members present were:

Jack Hoeven, President	Craig Caspers
Jeanette Satrom, Vice President	Bill Isaacson
Paul Ebeltoft	Jonathan Sickler, Student Member
Joe Peltier	Dr. Bethany Andreasen, Faculty Representative
Beverly Clayburgh	

Presidents and Executive Deans present were:

Dr. Donna Thigpen, BSC	Dr. Allan Fischer, NDSU (interim)
Dr. Rich Brauhn, DSU (interim)	Dr. Ken Baker, UND
Dr. Ellen Chaffee, MaSU/VCSU	Dr. Sharon Etemad, UND-LR
Dr. Erik Shaar, MiSU/MiSU-BC	Garvin Stevens, UND-W
Dr. Jerry Olson, NDSCS	

Staff members present were:

Larry A. Isaak, Chancellor
Dr. Michel Hillman, Vice Chancellor for Academic Affairs
Laura Glatt, Vice Chancellor for Administrative Affairs
H.P. Seaworth, General Counsel & Executive Secretary
Eddie Dunn, Executive Director, College Technical Education Council
Mike Sandal, Director of Human Resources
Kay Fulp, Coordinator of Articulation and Transfer
Sheila Tibke, Administrative Secretary

Minutes

It was moved by Mr. Peltier, seconded by Mrs. Clayburgh, and unanimously carried to approve the minutes of the September 17 & 18, 1998 meeting as distributed.

Board President's Report

President Hoeven indicated that since the failure of Measure 1 there have been several public calls for the Board to develop a plan for higher education in ND. Mr. Hoeven suggested that the Board already has a plan and he also has several copies of other plans and studies of higher education that have been developed over the years. As a result, he did not see the need to

develop another plan at this time. Mr. Hoeven suggested that the Board revisit this issue after the legislative session when time is available.

Chancellor's Report

Chancellor Isaak informed the Board that Mr. Seaworth and Dr. Chaffee are revising current Board policies to conform to the policy governance model. Chancellor Isaak indicated that if the Board members prefer to have more training in policy governance, they should let him know.

Chancellor Isaak displayed the new poster for the University System that will be mailed to all high school counselors in North Dakota, South Dakota, Minnesota, and Montana. The poster lists all the degrees offered by NDUS campuses.

Chancellor Isaak reported on the progress of the presidential searches. North Dakota State University has seven semi-finalists that will be visiting NDSU and Bismarck beginning this week until the middle of December. The December 17 – 18, 1998 NDSU interviews by the Board have been rescheduled to January 13 – 14, 1999. Dickinson State University has received approximately 40 applications to date and is still open to applications. The committee will begin screening the applications within the next couple of weeks and will select semi-finalists in early January. The Board will meet March 5 – 6, 1999 to make their selection. The search committee at the University of North Dakota has met three times and has finalized the profile for the institution and presidential position. He will forward that on to the Board members.

Chancellor Isaak indicated that Tamra Volkert has been hired to work as receptionist and administrative secretary in the System office.

The Academic Affairs Council has proposed a change to the academic calendar for 1999-2000. They propose the spring semester start January 11, 2000 rather than January 4, 2000 as currently scheduled. The President of Moorhead State University in Minnesota requested the one-week delay. Moorhead State has made the decision to delay the start of the spring semester by one week in the event that they encounter Y2K problems. In light of the close relationship of NDSU and Moorhead State in the Tri-College, the Cabinet supported the delay. Chancellor Isaak will take it under consideration.

The Governor's budget will be released December 10 at the organizational session. It is tentatively scheduled for 10:30 a.m.

Chancellor Isaak would like to reschedule the VCSU Board orientation and will be in contact with the Board members to see which dates will work for them.

Condolences were expressed for Donna Conn, Phil Conn's wife, who passed away. A memorial service will be held at Dickinson State University Friday at 3:30 p.m. MT. Chancellor Isaak will attend.

Chancellor Isaak reported that the Higher Education Act of 1998 is seeking 15 colleges or consortia of colleges to participate in a distance education demonstration program. If approved to participate, there would be a waiver of current regulations that deny financial aid to students participating in distance education programs. NDUS staff will pursue the possibility of becoming one of the 15 sites. He feels the University System would make a good demonstration site because its institutions are geographically positioned and able to deliver many quality programs to rural students and businesses. He also feels North Dakota's low student loan default rates show the integrity of North Dakota's populace and it would be advantageous to partner with Student Loans of ND to pursue participation as a distance education demonstration site.

