

**CHAPTER 15-10**  
**THE STATE BOARD OF HIGHER EDUCATION**

**15-10-01. State board of higher education - Institutions administered by board.**

The state board of higher education shall have the control and administration of the following state educational institutions:

1. The state university and the school of mines at Grand Forks, with their substations.
2. The North Dakota state university of agriculture and applied science and the agricultural experiment station at Fargo, with their substations or centers.
3. The school of science at Wahpeton.
4. The Valley City state university, Mayville state university, Minot state university, and Dickinson state university.
5. The following colleges: Bismarck state college, Dakota college at Bottineau, Lake Region state college, and Williston state college.
6. And such other state institutions of higher education as may be established.

**15-10-01.1. Board of higher education to assume jurisdiction over junior colleges and off-campus educational centers.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-01.2. North Dakota university system - Unified system of higher education.**

The institutions of higher education under the control of the state board of higher education are a unified system of higher education, as established by the board, and are designated as the North Dakota university system.

**15-10-02. Membership of state board of higher education - Advisers.**

1. The state board of higher education consists of eight members, all of whom must be appointed by the governor in accordance with section 6 of article VIII of the Constitution of North Dakota.
2. The council of college faculties shall annually appoint one individual to serve as an adviser to the state board. The adviser may attend and participate in all meetings of the state board but may not vote.
3. The staff senate annually shall appoint one individual to serve as an adviser to the state board. The adviser may attend and participate in all meetings of the state board but may not vote.

**15-10-03. Terms of office.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-04. Failure of senate to confirm nomination to board - Procedure.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-05. Appointments to fill vacancies when legislative assembly not in session.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-06. Removal - Impeachment only.**

Repealed by S.L. 1999, ch. 154, § 2.

**15-10-07. Oath of office - Quorum.**

Before entering upon the duties of their offices, the members appointed to the state board of higher education shall take and subscribe the oath required of civil officers. A majority of the members appointed to the board constitutes a quorum for the transaction of business.

**15-10-08. Compensation of board members - Expenses - Legislative appropriations.**

Each member of the state board of higher education, except the student member, is entitled to receive as compensation one hundred forty-eight dollars per day for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board.

**15-10-09. President and secretary of board - Appointment - Term.**

The state board of higher education shall elect one of its members annually to serve as president of the board for a term of one year. It shall elect a competent person as secretary, who shall hold office at the will of the board and shall reside, during the secretary's term of office, in the city of Bismarck.

**15-10-10. State commissioner of higher education - Qualification - Appointment - Term - Removal.**

The state board of higher education, as soon as practicable, shall appoint, for a term of not to exceed three years, a state commissioner of higher education whose principal office must be at the state capitol. The commissioner of higher education is responsible to the board and is removable by the board for cause. The commissioner must be a graduate of some reputable college or university who by training and experience is familiar with the problems peculiar to higher education. The commissioner must be the chief executive officer of the board and shall perform such duties as must be prescribed by it.

**15-10-11. Authority and general powers of board.**

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

**15-10-12. (Effective after June 30, 2013) Board may accept gifts and bequests - Deposit of funds.**

The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income from tuition collections must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of

funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

**15-10-12.1. Acceptance of buildings and campus improvements - Legislative approval.**

The state board of higher education may authorize campus improvements and building maintenance on land under the control of the board which are financed by donations, gifts, grants, and bequests if the cost of the improvement or building maintenance is not more than seven hundred thousand dollars. The consent of the legislative assembly is required for construction of any building or any addition to a building on land under the control of the board which is financed by donations, gifts, grants, and bequests. The consent of the legislative assembly is required for campus improvements or building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvements or maintenance is more than seven hundred thousand dollars. During the time the legislative assembly is not in session, except for the six months preceding the convening of a regular session and the three months following the close of a regular session, and unless otherwise restricted by previous legislative action or other law, the budget section may authorize the use of land under the control of the board and construct buildings financed by donations, gifts, grants, and bequests and campus improvements and building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvement or maintenance is more than seven hundred thousand dollars. Any project request submitted to the budget section for the construction of a building financed by donations, gifts, grants, and bequests must include the removal of a building or buildings with an equivalent or greater total number of square feet compared to the proposed building. The budget section approval must comply with section 54-35-02.9 and must include a specific dollar limit for each building, campus improvement project, or maintenance project. The state board of higher education may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The board shall prescribe such conditions for the sale of the property as it determines necessary. The conditions must include requiring an appraisal and public auction or advertisement for bids, unless the gift instrument requires a different process. If the state board of higher education submits a request for campus improvements, building maintenance, or to construct buildings under this section to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request.

**15-10-12.2. College and university investment income.**

All income earned on college and university funds not deposited in the state treasury must be retained by those funds.

**15-10-12.3. Capital construction projects - Local fund sources - Local matching funds - Report to budget section.**

If any institution under the control of the state board of higher education undertakes a capital construction project, including any renovation or expansion, with the approval of the legislative assembly, all local funds to be used for the project must be derived from sources that have been presented to and approved by the legislative assembly or the budget section pursuant to section 15-10-12.1. The source of any local matching funds required for

state-funded or bonded projects must be funds raised and designated for the project and may not include funding from the state general fund, state and federal grant and contract funds, tuition or fees, endowment or investment income, institutional sales and services income including indirect and administrative costs, or transfers or loans from other institutions' funds or agency funds unless the institution has received prior approval from the legislative assembly or from the budget section pursuant to section 15-10-12.1. Each institution undertaking a capital construction project that was approved by the legislative assembly and for which local funds are to be used shall present a biennial report to the budget section of the legislative management detailing the source of all funds used in the capital construction project, including local funds. This section applies to projects approved after July 1, 2001.

**15-10-13. Faculties of institutions under supervision of state board of higher education - Rules and regulations.**

In each institution of higher education under the control and subject to the administration of the state board of higher education, the faculty shall consist of the president, instructors, teachers, and assistants. The faculty shall adopt, subject to such rules and regulations as the state board of higher education may establish, all necessary rules and regulations for the government of the school.

**15-10-13.1. Faculty - English language proficiency.**

Any professor, instructor, teacher, assistant, or graduate assistant at a state institution of higher education must exhibit written and verbal proficiency in the English language. Any deficiency must be remedied by special training or coursework provided by the institution.

**15-10-13.2. Public institutions of higher education - Faculty members - Oath or affirmation.**

1. Before entering upon the discharge of duties, every faculty member employed by an institution of higher education under the control of the state board of higher education shall take the following oath or affirmation:  
I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the state of North Dakota, and that I will faithfully discharge the duties of my position, according to the best of my ability.
2. The faculty member shall execute the oath or affirmation in duplicate. One copy of the oath or affirmation must be filed with the state board of higher education. The faculty member shall retain the other copy.

**15-10-13.3. Public institutions of higher education - Alien faculty members - Oath or affirmation.**

Before entering upon the discharge of duties, an individual who is not a citizen of the United States but who is a faculty member employed by an institution of higher education under the control of the state board of higher education shall take an oath or affirmation to support the institutions and policies of the United States during the period of the individual's employment within the state.

**15-10-14. Accounts and records of institutions - Examination and audit.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-14.1. Higher education reports.**

The state board of higher education shall submit the reports required pursuant to section 15-10-14.2 and such other reports as may be requested by the legislative assembly or governor.

