

**FINAL MINUTES OF THE AIHEC SPRING 2022 BOARD OF DIRECTORS MEETING  
HOLIDAY INN - CAPITOL HILL, WASHINGTON, DC and ZOOM WEB CONFERENCE  
THURSDAY, MARCH 17, 2022**

- I. **CALL TO ORDER & OPENING PRAYER:** AIHEC Board Chair David Yarlott Jr., President, Little Big Horn College, called the 2022 Spring Board of Directors Meeting to order at 10:13 AM ET. President Leander McDonald, United Tribes Technical College (UTTC), offered the opening prayer.

**ROLL CALL:** Noelia Ramirez, AIHEC Executive Assistant, called the roll with the following results:

**Directors Present**

Duane Bedell\*  
Karla Bird  
Cynthia Lindquist  
Richard Littlebear\*  
Christopher Caldwell\*  
Monte Randall\*  
Charles M. Roessel  
Stephanie Hammitt\*  
Haven Gourneau\*  
Tamarah Pfeiffer\*, Acting President  
Justina Wilhelm  
Robert Martin  
Lori Ann Sherman\*  
Helen Zaikina-Montgomery\*, Interim President  
David Yarlott Jr.  
Manoj Patil  
Elmer Guy  
Michael Oltrogge  
Justin Guillory  
Thomas Shortbull\*  
Dan King\*  
Carla Sineway\*  
Sandra Boham  
Lionel Bordeaux\*  
Lane Azure  
Cynthia Lindquist (Proxy)  
Monte Monteith, Interim President  
Cory Sangrey-Billy\*^  
Paul Robertson\*  
Donna Brown  
Leander R. McDonald  
Anna Shephard\*, Interim President

**Regular Member Institutions**

Bay Mills Community College  
Blackfeet Community College  
Cankdeska Cikana Community College  
Chief Dull Knife College  
College of Menominee Nation  
College of the Muscogee Nation  
Diné College  
Fond du Lac Tribal & Community College  
Fort Peck Community College  
Haskell Indian Nations University  
Iḷisaġvik College  
Institute of American Indian Arts  
Keweenaw Bay Ojibwa Community College  
Leech Lake Tribal College  
Little Big Horn College  
Little Priest Tribal College  
Navajo Technical University  
Nebraska Indian Community College  
Northwest Indian College  
Oglala Lakota College  
Red Lake Nation College  
Saginaw Chippewa Tribal College  
Salish Kootenai College  
Sinte Gleska University  
Sisseton Wahpeton College  
Sitting Bull College  
Southwestern Indian Polytechnic Institute  
Stone Child College  
Tohono O'odham Community College  
Turtle Mountain Community College  
United Tribes Technical College  
White Earth Tribal & Community College

With 32 directors present, a quorum was established

\* Virtual Participation

^ Joined after the official roll call

**Directors Absent**

Sean Chandler (Kristi Syvertson, Official Representative, present)  
Russell Swagger  
Twyla Baker

**Regular Member Institutions**

Aaniiih Nakoda College  
  
Lac Courte Oreilles Ojibwe College  
Nueta Hidatsa Sahnish College

**Others Present**

Juliet Maestas

**Developing Member Institution**

California Tribal College

**II. REVIEW AND APPROVAL OF MEETING AGENDA**

Chair Yarlott reviewed the proposed agenda for the 2022 Spring Board of Directors Meeting.

**MOTION:**

President King moved [seconded by President Roessel] to approve the 2022 Spring Board of Directors Meeting agenda.

**OUTCOME:**

The motion was agreed to by voice vote.

**III. REVIEW OF THE AIHEC CODE OF CONDUCT**

President Guillory encouraged all participants to be mindful of the values outlined in the AIHEC Code of Conduct. He spoke about the importance of integrity, trust, and respect in conducting AIHEC business. Additionally, he acknowledged Indigenous women as part of National Women's History Month. The AIHEC Code of Conduct is included in the board book for review.

**IV. SECRETARY'S REPORT**

President McDonald presented the minutes from the 2021 Fall Board Meeting and Executive Committee Meeting minutes for October 2021 through February 2022, which are included in the board book.