Student Association Report

Diane Lochner, NDSA President, reported that the Student Association has met twice since September. Measure 1 has been the primary topic of their discussions and the Student Association opposed the Measure. Their next meeting is November 20 & 21, 1998 in Valley City. Their January meeting will focus on lobbying objectives and legislative goals for the upcoming legislative session.

Council of College Faculties Report

Dr. Shaar reported for Dr. Andreasen due to illness. The CCF met September 23 in Bismarck and October 22 via IVN. Issues discussed at these meetings includes:

- ▶ Task Force on Instructional Delivery/ND Virtual University.
- ▶ The CCF asked to meet with the Board in the spring, as is the tradition.
- ▶ The CCF believes faculty participation is very important in discussions regarding tenure.
- ▶ It was the consensus of the CCF to ensure quality of dual credit courses by requiring high standards for instructors selected to teach these courses.
- ▶ The HERI survey is being completed by faculty.
- ▶ An amendment to the CCF constitution is being considered to allow other than CCF representatives to serve as a faculty representative to the Board.
- ▶ The next State of the Faculty Conference will be held at NDSU in the fall of 1999 and all Board members are invited to attend.
- ▶ The CCF approved a motion requesting that time be set aside during Board orientation to meet with the faculty as has been done for the students.

Special Orders

Legislation

Mr. Seaworth reviewed proposed legislation for the 1999 legislative session for approval for pre-filing.

- ▶ A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of ND, relating to more than one person holding a bachelor's degree from a

particular institution under the jurisdiction of the state board of higher education serving on the board at any one time.

Mr. Caspers proposed that each of the campuses have an advisory board. One of these board members names would then be forwarded on to the nominating committee and then the Governor for appointment to the Board of Higher Education. **It was moved** by Mr. Caspers, seconded by Mrs. Satrom to table the concurrent resolution at this time. Following discussion on the proposed concurrent resolution Mr. Caspers withdrew his motion and Mrs. Satrom withdrew her second.

It was moved by Mr. Peltier, seconded by Mr. Sickler to approve the concurrent resolution as written.

It was moved by Mr. Ebeltoft, seconded by Mr. Isaacson to amend the resolution to insert the limitation of two persons as an undergraduate of a particular institution. Mrs. Clayburgh, Mr. Ebeltoft, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. Mr. Sickler, Mr. Caspers, and Mr. Peltier voted no. The motion carried.

On the motion to approve the concurrent resolution, Mr. Peltier, Mrs. Clayburgh, Mr. Sickler, Mr. Ebeltoft, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. Mr. Caspers voted no. The motion carried.

President Hoeven asked Mr. Caspers and Mrs. Satrom to work with NDUS staff to work with the Board nominating committee and Governor to get an expanded pool of candidates for the Board of Higher Education. President Hoeven asked that other Board members contact him if they would like to serve on this subcommittee.

- □ A BILL for an Act to create and enact a new section to chapter 15-10 of the NDCC, relating to consideration by search committees of employment applications and names of candidates for employment in the university system; and to amend and reenact subsection 1 of section 15-10-17 of the NDCC relating to the power of the board of higher education to appoint and remove employees.

President Hoeven commented in regards to the open records law. By the time this bill passes, it would have no effect on our present searches. He recommended a meeting with media representatives to work something out.

Jack McDonald, representing the ND Newspaper Association & ND Broadcasters Association, was present to express their concerns and comments regarding the open records law. He feels there could be some negotiations and compromises regarding the open records law and urged the Board to work with the media to develop a proposal that the Board and media can agree on.

Following discussion on the consolidated bill on candidate applications and personnel issues, **it was moved** by Mr. Ebeltoft, seconded by Mr. Peltier to direct the Chancellor to work with media representatives to attempt to work out a compromise solution. Based upon those discussions, the chancellor should use his discretion in determining whether a bill draft should be forwarded to the legislature. Chancellor Isaak should report back to the Board on the status of the discussions

and the legislation. Mr. Peltier, Mrs. Clayburgh, Mr. Sickler, Mr. Ebeltoft, Mr. Caspers, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. The motion carried.