**15-10-14.2. Higher education system strategic plan - Reports.**

1. The state board of higher education shall adopt a strategic planning process and develop a strategic plan to define and prioritize university system goals and objectives. The board shall provide an annual performance and accountability report regarding

performance and progress toward the goals outlined in the university system's strategic plan and accountability measures.

2. The state board of higher education shall report to the legislative assembly during each regular legislative session regarding the status of higher education in this state.

**15-10-15. Budget requests - Duties of institution heads.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-16. Control of funds and appropriations of educational institutions.**

The state board of higher education has the control of the expenditure of the funds belonging and allocated to the institutions under its control and also of those appropriated by the legislative assembly for such institutions, but funds appropriated by the legislative assembly and specifically designated for any one or more of such institutions may not be used for any other institution.

**15-10-16.1. Loans from Bank of North Dakota.**

Institutions under the board of higher education are authorized to borrow, and the Bank of North Dakota is authorized to loan to those institutions, amounts not to exceed ninety percent of the value of an institution's certificate of deposit held by the Bank. The term of the loan may not exceed the term of the certificate of deposit offered as security for the loan. The loans are subject to such additional terms and conditions as may be established by the Bank.

**15-10-17. Specific powers and duties of the state board of higher education.**

The state board of higher education has all the powers and shall perform all the duties necessary to the control and management of the institutions described in this chapter. In addition to the powers and duties specified in section 6 of article VIII of the Constitution of North Dakota, the board may:

1.
  - a. Appoint and remove the president or other faculty head, and the professors, instructors, teachers, officers, and other employees of the several institutions under the board's control, fix the salaries for those positions within the limits of legislative appropriations; and fix the terms of office and prescribe the duties of the positions.
  - b. Appoint and remove the commissioner of higher education, fix the commissioner's salary within the limits of legislative appropriations, and prescribe the commissioner's duties.
  - c. Appoint and remove all university system office personnel, fix their salaries within the limits of legislative appropriations, fix their terms of office, and prescribe their duties.
  - d. The board may hold an executive session to consider the appointment or removal of the commissioner of higher education, or a president or other faculty head, professor, instructor, teacher, officer, or other employee of an institution under the board's control unless the individual involved requests the meeting be open to other individuals or the public.
2. Authorize the employment of law enforcement officers having jurisdiction on property owned or leased by the state board of higher education to enforce laws and regulations at its institutions, or as otherwise provided in this subsection.
  - a. A law enforcement officer employed by North Dakota state university has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of nineteenth avenue north and Dakota drive south to eighth avenue north, eighth avenue north east to tenth street north, tenth street north north to nineteenth avenue north, nineteenth avenue north west to Dakota drive.
  - b. A law enforcement officer employed by the university of North Dakota has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of demers avenue

and north fifty-fifth street, north fifty-fifth street north to university avenue, university avenue east to north forty-second street, north forty-second street north to gateway drive, gateway drive east to north columbia road, north columbia road south to tenth avenue north, tenth avenue north east to north twenty-fifth street, north twenty-fifth street south to sixth avenue north, sixth avenue north east to north twentieth street, north twentieth street south to fifth avenue north, fifth avenue north west to north twenty-third street, north twenty-third street south to university avenue, university avenue east to north twenty-first street, north twenty-first street south to dyke avenue, dyke avenue east to north washington street, north washington street south to demers avenue, and demers avenue west to north fifty-fifth street. Jurisdiction under this subdivision includes Grand Forks international airport.

- c. A law enforcement officer employed by the North Dakota state college of science has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of seventh avenue north and eleventh street north, eleventh street north to sixteenth avenue north, sixteenth avenue north west to fourth street north, and fourth street north south to seventh avenue north.
  - d. A law enforcement officer employed by Bismarck state college has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the area delineated by the intersections of schaffer street and canary avenue, canary avenue and edwards avenue, edwards avenue and schaffer street, edwards avenue and ward road, ward road and college drive, and college drive and schaffer street.
  - e. A law enforcement officer employed by an institution under the control of the state board of higher education who is in "fresh pursuit" may continue beyond the jurisdictional boundaries of each institution to make an arrest, in compliance with a warrant or without a warrant under the conditions of section 29-06-15, if obtaining the aid of peace officers having jurisdiction beyond that limit would cause a delay permitting escape. As used in this subdivision, "fresh pursuit" has the same meaning as in section 29-06-07.
  - f. The state board of higher education may enter a joint powers agreement with a political subdivision to enable law enforcement from the political subdivision and law enforcement from the institution to provide secondary response to each other outside the jurisdictional boundaries provided in this subsection.
  - g. Notwithstanding any other provision of law or joint powers agreement, any misdemeanor or felony violation of law occurring in or on property owned or leased by the state board of higher education or within the extraterritorial jurisdiction must be filed in district court unless the primary law enforcement officer involved is not employed by the state board of higher education. An infraction or noncriminal offense occurring in or on property owned or leased by the state board of higher education or within the extraterritorial jurisdiction may be filed in municipal court.
3. Set tuition and fees.
  4. a. Establish a retirement program as an alternative to chapter 15-39.1 for university system employees subject to the following guidelines:
    - (1) Benefits under the program must be provided through annuity contracts purchased by the board but which become the property of the participants;
    - (2) The cost of the annuity contracts must be defrayed by contributions made pursuant to rules of the state board of higher education;
    - (3) Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota must be transferred to the employee's account

in the alternate program. The election must be made before July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2; and

- (4) Employees of the university system who are members of the public employees retirement system under chapter 54-52 or 54-52.6 and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system before March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapters 54-52 and 54-52.6.
- b. Provide for the administration of the alternate retirement program and establish rules for the program consistent with this subsection. This subsection does not derogate any existing retirement programs approved by the board.
5. Determine policy for purchasing by the university system in coordination with the office of management and budget as provided by law.
6. Establish by rule an early retirement program for faculty and officers of the board as defined by the board. The limitations on severance pay pursuant to section 54-14-04.3 and on requiring the employee to pay contributions to continue on the state uniform group insurance program upon retirement or upon termination of employment pursuant to section 54-52.1-03 do not apply to the early retirement program.
7. Adopt rules to protect the confidentiality of student records, medical records, and, consistent with section 44-04-18.4, trade secret, proprietary, commercial, and financial information.
8. Authorize and encourage university system entities to enter into partnerships, limited liability companies, joint ventures, or other contractual arrangements with private business and industry for the purpose of business or industrial development or fostering basic and applied research or technology transfer.
9. Adopt rules promoting research, encouraging development of intellectual property and other inventions and discoveries by university system employees, and protecting and marketing the inventions and discoveries. The rules must govern ownership or transfer of ownership rights and distribution of income that may be derived from an invention or discovery resulting from research or employment in the university system. The rules may provide for transfer of ownership rights or distribution of income to a private, nonprofit entity created for the support of the university system or one of its institutions.

**15-10-17.1. Conduct of students and others and use of facilities of state colleges and universities.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-17.2. Claims against institutions of higher education - Continuing appropriation.**

Repealed by S.L. 1995, ch. 329, § 14.