**MOTION:**

President McDonald moved [seconded by President Martin] to approve the Fall 2021 Board Meeting minutes.

**OUTCOME:**

The motion was agreed to by voice vote. (One abstention, Acting President Tamarah Pfeiffer, Haskell Nation Indians University.)

**MOTION:**

President McDonald moved [seconded by President Guy] to accept the Executive Committee Meeting minutes for October 2021 through February 2022.

**OUTCOME:**

The motion was agreed to by voice vote.

**V. TREASURER'S REPORT**

President Guillory, AIHEC Treasurer, introduced Todd Early, Chief Investment Officer at Sovereign Finance LLC, to provide a virtual presentation regarding AIHEC investments. Mr. Early provided an update on AIHEC's investment portfolio in two parts: (1) PowerPoint presentation summarizing investment performance at the end of 2021; and (2) Investor statement report as of February 24, 2022, which is included in the board book.

During 2021, investments in U.S. stocks and bonds differed in performance in response to the ongoing covid-19 pandemic. Mr. Early stated that AIHEC investments in stocks performed well and highlighted the growth through December 2021 of the \$20 million investment fund from the MacKenzie Scott gift.

Mr. Early further explained that the February 2022 investment report, provided in the board book, reflects recent dramatic changes to the market in response to the invasion of Ukraine and growing inflation. He further explained the importance of long-term investment strategy over the upcoming quarters as the market attempts to recover from recent chaos. President Azure noted that the recent downturn in the market is expected to last for the rest of year. Mr. Early stated that regarding the global economy, the worst has likely already occurred, and experts are forecasting some market recovery through the end of the year. Sovereign Finance is prepared to take action to reduce risk if conditions worsen. President Shortbull noted that OLC investments in well-known and established companies has resulted in conservative growth following the ups and downs of the stock market. The OLC endowment fund is currently valued at \$74 million. Mr. Early shared an asset allocation study with projected investment returns.

In response to a question from President Patil regarding investment service fees and proposals from investment firms, Ms. Billy explained that all RFP responses included service details.

Additional documents included in the board book: (1) the AIHEC Investment Policy and Spending Policy (combined) and (2) List of current AIHEC grants.

**MOTION:** President Guillory moved [seconded by President Azure] that the AIHEC Board of Directors approves the FY 2022 Interest Income Budget for the AIHEC Financial Sovereignty Fund.

**OUTCOME:**

Motion agreed to by voice vote.

**MOTION:** President Guillory moved [seconded by President Lindquist] that the AIHEC Board of Directors approves AIHEC's draft Fiscal Year 2023 budget.

**OUTCOME:**

Motion agreed to by voice vote.

President Guillory thanked AIHEC staff for all their hard work during the audit process. He also thanked Finance and Administration Committee members and Todd Early for their contributions.

## VI. MEMBERSHIP AND ACCREDITATION COMMITTEE REPORT

President Boham, Membership and Accreditation Committee Chair, provided a summary of the work completed by the Ad Hoc Committee on Membership (Ad Hoc Committee) which was tasked with examining and addressing longstanding AIHEC membership issues.

President Lindquist, Ad Hoc Committee Chair, presented several documents for review, which had been previously sent via email to board members:

- (1) Memo on proposed bylaws changes, dated February 15, 2022 (board book pages 148-153)
- (2) Draft AIHEC bylaws, clean version (board book pages 155-169)
- (3) Draft AIHEC bylaws, red-lined version (board book pages 171-194).

President Lindquist noted that an additional bylaw change was made during the March 2022 Executive Committee Meeting (March 16, 2022):

*“Section 8.08 Official Representative: A Member may designate an official representative to attend a specified meeting or activity of the Board for the sole purpose of determining such Member’s presence at said meeting or activity. Such designation must be submitted to the Chair in writing by the President, or Acting/Interim President, of the Member prior to the convening of the specified meeting or activity.” [ The representative shall have no right to vote during a meeting of the Board.] (Emphasis added to show modifications in text.)*

Ms. Billy explained that this proposed change is a clarification: already, a member institution may designate an official representative from the TCU to attend board meeting in a non-voting capacity. The goal of the official representative is three-fold: (a) represent the member institution in discussions, if relevant; (b) collect information from the meeting to take back to his or her TCU. Under the laws of the state of Colorado, the official representative has no voting privileges. This rule is consistent with the corporate laws of multiple states and tribes.