1. A BILL for an Act to amend and reenact section 15-10-12 of the NDCC, relating to deposit of tuition paid to board of higher education institutions, and to repeal sections 15-10-18 and 15-10-19.1 of the NDCC, relating to tuition of nonresidents, and definitions of nonresident and resident students. (NDUS staff will have ongoing discussions with campus personnel to develop an additional amendment that addresses the deposit of funds in the state treasury issue.)
2. A BILL for an Act to amend and reenact section 15-10-14.2 of the NDCC, relating to the higher education system review and time of the report to the legislative assembly.
3. A BILL for an Act to create and enact a new section to chapter 39-04 of the NDCC, relating to collegiate license plates.
4. A BILL for an Act to create and enact a new section to chapter 44-04 of the NDCC, relating to records of college or university foundations or alumni associations.
5. A BILL for an Act to create and enact a new section to chapter 44-04 of the NDCC, relating to confidentiality or patient records at college and university student health services and university system clinics.
6. A BILL for an Act to amend and reenact Sections 47-28-01, 47-28-02, 47-28-03, and 47-28-04 of the NDCC, relating to protecting and marketing of inventions and discoveries of employees of state institutions of higher learning.
7. Miscellaneous "housekeeping" amendments to chapters 15-10, 15-11, 15-12, 15-13, 15-62.2 and 15-62.3.

Following further discussion, **it was moved** by Mr. Ebeltoft, seconded by Mr. Peltier to approve for pre-filing the above mentioned bill drafts (1-7) and a resolution for Board support for the bills relative to the DSU project, the Barnes and Noble project, and the personnel system. Mr. Peltier, Mrs. Clayburgh, Mr. Sickler, Mr. Ebeltoft, Mr. Caspers, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. The motion carried.

Mr. Seaworth also included the following bill drafts that are being introduced by interim legislative committees:

- A BILL for an Act to provide an appropriation for the construction of a building on the UND campus; and to declare an emergency.
- A BILL for an Act to create and enact a new subsection to section 15-10-17 and a new section to chapter 54-10 of the NDCC, relating to the powers and duties of the board of higher education and the confidentiality of audit reports.
- A BILL for an Act to provide for the information technology department and transition of responsibilities to the department; to amend and reenact sections 15-65-02, 41-09-46, 54-16-11.1, 54-35-15, 54-44-11, 54-44.8-01, 54-44.8-02, 54-44.8-03, 54-44.8-04, 54-44.8-05, 54-44.8-07, 54-44.8-08, 54-46-03, and 54-46.1-01 of the NDCC, relating to references to the information services division, the information services operating fund, the legislative council, and the state records administrator; to repeal chapter 54-44.2 of the NDCC, relating to the information services division; and to provide an effective date.

Chancellor Isaak commented that the University System office has been following this bill very closely and, in present form, it appears that we can support it, although that cannot be

completely determined until the conceptual plan and fiscal note is complete. He indicated that this bill would need to be watched very carefully.

- ▶ □ A BILL for an Act to amend and reenact section 54-44.3-20 of the NDCC, relating to categories of positions in the state service.
- ▶ □ A BILL for an Act to prohibit state agencies and institutions from entering into contracts for services to be provided in one biennium which provide for the payment for the services to extend beyond that biennium; and to amend and reenact subsection 8 of section 54-44.1-06 of the NDCC, relating to the contents of budget data prepared by the director of the budget. Chancellor Isaak suggests that the Board oppose this bill.

Mr. Seaworth indicated that the following bill drafts are being prepared at the request of legislators or other state agencies, but copies are not yet available.

- ▶ □ A bill updating statutes relating to board membership.
- ▶ □ Legislation removing the requirements of governor approval of and, in some cases, public hearings related to agreements with Indian tribes.
- ▶ □ A bill that clarifies the Board's authority to approve construction projects.

Common Course Numbering/Equivalencies Report

Kay Fulp reviewed the Report on Common Course Numbering. The results may be viewed at <http://www.ndscs.nodak.edu/nduscat/>. Ms. Fulp suggested that the University System work on an advisor's toolbox. The students and advisors need to develop a schedule for their educational program. They need to be aware of what is on the web site and in the *Pathways* book. Ms. Fulp also suggests that the System work with advisors and students on student intent—are the students getting what they want? The System should measure, at the end of a student's education, if the student received what they wanted. Ms. Fulp, Dr. Hillman, and Julie Schepp will meet November 24, 1998 to discuss these issues and then route them to the Academic Affairs Council. It is Ms. Fulp's goal to complete the Articulation Agreement by June 1. A copy of the full report is on file in the System office.

