

North Dakota State Board of Higher Education

May 29, 2025, Meeting Minutes

The State Board of Higher Education met on May 29, 2025, at 8:30 a.m. CT., at Bismarck State College, Advanced Technology Building, room 301, 1220 Schafer Street.

Roll Call

SBHE Members

- | | |
|--|---|
| <input checked="" type="checkbox"/> Mr. Tim Mihalick, Chair | <input checked="" type="checkbox"/> Ms. Danita Bye, Vice Chair |
| <input checked="" type="checkbox"/> Mr. Kevin Black | <input checked="" type="checkbox"/> Dr. Casey Ryan |
| <input checked="" type="checkbox"/> Mr. Jeffrey Volk | <input checked="" type="checkbox"/> Mr. Curtis Biller |
| <input checked="" type="checkbox"/> Mr. Max Eriksrud (via Teams) | <input checked="" type="checkbox"/> Mr. DJ Campbell |
| <input checked="" type="checkbox"/> Mr. Michael Linnell, Staff Advisor | <input checked="" type="checkbox"/> Dr. Lisa Montplaisir, Faculty Advisor |

Institutions

BSC Interim President Leingang, **DCB** Dean Simone, **DSU** Acting President Orton, **LRSC** President Darling, Mr. Lloyd Halvorson, **MaSU** President Van Horn, **MiSU** President Shirley, **NDSCS** President Flanigan, **NDSU** President Cook, **UND** President Armacost, **VCSU** President LaFave, **WSC** President Hirning.

System Office/Guests

NDUS Interim Chancellor Sanford, VC Lisa Johnson, VC David Krebsbach, VC Jerry Rostad, Mr. Mark Gorenflo, Ms. Jane Grinde, Dr. Jen Weber, Ms. Brenda Zastoupil **CTS** VC Tom Danford, Mr. Corey Quirk, **Assistant Attorney General** Ms. Meredith Larson.

Chair Mihalick called the meeting to order at 8:30 a.m. CT.

1. Agenda

Chair Mihalick removed Policy 1203.1, agenda item 21, on the advice of legal counsel; there is additional work to be completed. Member Volk requested to add an item regarding the Request for Proposals (RFP) that was tabled by the Board in February.

Ryan moved, Black seconded, to approve the amended agenda.

Biller, Campbell, Bye, Volk, Black, Eriksrud, Ryan, and Mihalick voted yes. Motioned passed 8 – 0.

Board Consent (items 2 – 14)

2. Reconfirm Mr. Ty Orton as Acting President for Dickinson State University
3. [April 30, 2025](#), Meeting Minutes

SBHE Budget and Finance Committee

4. [Biennial Budget Guidelines and Tuition Rates](#)
5. [Retirement Plan](#) – Retirement Plan Oversight Committee authorizing Attorney Godsoe scope of work to finalize summary plan documents for all NDUS retirement plans

6. [VCSU 2023-25 Tier III Request](#)
7. [VCSU Tuition Exemption Request](#)
8. [BSC 2023-25 Tier II/III Request](#)
9. [MaSU Request for Line-item Transfer](#)
10. [MaSU Tuition Exemption Request](#)
11. [UND Neuroscience and Biomedical Research HVAC project increase request](#)
12. [UND Central Foods Complex HVAC Upgrades and Roof Replacement](#)
13. [UND College of Education & Human Development differential tuition rate request](#)
14. [UND School of Law tuition factor change request](#)

Ryan moved, Biller seconded, to approve the consent agenda, items 2 -14.

Approved unanimously by voice vote.

Board Business

15. Mr. Scott Molander's DSU Presidential Contract

Interim Chancellor Sanford requested the Board amend the existing contract for incoming DSU President Molander by moving the start date to May 30 from the original July 1 date. A copy of the amendment was sent to the Board members via email. Member Volk inquired whether Senate Bill 2003, specifically regarding severance contracts, should be in the amended contract. Legal Counsel stated that the amendment predates the bill's effective clause; however, it will be taken into consideration for future contracts.

Campbell moved, Ryan seconded, to approve amending Mr. Molander's contract with a start date of May 30, 2025.

Biller, Campbell, Bye, Volk, Black, Eriksrud, Ryan, and Mihalick voted yes. Motioned passed 8 – 0.