### **DISCUSSION:**

President Bird asked if AIHEC membership is defined by institutional eligibility within the Tribally Controlled Colleges and Universities Assistance Act of 1978 (TCCUAA). If an AIHEC membership discrepancy issue were to arise, would AIHEC membership default to the TCCUAA definition for eligibility? President Lindquist noted that AIHEC has various membership categories with varying criteria. Ms. Billy further added that while AIHEC membership is closely modeled after Title I of TCCUAA, the qualifications for AIHEC membership are separate and independent from the federal law.

President Bird, in reference to the proposed change that “Robert’s Rules of Order shall provide a guiding framework,” raised an issue that this may allow motions to be contested or remain open for longer periods of time. Ms. Billy stated that the current bylaws state that AIHEC *will be governed by* Robert’s Rules of Order, which is a stricter standard, and the proposed change better aligns with the current practice.

President Patil, in reference to regular member criteria (d), which states that a member institution “has a majority of full-time equivalent American Indian or Alaska Native students,” asked to clarify what measure is being used to determine “full-time equivalent.” His TCU, Little Priest Tribal College, has

experienced issues in the past due to the differing calculations for full time equivalent within AIHEC AIMS, HLC, and IPEDS. Ms. Billy confirmed that AIHEC AIMS data is used for determining FTE. AIHEC will check on the IPEDS calculation of full-time equivalent, as confusion has occurred with the federal agency staff and peer reviewers, many of whom may not have heard of AIHEC AIMS.<sup>1</sup>

President Patil, in reference to associate member criteria (f), which states an associate member “is not accredited or a candidate for accreditation by an institutional accredited association recognized by the U.S. Secretary of Education,” asked whether accreditation is the major difference between Regular and Associate membership status. Ms. Billy responded in the affirmative. She explained that developing members are tribal governments, education departments, or centers that have expressed interest in developing a Tribal College. In contrast, an Associate member is an institution that is operating and established as a Tribal College, but which has not yet received candidacy status from an accrediting association. Associate members have generally applied for accreditation.

President Tom Shortbull asked if Fond du Lac Tribal and Community College (FDLTCC) would still be a regular member of AIHEC under the proposed revised bylaws. President Lindquist explained that, if passed, the updated bylaws would go into effect in Fall 2022, and a review of each TCU would be completed for compliance with AIHEC membership criteria beginning with the 2022 AIHEC AIMS data collection cycle.

President Shortbull requested further clarification and expressed his opinion that FDLTCC as a state institution should not be receiving federal funding intended for TCUs. President Yarlott called a point of order raised by President Boham. President Lindquist clarified that with the information currently available, as outlined in the proposed amended by laws, FDLTCC would not meet the criteria for Regular membership.

President Lindquist reiterated that AIHEC membership as defined by the AIHEC bylaws is separate and distinct from eligibility for federal funding under TCCUAA. President Shortbull requested time to make comments after the voting of the motion. President Yarlott replied that would depend on the amount of time needed and whether President Shortbull remained civil (in compliance with the AIHEC Code of Conduct).

Acting President Tamarah Pfeiffer inquired about the change in meeting participation to maintain “Member in Good Standing” status. Ms. Billy explained that the current bylaws allow members to miss up to three consecutive meetings which is equivalent to one year of activity. The proposed amended bylaws allow members to miss two consecutive meetings before their “Member in Good Standing” status may be challenged. Of note, an official representative may represent a member at an AIHEC meeting to maintain “Member in Good Standing” status in the event that a director is unable to attend.

Acting President Pfeiffer also suggested that a glossary of terms be developed to better understand the bylaws. Ms. Billy agreed that this was a wise suggestion. She noted that the AIHEC membership

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<sup>1</sup> Following the meeting, AIHEC staff confirmed that AIHEC AIMS and the Bureau of Indian Education (BIE) calculate FTE based on 12 credit hours per FTE while the Department of Education’s IPEDS system uses 15 credit hours per FTE.

handbook includes a glossary which might be used as a reference for both documents. AIHEC staff will follow up on this.