Recommendations of Workforce Training Task Force

President Hoeven thanked Mr. Dunn, Mr. Caspers, Dr. Thigpen, Dr. Chaffee, Ms. Glatt, Chancellor Isaak, and Dr. Hillman for their work on this project with special thanks to GNDA for providing the leadership. Roger Rierson, GNDA, briefed the Board on the history and progress of the Task Force. The Task Force developed a list of characteristics of an ideal workforce training system that served as the framework in designing a more effective workforce training system in ND. These ideal characteristics were grouped into four primary categories: 1) Defined Service Regions, 2) Administrative Structure, 3) Funding Sources, and 4) Relationship and Collaboration. The overall goal of the Task Force is to provide business and industry in ND with the most competitive workforce in the nation. Task Teams were formed from the four primary categories and came forward with the recommendations that are included in the report. A list of the recommendations is on file in the System office.

Business plans are being written around the community college model to define service regions. These business plans will identify the statewide training needs, budgets, and staffing for each region. The business plans are due back to the Task Force by December 15. The Task Force will use these plans to draft legislation to move this model forward.

Dale Anderson, GNDA, expressed thanks and appreciation from the business community for helping this project move forward.

Mr. Caspers commended Mr. Rierson, Mr. Anderson, and the GNDA for their leadership on this issue and along with Mr. Peltier, complimented the committee members for all their work. The Board will address this project at a later date.

Mr. Anderson said that Chancellor Isaak's leadership has allowed for a strong working relationship with business and the University System is positively represented.

Chancellor Isaak indicated that there are five areas the Board should think about in terms of action in relation to the business plans:

1. The Board should take action, assigning to certain campuses the responsibility for workforce training coordination.
2. Designate service regions.
3. Discuss recommendations on the alignment of campuses or independent status as it relates to current branch campuses.
4. Promote legislation to provide flexibility in the use of tuition funds.
5. Continue to promote a flexible, entrepreneurial culture on campuses by reducing overburdensome reporting and auditing requirements so the environment of entrepreneurship can move forward on campuses.

Mr. Rierson indicated that four of the two-year campuses (BSC, NDSCS, UND-LR, and UND-W) have been asked to develop business plans for a four-region delivery model. He said that the Task Force will meet shortly after the December 15 deadline to receive the business plans. Based upon these plans, the task force will make a recommendation to the legislature on the number and location of the regions. He said they will forward copies on to the Board.

Consent Agenda

Chancellor Isaak commented on consent agenda item 18 relating to the virtual university. This will provide access and a convenient way for people to learn about distance education programs offered by NDUS campuses. He commended the Academic Affairs officers and Dr. Hillman for their work and efforts on this project.

Following discussion on consent agenda items 8, 9, 14, and 18 **it was moved** by Mr. Ebeltoft, seconded by Mrs. Satrom to approve the following consent agenda items 1 through 19. Mr. Peltier, Mrs. Clayburgh, Mr. Sickler, Mr. Ebeltoft, Mr. Caspers, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. The motion carried.

1. Accept correction to listing of grants and contracts for the month of July 1998 for **North Dakota State University**. Accept grants and contracts for **North Dakota State University, Minot State University, and the University of North Dakota**.