**15-10-17.3. Political advertising - Student housing.**

A state institution of higher education may not include in student housing leases provisions that prohibit lessees from placing political advertisements on the leased property. A political advertising sign placed on student housing property must be placed in compliance with any applicable city ordinance relating to signs.

**15-10-17.4. Contract - Preparation and provision of meals - Policy.**

1. An institution under the control of the state board of higher education may enter a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution and may provide catering services for an event if the event is organized predominantly for persons affiliated with the institution, the event is held predominantly for persons enrolled in the institution, or the event is held under the auspices of the institution, provided the institution first establishes a policy regarding such services and specifically addresses issues related to competition with private sector entities.
2. The limitations provided under subsection 1 do not apply to an institution under the control of the state board of higher education if no private sector entity located in the same city as the institution is capable and willing to meet the facility or personnel requirements necessary to:
  - a. Prepare and provide the meals, snacks, or other food services for a specific event; or
  - b. Provide the catering services for a specific event.
3. An institution under the control of the state board of higher education may not advertise to the general public its willingness to provide the services permitted under this section.
4. Nothing in this section may be construed to limit the activities of a private sector entity that provides meals, snacks, or other food services to an institution of higher education under the provisions of a contract.

**15-10-17.5. Quorums of state board of higher education committees.**

1. The state board of higher education may create committees comprised of voting members of the board. The scope of authority for a committee created under this section must be defined in a policy adopted by the board, and the committee's actions may not exceed that scope.
2. If a committee comprised of voting members of the board constitutes a quorum of the board, a properly noticed meeting of the committee does not constitute a meeting of the board. Actions of the committee do not constitute actions of the board.
3. If a committee comprised of voting members of the board constitutes, in whole or in part, a quorum of another committee of the board, a properly noticed meeting of one committee's meeting does not constitute a meeting of the other committee, unless the meeting of the other committee also is properly noticed. Actions taken at the meeting are limited to the scope of authority of the committee for which the meeting was noticed properly.



**15-10-18. Tuition of nonresidents at schools under control of state board of higher education.**

At all state institutions of higher education, tuition must be charged and collected from each nonresident student in such amount as must be determined by the state board of higher education.

**15-10-18.1. Waiver of tuition at state institutions for North Dakota youth correctional center graduates.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-18.2. Definitions.**

1. "Dependent" for purposes of section 15-10-18.3 means:
  - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action;
  - b. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
  - c. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, establishes residency in this state and maintains that residency for a period of five years immediately preceding the spouse's, widow's, widower's, child's, or stepchild's enrollment at an institution under the control of the state board of higher education.
2. "Resident veteran" means a veteran who:
  - a. Was born in and lived in this state until entrance into the armed forces of the United States;
  - b. Was born in, but was temporarily living outside this state, not having abandoned residence therein prior to entrance into the armed forces of the United States;
  - c. Was born elsewhere but had resided within this state for at least six months prior to entrance into military service and had prior to or during such six-month period:
    - (1) Registered for voting, or voted in this state;
    - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
    - (3) If not registered for voting in this state, not registered for voting in another state; or

- d. Has been a resident of this state for the five years prior to the request for tuition waiver.
3. "Stepchild's other parent" means the spouse, widow, or widower of a veteran.

**15-10-18.3. Free tuition in North Dakota institutions of higher education.**

Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges if the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent and if tuition and fee charges do not include costs for aviation flight charges or expenses. Once an individual qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section:

1. Due to the return of the prisoner of war;
2. Due to the return of the individual missing in action; or
3. Because the veteran through whom the benefit was obtained had a one hundred percent service-connected disability at the time of death.

**15-10-18.4. Definitions.**

For purposes of section 15-10-18.5:

1. "Firefighter" means a person who is a member of a paid or volunteer fire department that is a part of, or administered by, this state, any political subdivision of this state, or a rural fire protection district.
2. "Peace officer" means any person who is employed by a state law enforcement agency or a political subdivision of the state who is charged with the prevention and detection of crime and the enforcement of the criminal laws of the state, and who has full power of arrest.
3. "Stepchild" means a child of the decedent's spouse or predeceased spouse, and not of the decedent.
4. "Survivor" means, at the time of the firefighter's or peace officer's death, the firefighter's or peace officer's biological or adopted child under the age of twenty-one, stepchild under the age of twenty-one, and spouse.

**15-10-18.5. Free tuition in North Dakota institutions of higher education for survivor of firefighter, emergency medical services personnel, or peace officer.**

If a firefighter, an emergency medical services personnel as defined under section 23-27-04.3, or a peace officer dies as a direct result of injuries received while engaged in the performance of official duties under circumstances dangerous to human life, the survivor, upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; provided, however, that the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and further provided that tuition and fee charges may not include costs for aviation flight charges or expenses.

**15-10-19. Nonresident student for tuition purposes defined - Exceptions.**

Repealed by S.L. 1993, ch. 166, § 2.

**15-10-19.1. Nonresident and resident student for tuition purposes defined.**

1. A "nonresident student" for tuition purposes means any student other than a resident student.
2. A "resident student" for tuition purposes means:
  - a. An individual whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal

- residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;
- b. An individual of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
  - c. An individual who graduated from a North Dakota high school;
  - d.
    - (1) A full-time active duty member of the armed forces;
    - (2) A member of the national guard;
    - (3) A member of the armed forces reserve component; or
    - (4) A veteran, as defined in section 37-01-40;
  - e. A benefited employee of the North Dakota university system;
  - f. The spouse of:
    - (1) A full-time active duty member of the armed forces;
    - (2) A member of the national guard;
    - (3) A member of the armed forces reserve component;
    - (4) A veteran, as defined in section 37-01-40, including a veteran eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];
    - (5) A benefited employee of the North Dakota university system; or
    - (6) Any other individual who is a resident for tuition purposes;
  - g. A dependent of:
    - (1) A full-time active duty member of the armed forces;
    - (2) A member of the national guard;
    - (3) A member of the armed forces reserve component;
    - (4) A veteran, as defined in section 37-01-40, including a veteran eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]; or
    - (5) A benefited employee of the North Dakota university system;
  - h. An individual who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term;
  - i. A child, spouse, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action; or
  - j. A covered individual as defined by section 702 of Public Law No. 113-146 [128 Stat. 1797; 38 U.S.C. 3679].
3. A temporary absence from the state for vacation or other special or temporary purposes may not be considered an abandonment of residency in this state, provided a residence is maintained in this state during the temporary absence. However, a student who leaves the state and resides in another state for a period of months is not considered a resident of this state during those months if the student does not maintain a place of residence in this state during the student's absence.

**15-10-20. Tuition at model schools in higher educational institutions - Attendance authorized by district school board.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-21. Military instruction required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-22. Course in cooperatives required.**

Repealed by S.L. 1991, ch. 162, § 1.

**15-10-23. Lease of building sites on educational institution grounds.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-24. Monthly statements of institutional expenditures and payroll to board of higher education.**

Repealed by S.L. 1973, ch. 132, § 6.

**15-10-25. Abstracts of expenditures and payroll to the office of management and budget.**

Repealed by S.L. 2001, ch. 162, § 7.