President Richard Littlebear inquired about the process to regain “Member in Good Standing” status if a member were to miss two meetings. President Boham explained that the steps are listed in the “Member in Good Standing” category of the bylaws.

In response to a question raised by President Justina Wilhelm, President Lindquist explained that AIHEC maintains and publishes a list of AIHEC membership: regular members, associate members, and developing members. President Yarlott added that the board books include the AIHEC contact list for membership, which also lists each member by category.

President Lindquist explained, in response to a question raised by President Roessel, that the proposed amended bylaws specifically include the federally operated TCUs within AIHEC membership.

In response to a question raised by President Lane Azure, President Lindquist explained that an annual membership compliance review will be integrated into the annual AIHEC AIMS reporting process.

No further questions or discussion items were posed regarding the proposed revised bylaws.

**MOTION:** President Lindquist moved [seconded by President Wilhelm] that the AIHEC Board of Directors approves the proposed restated AIHEC bylaws.

**OUTCOME:**

Motion agreed to by voice vote.

President Shortbull stated he disagreed with President Yarlott’s statement which inferred that President Shortbull has acted uncivilly during previous AIHEC meetings. In regard to the last board meeting, he stated that his attorney told him that she believed President Shortbull had acted civilly and the FDLTCC representatives acted uncivilly toward him. President Shortbull proposed that an impartial attorney review board meeting minutes and recordings regarding his past behavior. President Yarlott requested that President Shortbull continue his remarks regarding the passage of the motion.

President Shortbull proposed that if FDLTCC is unable to meet the requirements for regular membership at the conclusion of proposed fall 2022 AIHEC membership review, that AIHEC take steps to remove FDLTCC from the statutory list of 1994 Land-grant institutions and eliminate FDLTCC’s status as a TCU under federal law.

**MOTION:**

President Shortbull moved that if FDLTCC fails to meet the criteria for regular membership at the Fall 2022 AIHEC review, that AIHEC inform USDA that FDLTCC should not be considered a 1994 Land-grant institution/Tribal College under the law.

**OUTCOME:**

Failing to receive a second, the motion did not move forward.

**MOTION:**

President Shortbull moved that if FDLTCC were to not meet regular membership criteria during the fall 2022 AIHEC review, that AIHEC request the State of Minnesota pay back any funds illegitimately received [by FDLTCC], including agriculture grants and BIE funding, or that the State of Minnesota provide funds to compensate for federal funding FDLTCC received as a TCU from USDA, BIE, and ED (Title III-Part A).

**OUTCOME:**

Failing to get seconded, the motion did not move forward.

President Shortbull stated he will mute his microphone and turn off his camera for the remainder of the meeting unless urgent issues arise. He stated that this may be the last statement he makes to the board.

President Azure recognized the hard work of the Ad Hoc Committee in examining and revising the bylaws and commended each of the members of the committee.

**VII. PRESENTATIONS TO THE BOARD: AFFILIATE REPORTS**

**AMERICAN INDIAN COLLEGE FUND** (*Virtual Presentation*): American Indian College Fund (College Fund) President and CEO, Cheryl Crazy Bull, thanked the Ad Hoc Committee members for their work. She presented several actions to recommend the reappointment of three trustees to the College Fund Board of Trustees.

**MOTION:** President Manoj Patil moved [seconded by President Caldwell] that the following TCU presidents be recommended for reappointment to the College Fund Board of Trustees:

- Sandra Boham, re-election to her second three-year term
- Charles "Monty" Roessel, re-election to his second three-year term
- Haven Gourneau, election to her first three-year term (currently filling a vacancy)

**OUTCOME:**

The motion was agreed to by voice vote.

The College Fund Board is scheduled to meet March 24, 2022, and will approve a new strategic plan that adds a fifth strategic initiative. Once approved, the 2022-2026 strategic plan will be shared with AIHEC board. Applications for the Full Circle Scholarships are being accepted through the end of May, and TCU students are able to apply year-round, by semester. The College Fund board approved \$1.25 million for summer school scholarships with a priority for TCUs offering summer session classes. Depending on the success of this initiative, other scholarships may be amended to allow for summer school support.