16. Executive Session

Ryan moved, Bye seconded, to enter Executive Session to (1) consider the appointment of, and contract terms for an Interim President of Lake Region State College; (2) limit the executive session to voting board members, nonvoting advisors, the chancellor, invited NDUSO staff, and board counsel. The legal authority for closing this portion of the meeting is North Dakota Century Code sections 15-10-17(1)(a), 15-10-17(1)(d), and 44-04-19.2.

Biller, Campbell, Bye, Volk, Black, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

Executive session began at 8:45 a.m. CT.

Present:

SBHE Members

☒ Mr. Tim Mihalick, Chair

☒ Mr. Kevin Black

☒ Mr. Jeffry Volk

☒ Mr. Max Eriksrud (via Teams)

☒ Mr. Michael Linnell, Staff Advisor

☒ Ms. Danita Bye, Vice Chair

☒ Dr. Casey Ryan

☒ Mr. Curtis Biller

☒ Mr. DJ Campbell

☒ Dr. Lisa Montplaisir, Faculty Advisor

Others Present:

Interim Chancellor Sanford, Ms. Jane Grinde, Ms. Merideth Larson, Ms. Kristie Hetzler.

Executive session adjourned at 9:15 a.m. CT.

Reconvened open session at 9:18 a.m. CT.

Black moved, Campbell seconded, to appoint Dr. Carmen Simone as the LRSC Interim President.

Biller, Campbell, Bye, Volk, Black, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

17. Election of SBHE Officers

Ms. Meredith Larson called for nominations for Board Chair, for a one-year term beginning July 1, 2025 to June 30, 2026.

Volk moved, Bye seconded, to elect Mr. Kevin Black as Board Chair.

Bye, Volk, Biller, Campbell, Eriksrud, Ryan, and Mihalick voted yes. Black abstained. Motion passed 8 – 0.

Bye moved, Ryan seconded, to elect Mr. DJ Campbell as Board Vice Chair, for a one-year term beginning July 1, 2025 to June 30, 2026.

Bye, Volk, Biller, Campbell, Black, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

Black moved, Campbell seconded, to reappoint Ms. Bethany Kadrmas as Board Secretary with a term ending June 30, 2026.

Bye, Volk, Biller, Campbell, Black, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

18. Proposed Changes to the 2025 Meeting Schedule

Interim Chancellor Sanford explained that the Board retreat would take place in the first part of August, the exact date and location is still being worked through. The September Board meeting date scheduled to be held at WSC is currently being discussed and that date could possibly be moved as well; the office will provide more information when the logistics are finalized.

No concerns were raised.

19. Executive Session

Bye moved, Biller seconded, to enter Executive Session to discuss the working papers of Chief Compliance Officer, investigatory work product, and the internal review/investigation of any NDUS connection to the Ray Holmberg criminal case and (2) To limit executive session to board members, nonvoting advisors, the chancellor, chief of staff, chief compliance officer, and board counsel. The legal authority for

closing this portion of the meeting is North Dakota Century Code sections 15-10-44.3, 44-04-18.1(6), 44-04-19.1(3), 44-04-19.1(7), and 44-04-19.2.

Bye, Volk, Biller, Campbell, Black, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

Executive Session began at 9:25 a.m. CT.

Present:

SBHE Members

☒ Mr. Tim Mihalick, Chair

☒ Mr. Kevin Black

☒ Mr. Jeffry Volk

☒ Mr. Max Eriksrud (via teams)

☒ Mr. Michael Linnell, Staff Advisor

☒ Ms. Danita Bye, Vice Chair

☒ Dr. Casey Ryan

☒ Mr. Curtis Biller

☒ Mr. DJ Campbell

☒ Dr. Lisa Montplaisir, Faculty Advisor

Others Present:

Interim Chancellor Sanford, Mr. Chris Pieske, Ms. Merideth Larson, Mr. Mark Gorenflo.

The Board reconvened in the open session at 10:50 a.m. CT; Chair Mihalick made the following statement:

At the April SBHE meeting, we announced that an internal review would be conducted to determine if there were any policy or legal violations, including a failure to report misconduct by any NDUS employees in relation to former Senator Ray Holmberg's criminal conduct. Over the last month, the NDUS Chief Compliance Officer has reviewed thousands of pages of internal documents and law enforcement materials. Additionally, our General Counsel has coordinated with and provided information to law enforcement. The review so far has revealed no evidence that current NDUS employees violated policy or failed to report criminal activity by former Senator Ray Holmberg. The Board's goal is to complete a comprehensive and objective review, ensure that any policy or legal violations are identified, and make any necessary improvements to our policies and processes. To that end, a neutral third-party investigator will be hired to complete this investigation. The safety of our campus communities is the number one priority of the SBHE and our institutional leaders. We encourage anyone who has information pertaining to this matter to make a report to an institution's Title IX office or to the NDUS Office of Compliance and Ethics.