**15-10-25.1. Out-of-state travel by persons employed by the institutions under the control of the board of higher education.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-26. Appropriations.**

Repealed by S.L. 1965, ch. 120, § 6.

**15-10-27. Appropriations for specific purposes - Payment.**

Repealed by S.L. 1965, ch. 120, § 6.

**15-10-28. Agreements with other states' institutions of higher learning and regional education compacts.**

The state board of higher education may enter into agreements with institutions of higher learning in other states and regional education compacts. The board, subject to the limits of legislative appropriations, may make such expenditures as are necessary for the purpose of utilizing the educational facilities of such institutions for teaching North Dakota students. In addition, the board may enter into agreements with institutions of higher learning in other states and regional education compacts for the acceptance of students from other states in North Dakota institutions of higher learning.

**15-10-28.1. Board of higher education to require note from veterinary medicine, optometry, or dental student - Repayment.**

Repealed by S.L. 1983, ch. 198, § 1.

**15-10-28.2. Regional veterinary medical education program - Authority to enter agreements - Limitations.**

1. The state board of higher education may enter into agreements with the university of Nebraska board of regents and with the appropriate governing boards or institutions of higher education in other states to provide a program of regional veterinary medical education and services.
2. Any agreements entered pursuant to subsection 1 may provide for the following:
  - a. Service by the university of Nebraska as the degree-granting institution.
  - b. Assumption by the university of Nebraska of final responsibility for the overall governance and administration of the educational aspects of the program.
  - c. Cooperation by the North Dakota state university of agriculture and applied science in providing input in the establishment of policies relating to curriculum, academic standards, student admissions, and other matters.
3. Within the limits of legislative appropriations, any agreements entered pursuant to subsection 1 may provide for the payment by the state board of higher education of North Dakota's share of the cost of facility construction in Nebraska based upon the proportion of North Dakota students in the program, provided any such payment is based upon a per student annual facilities use charge.
4. Within the limits of legislative appropriations, any agreements entered pursuant to subsection 1 may provide for the payment by the state board of higher education of

North Dakota's share of the operating costs during the planning, startup, and full operational phases, based upon the proportion of North Dakota students in the program.

**15-10-29. Higher education facilities commission - Membership - Appointment - Term - Vacancies.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-30. Powers and duties.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-31. Federal money received by commission - Where deposited - How appropriated - How expended.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-32. Compensation of commission members - Travel expenses.**

Repealed by S.L. 1977, ch. 158, § 4.

**15-10-33. Granting easements to state-owned land by the state board of higher education.**

Repealed by S.L. 1973, ch. 406, § 2.

**15-10-34. Authorization of contingency funds at institutions under the board of higher education.**

Repealed by S.L. 1999, ch. 157, § 4.

**15-10-35. Investment of endowment funds by the institutions under the control of the board of higher education.**

Repealed by S.L. 1975, ch. 182, § 10.

**15-10-36. Student registration with selective service system.**

No person who is required by the Military Selective Service Act [Pub. L. 759; 62 Stat. 604; 50 U.S.C. App. 451 et seq.] to register with the selective service system may receive student financial aid funds from the state until that person has registered. The state board of higher education may adopt rules to achieve the purpose of this section.

**15-10-37. Technology occupations student loan program.**

Repealed by S.L. 2019, ch. 3, § 20.

**15-10-38. Loans - Teacher shortages - Loan forgiveness.**

Repealed by S.L. 2019, ch. 146, § 4.

**15-10-38.1. Skilled workforce student loan repayment program - Skilled workforce student loan repayment program fund - Continuing appropriation - Report. (Repealed effective July 1, 2023)**

1. There is created in the state treasury the skilled workforce student loan repayment program fund. The fund consists of moneys transferred into the fund by the legislative assembly, matching funds received, and loan repayments. Moneys in the fund are appropriated to the state board of higher education on a continuing basis for the purpose of distributing student loan repayment grants directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants.
2. The state board of higher education shall adopt policies and procedures to develop, implement, promote, and administer a skilled workforce student loan repayment program in cooperation with the Bank of North Dakota and the North Dakota workforce

- development council with the intent of attracting and retaining individuals for professional or technical skills in high demand in this state.
3. The North Dakota workforce development council in cooperation with job service North Dakota shall use available labor market information to determine annually the eligible high-demand professional and technical skills and emerging occupations in this state.
  4. Graduates of degree or certificate programs from institutions or entities in any state may apply for the skilled workforce student loan repayment program. To be eligible to receive student loan repayment grants under the program, the applicant:
    - a. Must have successfully completed an educational program from an institution of higher education;
    - b. Must have a student loan with the Bank of North Dakota or other participating lender;
    - c. Following completion of an educational program, must reside and work in this state in an eligible high-demand or emerging occupation; and
    - d. Must have met and shall continue to meet any requirements established in applicable state board of higher education procedures.
  5. The state board of higher education shall adopt procedures to ensure compliance with residency and occupation requirements after completion of the educational program.
  6. The state board of higher education shall distribute student loan repayment grants from the skilled workforce student loan repayment program fund directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants. The maximum annual student loan repayment grant amount for which an applicant may qualify is five thousand six hundred sixty-seven dollars, or one-third of the applicant's outstanding student loan principal balance upon initial application for the program, whichever is less. The maximum total student loan repayment grant amount for which any applicant may qualify is seventeen thousand dollars.
  7. If an individual is receiving loan forgiveness under any other state program, the individual may not receive a student loan repayment grant under this section during the same application year. An individual who received a skilled workforce scholarship under section 15-10-38.2 is not eligible for loan forgiveness under this section.
  8. An individual may receive a combined total of no more than seventeen thousand dollars under this section and the skilled workforce scholarship program under section 15-10-38.2.
  9. The skilled workforce student loan repayment program must be a joint public and private effort. The state board of higher education shall provide one dollar of funding for each one dollar of funding raised from the private sector. Any matching funds received must be deposited in the skilled workforce student loan repayment program fund.
  10. The state board of higher education shall provide a biennial program report to the legislative management by September first of each even-numbered year. The report must include information regarding:
    - a. The eligible high-demand professional and technical skills and emerging occupations;
    - b. The number of applicants, eligible applicants, and applicants receiving awards;
    - c. The amount of private funding raised; and
    - d. The average and total amounts awarded under the program.

**15-10-38.2. Skilled workforce scholarship program - Skilled workforce scholarship fund - Continuing appropriation - Report. (Repealed effective July 1, 2023)**

1. There is created in the state treasury the skilled workforce scholarship fund. The fund consists of moneys transferred into the fund by the legislative assembly, matching funds received, and scholarship repayments. Moneys in the fund are appropriated to the state board of higher education on a continuing basis for the purpose of providing grants to institutions of higher education related to skilled workforce scholarships. Institutions of higher education include institutions under the control of the state board

of higher education, North Dakota nonpublic accredited institutions of higher education, tribally controlled community colleges, state-approved educator training programs, and North Dakota institutions approved to operate by the North Dakota board of career and technical education.