The Mellon Foundation recommitted \$2 million in support of the Native Pathways program, which focuses on high school students and transfer students. College Fund staff have started traveling again,

including resuming TCU campus visits. The annual student art Pendleton blanket is now available for purchase, with a TCU wholesale price available. The 2022 Student of the Year Coca Cola Scholars Banquet is set for Monday April 4, 2022. President Paul Robertson, Tohono O’odham Community College (TOCC), is the 2022 TCU President of Year honoree, having worked with several TCUs over 40 years, including serving as TOCC president since 2016. Faculty development grants are still available, and the application is online. Heidi Normandin recently joined the College Fund as a program officer for faculty development. As previously reported, the College Fund, along with other partners among the national Native scholarship providers, are signing a data sharing and management agreement. The agreement will combine data from various institutions to collect student and institutional data. TCU faculty are invited to submit articles to be published in the peer-reviewed *Tribal College and University Research Journal*.

College Fund program teams are working on a strategic plan to address high school equivalency programming sustainability. In response to earlier comments made by Cecilia Fire Thunder, Ms. Crazy Bull noted that the College Fund has teacher education and early childhood education grants. An additional \$50,000 will be provided to each TCU in May 2022 as an unrestricted gift. Information from the organization “Global Minded” was distributed regarding first-year experience and industry partnerships. The College Fund is co-hosting a webinar with Global MindED regarding this potential opportunity.

In response to a question by President Bird, Ms. Crazy Bull explained that the \$50,000 will be distributed by the end of May and will remain available for two years. She further confirmed that the summer school scholarships will be available this summer (2022). President Lindquist shared that CCC summer session enrollment recently tripled, from 40 to 120 students. Ms. Crazy Bull said the summer scholarships will be distributed using the current TCU scholarship formula.

**BUREAU OF INDIAN EDUCATION** (*Virtual Presentation*):

Dr. Katherine Campbell, BIE Program Analyst, provided a brief update from her temporary assignment at Southwestern Indian Polytechnic Institute (SIPI). She explained that she has been serving in her permanent role and the temporary assignment role since September 2021 and apologized if she has been slow or unresponsive to emails.

- *Virtual Job Fair*: The Department of Interior (DOI) is hosting a virtual job fair to encourage TCU students to apply for DOI employment opportunities. “Destination DOI: Roadmap to a Career at the Department of the Interior” is scheduled for April 6-7 and is open to high school students, college students, and other youth. Dr. Campbell will be moderating the event along with TCU faculty.
- *Covid-19 Relief Funds*: The reporting forms for funds distributed by the BIE to TCUs under CARES (ESF1) and CRRSAA (ESF 2) are still pending final departmental and administration approval, which may take up to a year. However, Dr. Campbell explained that the BIE must complete quarterly reporting, and she will contact each TCU individually to gather the necessary information. Dr. Venida Chenault and Dr. Campbell are working to build up the BIE Office of Postsecondary Education.



- *Pending MOUs:* USGS recently placed scientists at SIPI and would like to expand this opportunity to other TCUs. An MOU between AIHEC, NPS, and Grand Canyon National Park will provide student internships.
- *BIE Funding Opportunities:* Through the BIE Science Post-Graduate Scholarship Fund, up to \$5,000 is available for fellowships and internships. The program is administered by the American Indian Graduate Center (AIGC) and applications are open through June. The BIE Science Post Graduate Fund also supports professional development funding for staff who are members of federally recognized tribes who are interested in STEM fields.

Additionally, the BIE recently rewrote the contract with AIGC to include a BIE Loan for Service program. Teachers are the focus of the loan for service program with a repayment commitment of one year of BIE employment for each year of educational funding.

- *Government Accountability Office (GAO) Review of TCU Grant Process:* Dr. Campbell recently met with the GAO to explain that TCU grants administered by the BIE are noncompetitive, as part of a larger GAO review.
- *BIE Postsecondary and Career Readiness:* Dr. Campbell, Interim President Monteith, and other SIPI staff are exploring activities to address learning loss and challenges related to virtual learning. The DOI Solicitor recently advised BIE that ESEA Title I and Special Education funding may be used for these efforts.