2. Ratify the action of the Vice Chancellor for Administrative Affairs in approving significant change of project scope and increase in cost of \$55,000 for asbestos abatement for Phase I of Schafer Hall renovation at **Bismarck State College**. The source of funds are special funds that are the result of the asbestos lawsuit that was settled out of court with United States Gypsum Company.
3. Ratify the action of the Vice Chancellor for Administrative Affairs in awarding bids for partial renovation of the **Bismarck State College** Student Union to Associated Builders \$133,400; Seifert Electric \$42,939; and Advanced Mechanical \$40,180 for total bids of \$216,519. This project is being funded from auxiliary service reserve funds.
4. Ratify the action of the Vice Chancellor for Administrative Affairs in awarding bids for **Bismarck State College** Schafer Hall renovation—Phase I to Professional Contractors, Inc. \$348,000; Northern Plains Plumbing & Heating \$78,860; and Seifert Electric \$183,634 for total bids of \$610,494. SB 2003 for the 1997-99 biennium included an appropriation of \$965,000 in the capital improvements line item of which \$615,000 is general fund and \$350,000 is special funds that BSC has already received. The special funds are the result of the asbestos lawsuit that was settled out of court with United States Gypsum Company.
5. Approve request from **North Dakota State University** to award an honorary doctoral degree to James M. Sugihara.
6. Approve request from **North Dakota State University** to grant tenure to Dr. David Lambert, Professor and Chair, Department of Agricultural Economics, College of Agriculture, effective December 1, 1998.
7. Approve request from **North Dakota State University** to seek Emergency Commission authorization to increase the equipment line item in the amount of \$130,000 for the Dickinson Research Extension Center (OMB Budget 641) for the 1997-99 biennium to purchase a combine. Source of revenue for the increase will come from oil royalties received from the Stadium (Lodgepole) Unit.
8. Permit **North Dakota State University** to proceed to hire an architect to prepare plans and specifications for the Skills Training and Technology Center – Phase II. Sources of funding will be approximately \$525,000 from gift funds and \$975,000 from state appropriations to be funded in 1999-2001. This action does not constitute the authority to proceed, but rather to lay out options based upon various funding levels. NDSU will have to come back to the Board to get the approval to proceed at a later date.
9. Permit **North Dakota State University** to increase the 1999-2001 requested authorization for Sudro Hall Renovation from \$1,500,000 to \$1,750,000 due to the discovery of significant asbestos. The additional funding will be provided from gift sources and asbestos recovery funds.

10. Permit the **University of North Dakota** to rename Student Health Service unit to John A. Swenson, M.D. Student Health Services.
11. Approve line item transfer at the **University of North Dakota** of \$175,000 from Operating to Equipment for HECN. The funds will be used to purchase a network router, modular furniture, additional hard disk capability for the Unix system, laser printer for administrative information services staff, and desktop computers and workstations for staff.
12. Ratify the October 8, 1998 action of the Vice Chancellor for Administrative Affairs to award the contract for engineering services for replacement of the steam distribution system at the **University of North Dakota** to EAPC. Estimated costs and sources of funding are FEMA \$1,530,000 and State Match \$170,000 for a total of \$1,700,000.
13. Authorize the **University of North Dakota** to proceed with renovation of O'Kelly Hall to accommodate the Nutrition and Dietetics Department. Estimated cost is \$185,000. Source of funding is appropriated plant improvements. This project will reduce the overall projected cost for the complete renovation of O'Kelly Hall, which is a high priority for UND.
14. Authorize the **University of North Dakota** to advertise for proposals for architectural services for the proposed Barnes and Noble facility. Contracts will not be negotiated or awarded prior to Legislative approval.
15. Authorize the **University of North Dakota** to proceed with razing the Unit Operations Building. Estimated cost of razing the building is \$31,500. Source of funding is appropriated plant improvements.
16. Approve ND Building Authority Agreement and Request and Resolution Approving Financing for the **University of North Dakota** Medical School addition.
17. Permit **North Dakota State College of Science** to name the Allied Health Center (formerly Bute Gymnasium) the Mayme Green Allied Health Center.
18. Approve request from the **North Dakota University System** to allocate \$80,000 of the System contingency fund for development and training (the current balance in the contingency fund is \$150,000) for a NDUS virtual university.
19. Consent to and ratify the proposed plan of unitization and approve the Ratification and Joinder of Unit Agreement from the **North Dakota University System** for the Subdivision-Lodgepole Pool.

400 Academic Affairs—Dr. Hillman

Approval to offer a new program

Dr. Hillman presented a request from UND-W to offer a new program—Computer Systems Specialist. At least 40 students per year will be enrolled in this program when it is fully operational in three years. **It was moved** by Mr. Ebeltoft, seconded by Mr. Peltier to approve the new Computer Systems Specialist program at the **University of North Dakota-Williston**. Mr. Peltier, Mrs. Clayburgh, Mr. Sickler, Mr. Ebeltoft, Mr. Caspers, Mr. Isaacson, Mrs. Satrom, and Mr. Hoeven voted aye. The motion carried.

Board Members Reports

Mr. Peltier will attend NDSU's winter commencement December 18, 1998 at 4 p.m.

Campus Reports

There were no campus reports.

Public Comment

There was no public comment.

The meeting adjourned at 3:50 p.m. The State Board of Higher Education will hold a conference call the week of November 23, 1998 to complete the Board agenda.