2. The state board of higher education shall adopt policies and procedures to develop, implement, promote, and administer a skilled workforce scholarship program in cooperation with the Bank of North Dakota and the North Dakota workforce development council with the intent of attracting and retaining individuals for professional or technical skills in high demand in this state.
3. The North Dakota workforce development council in cooperation with job service North Dakota shall use available labor market information to determine annually the eligible high-demand professional and technical skills and emerging occupations in this state.
4. The state board of higher education and the workforce development council shall compile a list of qualifying educational programs annually. A qualifying educational program is a program resulting in attainment of an associate's degree or lower credential upon successful completion or a program that may be completed within four semesters or six quarters. A qualifying educational program also must pertain to the professional and technical skills and emerging occupations in high demand in this state, as determined under subsection 3. Qualifying educational programs may include degree or certificate programs.
5. Individuals enrolled in a qualifying educational program in this state may apply for a scholarship under this section. Scholarships are limited to the amount charged each quarter, semester, or term by the educational institution for the tuition, fees, books, and supplies required for the qualifying educational program. The scholarships are intended to supplement any other scholarship or financial aid grant received by a student to assist the student with the costs of the qualifying educational program. An individual may not receive a combined total exceeding seventeen thousand dollars under this section and the skilled workforce loan repayment program under section 15-10-38.1.
6. To be eligible for a scholarship and payment under this section, a student must be enrolled full time in an eligible program and have at least a 2.5 cumulative grade point average, based on a 4.0 grading system, or maintain academic progress in the program according to program requirements. A student may not receive scholarships under this section for more than the equivalent of four semesters of full-time enrollment or six quarters of full-time enrollment.
7. Upon completion of a qualifying educational program, a student who received a scholarship under this section must reside and work in this state in an eligible high-demand or emerging occupation for a minimum of three years.
8. An individual shall repay the scholarship pursuant to the terms in the individual's scholarship award agreement if the individual fails to maintain either a 2.5 cumulative grade point average or academic progress according to program requirements while enrolled, withdraws voluntarily or involuntarily before the completion of the program for which a scholarship has been received, or fails to reside and work in this state in an eligible high-demand or emerging occupation for at least three years following degree or certificate completion.
9. The state board of higher education, in conjunction with the Bank of North Dakota, may allow an individual who received payment under this section to delay or cancel repayment under this section due to financial difficulty, military service, death, or total disability.
10. Each quarter, semester, or term, the state board of higher education shall distribute grants to institutions of higher education to provide the amounts necessary for the scholarships awarded to the students enrolled in each institution.
11. The skilled workforce scholarship program must be a joint public and private effort. The state board of higher education may distribute grants only to the extent that the private sector has provided one dollar of matching funds for each dollar of funding

provided by the state. Any matching funds received must be deposited in the skilled workforce scholarship fund.

12. The state board of higher education shall provide a biennial program report to the legislative management by September first of each even-numbered year. The report must include information regarding:
  - a. The eligible high-demand professional and technical skills and emerging occupations;
  - b. The qualifying educational programs;
  - c. The number of applicants, eligible applicants, and applicants receiving awards;
  - d. The amount of private funding raised; and
  - e. The average and total amounts awarded under the program.

**15-10-38.3. Scholarship and loan forgiveness administrative costs - Continuing appropriation. (Effective through July 31, 2023)**

The state board of higher education shall retain up to one and one-half percent of any funds appropriated to the board under subsection 1 of section 15-10-38.1 and subsection 1 of section 15-10-38.2. The retained funds must be used for promotion and administration of the programs under those sections.

**Scholarship and loan forgiveness administrative costs - Continuing appropriation. (Effective after July 31, 2023)** The state board of higher education shall retain up to one-half of one percent of any funds appropriated to the board under subsection 1 of section 15-10-38.1 and subsection 1 of section 15-10-38.2. The retained funds must be used for administration of the programs under those sections.

**15-10-38.4. Dual-credit courses - Tuition scholarship program - Administered by the board.**

1. The state board of higher education shall administer a dual-credit tuition scholarship program to offer a tuition scholarship to students. The board shall adopt procedures to administer the program.
2. An eligible student may apply to the board to receive a scholarship toward the cost of tuition and fees at the in-state public, private, or tribal institution of higher education at which the student is enrolled. To be eligible to receive a scholarship, an individual must:
  - a. Be enrolled and have completed at least one semester, quarter, or term at a public, private, or tribal institution of higher education in the state;
  - b. Have:
    - (1) Graduated from a high school in the state;
    - (2) Graduated from a high school in a bordering state under chapter 15.1-29;
    - (3) Graduated from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
    - (4) Completed a program of home education under chapter 15.1-23; and
  - c. Have completed at least one dual-credit course provided by an institution under the control of the state board of higher education while enrolled in high school or a program of home education in the state.
3. The state board of higher education shall provide an eligible student with a tuition scholarship equal to fifty percent of the cost of the dual-credit courses provided by an institution under the control of the state board of higher education, and completed by the student while in high school or a program of home education, in an amount up to seven hundred fifty dollars. A scholarship received by a student during any semester, quarter, or term of enrollment under this section may not exceed the cost of tuition and fees for the semester, quarter, or term. A student is not eligible to receive more than seven hundred fifty dollars under this section.



**15-10-39. Fees - Room and meals - Authorization.**

An institution of higher education may charge a fee for room and meals when provided by the institution in connection with summer programs at the institution for which high school credit is awarded. If a student or the student's parent or guardian is unable to pay the fee for room and meals, the institution shall waive the fee.

**15-10-40. Long-term lease and leaseback transaction revenue.**

The board shall use revenue earned from long-term lease and leaseback transactions under chapter 54-01 for the repair and upkeep of campus buildings commonly referred to as deferred maintenance projects.

**15-10-41. Centers of excellence.**

Repealed by S.L. 2005, ch. 151, § 16.

**15-10-42. Faculty - English pronunciation - Policy - Report.**

The state board of higher education shall create a policy for all institutions under its control, relating to the assessment of faculty and teaching assistant communication skills, including the ability to speak English clearly and with good pronunciation, the notification to students of opportunities to file complaints, the process for responding to student complaints, and the resolution of reported communication problems.

**15-10-43. Veterinary medical education program - Kansas state university - Contract.**

1. In addition to any contracts under section 15-10-28.2, the state board of higher education may contract with Kansas state university to provide an opportunity for up to five eligible students to enroll in the veterinary medical education program at Kansas state university.
2. Eligible students must be residents of this state and must have been selected for enrollment by an admissions committee consisting of one faculty member appointed by the vice president for agricultural affairs at North Dakota state university, one veterinarian practicing in this state, one member of the legislative assembly, and one livestock producer, all of whom must be appointed by the legislative management, and the chairman of the admissions committee at the Kansas state university school of veterinary medicine. The legislative management and the chairman of the admissions committee at the Kansas state university school of veterinary medicine may select an alternative for each of the designated positions to serve as necessary.
3. The admissions committee shall determine the criteria to be used in the selection of eligible students, with eligible students interested in large animal veterinary medicine receiving a priority.

**15-10-43.1. Professional student exchange programs - Bank of North Dakota - Agreements - Repayment.**

Repealed by S.L. 2021, ch. 128, § 2.

**15-10-43.2. Professional student exchange programs - Repayment waiver.**

The state board of higher education shall waive repayment requirements for individuals participating in a professional student exchange program in veterinary medicine, dentistry, or optometry who entered an agreement with the state board of higher education pursuant to repealed section 15-10-43.1 during the biennium beginning July 1, 2019, and ending June 30, 2021.