SBHE Policy – 1st Reading

20. Policy 470, State Authorization

Vice Chancellor Johnson presented [Policy 470](#) for first reading; it is a new policy that implements House Bill 1064 regarding approval for out-of-state institutions of higher education to operate in North Dakota. She noted the possibility that there will be additional edits between first and second reading; however, it's time sensitive due to the required implementation date of August 1, 2025. The policy will be presented in final form at the June Board meeting.

Bye moved, Ryan seconded, to approve 1st reading of Policy 470, as presented.

Eriksrud, Ryan, Bye, Volk, Biller, Campbell, Black, and Mihalick voted yes. Motion passed 8 – 0.

21. [Policy 1203.1](#), Digital Accessibility – Mr. Chris Pieske Removed from agenda.

SBHE Policy – 2nd Reading

22. [Policy 902.12](#), Building Names

Vice Chancellor Krebsbach presented Policy 902.12 for its second reading; the Budget and Finance committee discussed an appropriate waiting period and recommends ten years between when an individual's employment ends and when a building can be named after them.

Campbell moved, Biller seconded, to approve 2nd reading and final adoption of [Policy 902.12](#), as presented.

Campbell, Black, Bye, Volk, Biller, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

Added agenda item - Scope of Work for an RFP on SBHE and NDUS organization and governance

Member Volk stated the Scope of Work was an item tabled by the Board at their February meeting and requested the Board continue to discuss due the legislative directive to provide a report by October 2025.

Volk moved, Campbell seconded, to take the RFP Scope of Work off the table.

Campbell, Black, Bye, Volk, Biller, Eriksrud, Ryan, and Mihalick voted yes. Motion passed 8 – 0.

Member Volk provided background information; the Board discussed preliminary steps and the process, including hiring a consultant to conduct statewide listening sessions to gather stakeholder input and provide other support as outlined in the Scope of Work. The Office of Management and Budget (OMB) has five pre-approved consultants under cooperative purchasing agreements; they have already been vetted by the state and would be the timeliest.

Member Volk moved to send the RFP with the approved Scope of Work to the 5 consultants on the OMB list or approved contractors. Member Black seconded. Other Board members expressed interest in opening the bid process to a broader consultant base. They continued to discuss the language in SB2003 that implies the task warrants seeking bids from national search consultants.

Member Campbell noted concerns with hiring a consultant but emphasized that the motion only commits the Board to issuing an RFP; depending on the resultant bids, the Board can decide later on moving forward with a contract action.

Following discussion, Member Black offered a friendly amendment to open up the RFP to a broader number of consultants for bids. Member Volk accepted the amendment.

Chair Mihalick summarized that the SBHE would vote on preparing an RFP using the Scope of Work on the handout provided by Member Volk. The RFP would be open to national search.

Volk, Black, Eriksrud, Campbell, and Mihalick voted yes. Ryan, Biller, and Bye voted no. Motion passed 5 – 3.

23. SBHE Academic and Student Affairs Committee report was provided by Mr. Curtis Biller.
24. SBHE Budget and Finance Committee report was provided by Mr. Kevin Black.
25. SBHE Audit Committee report was provided by Mr. Jeffry Volk and asked that the survey be sent to all Board members.
26. SBHE Research and Governance Committee report was provided by Dr. Casey Ryan and Ms. Danita Bye.
27. Executive [Compensation Methodology](#) report was provided by Mr. DJ Campbell. The report was distributed to board members and presidents, and copies were provided at the meeting. The report highlights the importance of establishing clear governance practices for executive compensation. During the board discussion, members explored the evolving approach to executive compensation, emphasizing the need for both data-driven benchmarking and performance-based evaluation. The initial phase of data collection and analysis involves gathering internal and external compensation data. This includes synthesizing the data and making informed recommendations. The second component, which is more complex, involves developing a framework for performance-based incentives. It was noted that this may require the expertise of a consultant to establish appropriate metrics and evaluation processes. This framework would not need to be developed annually but should be reviewed and refined over time. The role of consultant would be to assist in designing a sustainable and measurable performance-based model, aligning executive incentives with institutional goals. This type of process is expected to evolve over the coming years.