**15-10-44. Higher education information technology - Board duties - Reports.**

1. The state board of higher education shall manage and regulate information technology planning and services for institutions under its control, including:
  - a. Development of information technology policies, standards, and guidelines in coordination with the information technology department.

- b. Implementation of a process for project management oversight and reporting.
  - c. Integration of higher education information technology planning and reporting with the board's strategic planning process and annual performance and accountability report required by section 15-10-14.2.
  - d. Participation in internet2 or other advanced higher education or research-related networking projects as provided in section 54-59-08.
  - e. Development of an annual report concerning higher education information technology planning and services.
  - f. Requiring utilization by each institution under the control and supervision of the board of systemwide electronic mail services provided by the board for all public business electronic correspondence.
  - g. Development and implementation of an electronic mail retention policy for the board and institutions under the supervision and control of the board which requires retention of nonstudent employee electronic mail messages for at least two years after the creation or receipt of the message.
2. The state board of higher education shall collaborate with the information technology department to coordinate higher education information technology planning with statewide information technology planning.
  3. The state board of higher education shall provide advice to the information technology department regarding the development of policies, standards, and guidelines relating to access to or use of wide area network services as provided by section 54-59-09.
  4. The state board of higher education shall present information regarding higher education information technology planning, services, and major projects to the information technology committee on request of the committee.

**15-10-44.1. Required use of electronic mail, file server administration, database administration, application server, and hosting services.**

Each institution and entity under the control of the state board of higher education shall obtain electronic mail, file server administration, database administration, research computing, storage, application server, and hosting services through a delivery system established by the board. The board shall establish policies and guidelines for the delivery of services, including the transition from existing systems to functional consolidation, with consideration given to the creation of efficiencies, cost-savings, and improved quality of service.

**15-10-44.2. Audits of computer systems - Penalty.**

1. Any auditor hired to conduct audits of the state board of higher education and the entities under the control and supervision of the board may:
  - a. Conduct a review and assessment of any computer system or related security system of the state board of higher education or any entity under the control and supervision of the board. A review and assessment under this section may include an assessment of system vulnerability, network penetration, any potential security breach, and the susceptibility of the system to cyber attack or cyber fraud.
  - b. Disclose the findings of a review and assessment to an individual or committee designated by the state board of higher education or to the board. Any record relating to a review and assessment, including a working paper or preliminary draft of a review and assessment report and a report of the findings of a review and assessment, and any record that may cause or perpetuate vulnerability of a computer system or related security system which is obtained or created during a review and assessment is an exempt record.
  - c. In conjunction with the state board of higher education or a committee designated by the board, procure the services of a specialist in information security systems or any other contractor deemed necessary in conducting a review and assessment under this section.
2. Any person hired or contracted to provide services in relation to a review and assessment under this section is subject to the privacy and confidentiality provisions of

subsection 1 and any other section of law, including section 44-04-27, and for the purposes of section 12.1-13-01, is a public servant.

**15-10-44.3. Internal auditors' working papers.**

For purposes of this section, "higher education internal auditor" means an internal auditor of the North Dakota university system and the institutions under the control of the state board of higher education. Working papers of a higher education internal auditor are not public records and are exempt from section 44-04-18. Working papers include records kept by a higher education internal auditor of the procedures applied, the tests performed, the information obtained, draft audit reports, and the pertinent conclusions reached in the audit engagement. At the discretion of a higher education internal auditor, working papers of a higher education internal auditor may be made available for inspection. A draft audit report released to the governing body or management of the audited entity is confidential until the final audit report is issued or work ceases on the audit. The issued audit report is public information. The working papers of an issued audit report are public except for any information designated as confidential or exempt from disclosure by state or federal law. At the discretion of a higher education internal auditor, all or a portion of the working papers of the higher education internal auditor of an issued audit report may be declared confidential. The declaration of confidentiality must state the reason for the confidentiality and the date, as reasonably may be determined at the time, when the working papers will be made public.

**15-10-45. Telecommunications and information services competition prohibited - Report.**

1. The northern tier network, part of a national research network infrastructure, serves entities within and outside this state. The North Dakota university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the North Dakota university system. The North Dakota university system may not use the northern tier network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.
2. The North Dakota university system or any entity associated with the university system may not resell any portion of the northern tier network infrastructure to nonuniversity entities other than research collaborators.
3. The northern tier network may not replace any wide area network services to any city, county, or school district which are provided by the information technology department under section 54-59-08.
4. The North Dakota university system shall provide a comprehensive biennial report of northern tier network activities for the 2007-09 biennium and must submit to a biennial audit of the northern tier network activities beginning with the 2009-11 biennium.

**15-10-46. University of North Dakota fighting Sioux nickname and logo.**

Repealed by S.L. 2011, ch. 580, § 2.

**15-10-46.1. University of North Dakota athletic nickname and logo.**

Neither the state board of higher education nor the university of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015.

**15-10-47. Construction projects at institutions of higher education - Variance reports.**

1. Whenever any new construction, renovation, or repair, valued at more than two hundred fifty thousand dollars is underway on the campus of an institution of higher education under the control of the state board of higher education, the board shall provide semiannual project variance reports to the director of the office of management and budget. Each report must include:
  - a. The name or a description of the project;
  - b. The expenditure authorized by the legislative assembly;

- c. The amount of the original contract;
  - d. The amount of any change orders;
  - e. The amount of any potential or anticipated change orders;
  - f. The sum of subdivisions c through e and the amount by which that sum varies from the expenditure authorized by the legislative assembly;
  - g. The total expended for the project to date; and
  - h. The scheduled date of completion as noted in the original contract and the latest available scheduled date of completion.
2. The state board of higher education also shall provide to the director of the office of management and budget, at the same time as the project variance report required by subsection 1:
    - a. A brief description of each change order included in subdivision d of subsection 1; and
    - b. A list of each public and nonpublic entity that has a contractually reflected financial obligation with respect to the project.
  3. The office of management and budget shall review the information received under this section and provide reports to the budget section of the legislative management upon request.

**15-10-48. Advancement of academics - Matching grants - University of North Dakota and North Dakota state university.**

1. a. Subject to legislative appropriations, each biennium during the period beginning July first of each odd-numbered year and ending December thirty-first of each even-numbered year, the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundations of the university of North Dakota and North Dakota state university for projects dedicated exclusively to the advancement of academics.
  - b. To be eligible for a matching grant, an institution must demonstrate that:
    - (1) Its foundation has raised at least fifty thousand dollars in cash or monetary pledges for a qualifying project; and
    - (2) The project has been approved by the grant review committee established in section 15-10-51.
    - (3) The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating in or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth. This paragraph does not apply to agreements entered into with medical hospitals and clinics by the university of North Dakota school of medicine and health sciences or by any nursing education program at an institution under the control of the state board of higher education.
  - c. The board may award up to one million seven hundred thousand dollars in matching grants each to the university of North Dakota and North Dakota state university; and up to one million five hundred thousand dollars in matching grants for projects at the university of North Dakota school of medicine and health sciences.
2. a. If any available dollars have not been awarded by the board before January first of each odd-numbered year, in accordance with subsection 1, either the university of North Dakota or North Dakota state university may apply for an additional matching grant.
  - b. An application submitted under this subsection must meet the same criteria as an original application.