The report recommended adopting the College and University Professional Association for Human Resources (CUPA-HR) dataset, organized by Carnegie Classification, as the primary benchmark for presidential compensation. The Carnegie system, which categorizes institutions based on mission, size, and degree offerings, allows for more accurate peer comparisons. The current analysis uses 2024 data; however, the Carnegie classifications (CUPA-HR) are being updated and is expected to integrate the new classifications by Spring 2026, but the methodology remains valid.

The board discussed enhancements to the data set methodology used for benchmarking. The AGB executive compensation study involved working with each president to identify peer institutions/groups. However, these peer groups were limited to 12 institutions, making the data volatile and inconsistent for market-based compensation analysis. They also discussed adopting the Carnegie Classification system, which offers a broader and more stable foundation for comparison. A shift from national to regional salary data is recommended to better reflect the geographic market dynamics in which institutions operate. This regional focus will help ensure compensation decisions are aligned with the actual competitive landscape.

The board continued its review of executive compensation practices, focusing on the data methodology, presidential input, and the development of a performance-based

compensation structure. There was support for using percentile-based analysis (25th, 50th, 75th, 90th) rather than a fixed data point at the market median. This method provides a more accurate reflection of where compensation falls within the broader market and avoids misinterpretation of data.

The Board will discuss at a future meeting the following topics:

- Data Set and Peer Group Selection
 - The current compensation benchmarking is based on Carnegie Classification and regional data, rather than institution-specific peer groups.
 - Presidents were not consulted in this recent phase of data selection, though they were involved in peer group identification during the 2023 AGB study.
 - Board members noted that presidential input could be valuable in refining the peer comparison process, especially given the complexity and subjectivity involved in selecting appropriate peers.
- Regional Representation and Data Integrity
 - Questions were raised about the absence of institutions like Montana State and South Dakota from the data set, likely due to their classification in the Western region rather than the Midwest region.
 - Including a broad range of institutions, even those with high compensation levels, is beneficial for understanding the full market spectrum.
- Establishing Compensation Ranges
 - The board is moving away from using a single “market” midpoint and instead adopting a range-based model:
 - The median (formerly defined as the “market”) will serve as a reference.
 - A $\pm 20\%$ range around the median will be established, creating a 40% compensation band.
 - This approach reduces volatility and avoids over-reliance on small, fluctuating peer groups.
- Transparency in Market vs. Merit Adjustments
 - A recommendation was made to separate market adjustments from merit increases in reporting and decision-making.
 - While both can be addressed in the same meeting, distinguishing them enhances transparency and aligns merit increases more clearly with performance outcomes.
- Performance-Based Compensation
 - The board acknowledged that performance bonuses are a growing trend nationally, though not yet adopted in the NDUS.
 - There was interest in exploring how performance-based incentives could be integrated into the merit process, with the potential support of consultants to develop appropriate metrics and evaluation frameworks.
- Legislative Transparency
 - Given the sensitivity of compensation discussions, especially during legislative sessions, the board emphasized the importance of proactive communication with legislators to explain methodologies and ensure transparency.

28. Western Interstate Commission for Higher Education (WICHE) was provided by Ms. Danita Bye.

- North Dakota: <https://www.wiche.edu/our-region/north-dakota/>
- <https://www.wiche.edu/wp-content/uploads/2025/04/NorthDakota-Factsheet-2025.pdf>

29. Established Program to Stimulate Competitive Research (EPSCoR) report was provided by Mr. Curtis Biller.

Ms. Brenda Zastoupil provided the Board with a report on the 2025 Affordability Report and the 2023-24 Tuition Waiver, items 30 and 31:

30. [2025 Affordability report](#)

and,

31. [2023-24 Tuition Waiver](#) report.

32. [Carnegie Classification](#) update was provided by Dr. Jen Weber.

33. Legislative Update

VC Krebsbach and VC Johnson provided an overview on [SB2003 - NDUS 2025-27](#) and other [legislative bills](#) that NDUS tracked through the session and have been signed by the Governor.

34. Measles Preparedness

VC Johnson provided the Board with an update on measles preparedness.

35. NDSA by Mr. Max Eriksrud.

36. CCF by Dr. Lisa Montplaisir.

37. Staff Senate by Mr. Michael Linnell.

38. Public Comment – no public comment.

The meeting was adjourned at 1:50 p.m. CT.

Approved June 26, 2025.