- c. The board shall consider each application submitted under this subsection in chronological order.
  - d. If the remaining dollars are insufficient to provide a matching grant in the amount of one dollar for every two dollars raised by the institutional foundation, the board shall award a lesser amount.
3. The state board of higher education shall retain up to one-quarter of one percent of any grant awarded under this section to assist with administrative expenses incurred in the grant review process.

**15-10-48.1. Clinical legal education, including indigent legal services, and faculty recruitment and retention - Matching grants - University of North Dakota school of law.**

- 1. a. Subject to legislative appropriations, each biennium the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundation of the university of North Dakota for projects dedicated exclusively to clinical legal education, including indigent legal services, or the recruitment and retention of faculty at the school of law.
  - b. To be eligible for a matching grant, the institution shall demonstrate:
    - (1) Its foundation has raised at least twenty-five thousand dollars in cash or monetary pledges for a qualifying project; and
    - (2) The project has been approved by the grant review committee established in section 15-10-51.
  - c. The board may award up to two hundred fifty thousand dollars in matching grants under this section.
  - d. If the remaining dollars are insufficient to provide a matching grant in the amount of one dollar for every two dollars raised by the institutional foundation, the board shall award a lesser amount.
2. The state board of higher education shall retain up to one-quarter of one percent of any grant awarded under this section to assist with the administrative expenses incurred in the grant review process.

**15-10-49. Advancement of academics - Matching grants - Two-year and four-year institutions of higher education.**

- 1. a. Subject to legislative appropriations, each biennium during the period beginning July first of each odd-numbered year and ending December thirty-first of each even-numbered year, the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundations of Bismarck state college, Dakota college at Bottineau, Dickinson state university, Lake Region state college, Mayville state university, Minot state university, North Dakota state college of science, Valley City state university, and Williston state college for projects dedicated exclusively to the advancement of academics.
- b. To be eligible for a matching grant, an institution must demonstrate that:
  - (1) Its foundation has raised at least twenty-five thousand dollars in cash or monetary pledges for a qualifying project; and
  - (2) The project has been approved by the grant review committee established in section 15-10-51.
  - (3) The institution is not sponsoring, partnering with, applying for grants with, or providing a grant subaward to any person or organization that performs, or promotes the performance of, an abortion unless the abortion is necessary to prevent the death of the woman, and not participating in or sponsoring any program producing, distributing, publishing, disseminating, endorsing, or approving materials of any type or from any organization, that between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth. This paragraph does not apply to agreements entered into with medical hospitals and clinics by the university of North Dakota school of medicine and health sciences or by any nursing education

program at an institution under the control of the state board of higher education.

- c. The board may award up to:
  - (1) Nine hundred fifty thousand dollars each to Bismarck state college, Minot state university, and the North Dakota state college of science;
  - (2) Seven hundred thousand dollars each to Dickinson state university, Mayville state university, and Valley City state university; and
  - (3) Three hundred fifty thousand dollars each to Dakota college at Bottineau, Lake Region state college, and Williston state college.
2.
  - a. If any available dollars have not been awarded by the board before January first of each odd-numbered year, in accordance with subsection 1, any institution listed in subsection 1 may apply for an additional matching grant.
  - b. An application submitted under this subsection must meet the same criteria as an original application.
  - c. The board shall consider each application submitted under this subsection in chronological order.
  - d. If the remaining dollars are insufficient to provide a matching grant in the amount of one dollar for every two dollars raised by the institutional foundation, the board shall award a lesser amount.
3. The state board of higher education shall retain up to one-quarter of one percent of any grant awarded under this section to assist with administrative expenses incurred in the grant review process.

**15-10-50. Liability for pledged amount.**

If in accordance with section 15-10-48, 15-10-48.1, or 15-10-49, the state board of higher education provides grant funds to an institution, on the basis of a monetary pledge, and if the amount forthcoming is less than the amount pledged, the institutional foundation is liable to the institution for any shortfall.

**15-10-51. Grant review committee.**

1. There is created a grant review committee consisting of:
  - a. The governor, or the governor's designee, who shall serve as the chairman;
  - b. Two members of the house of representatives appropriations committee, selected by the majority leader of the house of representatives;
  - c. Two members of the senate appropriations committee, selected by the majority leader of the senate;
  - d. Two members appointed by the governor, with the consent of the legislative management; and
  - e. Two members appointed by the state board of higher education, with the consent of the legislative management.
2. The gubernatorial appointees must have an understanding of higher education's role in advancing agriculture, the arts, commerce and finance, manufacturing, mineral extraction, natural resources, and the professions.
3. The grant review committee shall establish its rules of operation and procedure and shall develop and publish the criteria upon which all requests for matching grants will be reviewed.
4.
  - a. A request for a matching grant may be presented to the committee by:
    - (1) The president of the institution; or
    - (2) A designee of the president.
  - b. Either presenter may be accompanied by other individuals having an expertise with respect to the project.
  - c. If the request is to be presented by a designee of a president, the designee must provide to the committee a written statement signed by the president and certifying that the president has full knowledge of all aspects of the request, as it is presented.

#### **15-10-52. Grant review committee - Compensation.**

Each member of the grant review committee is entitled to receive compensation in the amount of one hundred thirty-five dollars per day plus reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the committee. The compensation provided for in this section may not be paid to any member of the committee who receives a salary or other compensation as an employee or official of this state if the individual is serving on the committee by virtue of the individual's state office or state employment.

#### **15-10-53. Definition.**

For purposes of sections 15-10-48 through 15-10-52, projects dedicated to the advancement of enhanced academics include investments in research, scholarships, technology, endowed chairs, and investments in educational infrastructure, but exclude scholarships intended solely for the benefit of athletics, campus facility repair projects, and new capital construction projects.

#### **15-10-54. Assessment of institutions.**

Expired under S.L. 2013, ch. 135, § 2.

#### **15-10-55. Student journalists - Freedom of expression - Civil remedy.**

1. As used in this section:
  - a. "Protected activity" means an expression of free speech or freedom of the press.
  - b. "School-sponsored media" means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public institution of higher education, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. The term does not include any media intended for distribution or transmission solely in the classroom in which the media is produced.
  - c. "Student journalist" means a student of a public institution of higher education who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.
  - d. "Student media adviser" means an individual employed, appointed, or designated by a public institution of higher education to supervise or provide instruction relating to school-sponsored media.
2. Except as provided in subsection 3, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the institution or by use of facilities of the institution or produced in conjunction with a class in which the student is enrolled. Subject to subsection 3, a student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This subsection may not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists. A student media adviser may not be dismissed, suspended, or disciplined for acting to protect a student journalist engaged in a protected activity or for refusing to infringe on a protected activity.
3. This section does not authorize or protect expression by a student that:
  - a. Is libelous, slanderous, or obscene;
  - b. Constitutes an unwarranted invasion of privacy;
  - c. Violates federal or state law; or
  - d. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of institution or state board of higher education policies, or the material and substantial disruption of the orderly operation of the institution.
4. An expression of free speech or freedom of the press made by a student journalist under this section may not be construed as an expression of school policy. A school,

school official, employee, or parent or legal guardian of a student journalist may not be liable in any civil or criminal action for an expression of free speech or freedom of the press made by a student journalist, except in the case of willful or wanton misconduct.

**15-10-56. Disciplinary proceedings - Right to counsel for students and organizations - Appeals.**

1. Any student enrolled at an institution under the control of the state board of higher education has the right to be represented, at the student's expense, by the student's choice of either an attorney or a nonattorney advocate, who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by that institution to address an alleged violation of the institution's rules or policies. This right applies to both the student who has been accused of the alleged violation and to the student who is the accuser or victim. This right only applies if the disciplinary proceeding involves a violation that could result in a suspension or expulsion from the institution. This right does not apply to matters involving academic misconduct. Before the disciplinary proceeding is scheduled, the institution shall inform the students in writing of the students' rights under this section.
2. Any student organization officially recognized by an institution under the control of the state board of higher education has the right to be represented, at the student organization's expense, by the student organization's choice of either an attorney or nonattorney advocate, who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by the institution to address an alleged violation of the institution's rules or policies. This right only applies if the disciplinary proceeding involves a violation that could result in the suspension or the removal of the student organization from the institution. This right applies to both the student organization that has been accused of the alleged violation and to the accuser or victim.
3.
  - a. Any student who is suspended or expelled from an institution under the control of the state board of higher education for a violation of the rules or policies of that institution and any student organization that is found to be in violation of the rules or policies of that institution must be afforded an opportunity to appeal the institution's initial decision to an institutional administrator or body that did not make the initial decision for a period of one year after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the accuser or victim.
  - b. The right of the student or the student organization under subsection 1 or 2 to be represented, at the student's or the student organization's expense, by the student's or the student organization's choice of either an attorney or a nonattorney advocate, also applies to the appeal.
  - c. The issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal.
4. Upon consideration of the evidence, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the suspension or expulsion. If the appeal results in the reversal of the decision or a lessening of the sanction, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion which had not been previously refunded.
5. For purposes of this section, "fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the accuser or accused with support, guidance, and advice. This section does not require an institution to use formal rules of evidence in institutional disciplinary proceedings. The institution, however, shall make good faith efforts to include relevant evidence and exclude evidence which is neither relevant or probative.



6. This section does not affect the obligation of an institution to provide equivalent rights to a student who is the accuser or victim in the disciplinary proceeding under this section, including equivalent opportunities to have others present during any institutional disciplinary proceeding, to not limit the choice of attorney or nonattorney advocate in any meeting or institutional disciplinary proceeding, and to provide simultaneous notification of the institution's procedures for the accused and the accuser or victim to appeal the result of the institutional disciplinary proceeding.

**15-10-57. Unified workforce, vocational, and technical education program system.**

The state board of higher education shall establish and maintain a unified system to offer workforce training, vocational education, and technical education programs at institutions under its control. The board shall periodically review programs offered by institutions under its control and revise program offerings based on the workforce needs of the state identified by the workforce education advisory council. The board shall develop administrative arrangements that make possible the efficient use of facilities and staff. The board shall limit administrative costs by eliminating duplicative administrative positions.

**15-10-58. Workforce education advisory council - Membership - Duties.**

The state board of higher education shall establish a workforce education advisory council to advise the board regarding skills and qualifications needed for workforce training, vocational, and technical education programs offered at institutions under the control of the board. The council is composed of a representative of the department of career and technical education, a representative of job service North Dakota, a representative of the department of commerce, and eight members representing business and industry in the state. The eight members representing business and industry shall be appointed by the chairman of the legislative management. The North Dakota university system office shall provide staff services for the advisory council and members of the council who are not employees of the state are entitled to expense reimbursement from the board, as provided by law for state officers, for attending meetings of the council.

**15-10-59. Annual report - Scholarships. (Effective through July 31, 2024)**

The state board of higher education shall provide to the legislative management an annual report regarding the number of North Dakota scholarships, North Dakota academic scholarships, and North Dakota career and technical education scholarships provided and demographic information pertaining to the recipients.

**Annual report - Scholarships. (Effective after July 31, 2024)** The state board of higher education shall provide to the legislative management an annual report regarding the number of North Dakota scholarships provided and demographic information pertaining to the recipients.

**15-10-60. Scholarship endowment fund - Rules.**

Repealed by S.L. 2017, ch. 368, § 9.

**15-10-61. Dual-credit courses - Pilot program.**

Repealed by S.L. 2019, ch. 3, § 20.

**15-10-62. Nickel trophy.**

To promote national recognition and statewide enthusiasm, the legislative assembly encourages the university of North Dakota and the North Dakota state university of agriculture and applied science to play for the nickel trophy during the course of a national collegiate athletic association football game. If the athletic director or president of either institution elects not to play for the nickel trophy, the nickel trophy must be permanently displayed in the heritage center.

**15-10-63. Capital projects.**

1. An institution under the control of the state board of higher education may undertake a facility renovation project only if the project will reduce the deferred maintenance amount of the facility by no less than seventy five percent of the total cost of the renovation. The institution shall maintain documentation that demonstrates the cost and scope of the deferred maintenance reduction that results directly from the renovation. This subsection does not apply to projects undertaken solely to correct building code deficiencies or to installations of infrastructure determined by the board to be essential to the mission of the institution.
2. Facility construction and renovation projects undertaken by an institution under the control of the state board of higher education must conform to campus master plan and space utilization requirements approved by the state board of higher education.

**NOTE:** Section 6 of chapter 28, S.L. 2017, pertaining to capital project and capital lease requests was vetoed by the Governor. Chapter 450, S.L. 2017.

In letter opinion 2017-L-04, the Attorney General opined the Governor's veto of subsections 1, 2, and 5 of Section 6 of chapter 28, S.L. 2017 is authorized by law; and the Governor's veto of subsections 3 and 4 of Section 6 of chapter 28, S.L. 2017 is not authorized by the Constitution of North Dakota and is not effective.

**15-10-64. University of North Dakota men's varsity golf program.**

If certain real property known as the Ray Richards golf course or Ray Richards golf course addition, 3801 demers avenue, lot 1, block 1, and Ray Richards golf course addition, 3501 demers avenue, lot 2, block 1, in the records of the city of Grand Forks, or any portion of the property, is conveyed, fifty-three and fifty-seven one hundredths percent of the sale price must be transferred to a permanent endowment fund named the Ray Richards golf endowment fund, which must be controlled and administered by the university of North Dakota alumni foundation for the sole benefit of the university of North Dakota men's varsity golf program in honor of the Ray Richards family. If the university of North Dakota men's varsity golf program has been terminated prior to the conveyance, so much of the funds in the Ray Richards golf endowment fund as necessary must be used to reinstate the program, and the remainder must be used for the sole benefit of the program.

**15-10-65. Student voting documents.**

An institution of higher education under the control of the state board of higher education may issue students enrolled at the institution a printable document containing the institution's letterhead or seal using a self-service process. The document must contain the student's legal name, current residential address in the state, the date the residential address was established, and date of birth. When issuing the document to students, an institution of higher education under the control of the state board of higher education shall provide each student with information regarding voter eligibility requirements.