President McDonald thanked Dr. Campbell for her work. He explained that UTTC received BIE operational funding last month which is significantly later than the other TCUs. Concerns remain that funding for UTTC and NTU will be delayed due to BIA procedures. President McDonald mentioned that a meeting with BIE Director Tony Dearman was unable to be scheduled. In response, Dr. Campbell explained that the delay occurs after funds are sent from BIE to BIA.

In response to a clarifying question from Ms. Billy, Dr. Campbell said that she believes that BIE does not have the authority to award grants for 638 contracts. She further explained that grant funding for Johnson O'Malley, FACE, and UTTC experience delays through the same BIA regional office. Ms. Billy responded that UTTC and NTU funding should be distributed at the same time as Title I and Title II funding and asked whether AIHEC could do anything to help speed the process. Dr. Campbell noted that BIA 638 contracts include in-direct or contract administration costs, but grants distributed under the Tribally Controlled Colleges and Universities Assistance Act do not. President McDonald responded that in-direct funds are used for important services. This issue will be brought to the attention of Mr. Bryan Newland, Department of the Interior Assistant Secretary for Indian Affairs.

President Bird requested an update regarding rights available to certain tribal members who live internationally (Canada). More specifically, President Bird is seeking more clarification regarding federal recognition status for members of the Blackfoot Confederacy, such as the Southern Piegan Band, which is located in Canada. President McDonald added that by using the Jay Treaty, UTTC can accept BIE

and Title IV funding for those international Tribal members. UTTC commissioned a study to examine Jay Treaty rights for Tribal members regardless of citizenship or residency.

Regarding the BIE's strategic goal on postsecondary and career readiness, Interim President Monteith added that many Native students are unaware of post-secondary opportunities, and TCU opportunities specifically. He spoke about the success of programs like Upward Bound and Talent Search at TCUs. Dr. Campbell said she is working to identify funding to support back reach and pathway activities for TCUs to connect with students earlier.

President Martin stated that limited state funding is available for dual credit programs and requested that BIE provide reimbursement funding for dual credit programs by provided by TCUs. Dr. Campbell responded that while there is great interest, the BIE is unable to fund dual credit activities at this time. Ms. Billy added that dual credit programs are a strong retention tool to help prevent students from dropping out from high school. She further added that the BIE should strongly consider establishing a TCU specific program similar to Upward Bound and Talent Search to support BIE high school retention efforts and encourage more young American Indian and Alaska Native students to engage in postsecondary education.

President McDonald mentioned that the president of Bismarck State College (North Dakota's polytechnic college) reported that their dual credit students are graduating from high school with associate degrees. UTTC would like funding to establish a similar dual credit program for their students. Interim President Monteith added that SIPI provided a summer bridge/bootcamp program prior to their first semester focused on improving academic skills. These students have the highest retention rates and outperform transfer students.

President Patil stated that LPTC partners with Winnebago Public Schools and the University of Nebraska-Lincoln (UNL) through a program called Nebraska College Preparatory Academy. A cohort of 17 students is selected as they enter 8<sup>th</sup> grade and beginning in 10<sup>th</sup> grade, they start taking college classes. After successfully completing a certain number of courses, students are given a full-ride scholarship to UNL. LPTC has plans to work with Winnebago Public Schools, beginning with engagement activities as early as 3<sup>rd</sup> grade.

**MOTION:** President McDonald moved [seconded by President Sherman] that AIHEC be charged with pursuing a program within BIE or DOI to support Upward Bound, Talent Search, and dual credit at TCUs.

**OUTCOME:**

The motion was agreed to by voice vote.

**USDA-1994 LAND-GRANT PROGRAMS (*Virtual Presentation*):**

Lawrence Shorty, Director of USDA 1994 Programs, gave a brief presentation. His written report is included in the board book on page 146.

Mr. Shorty shared that additional funding is available this year through the “2501 program”, otherwise known as the Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Program. TCUs are eligible and welcome to apply for this funding. The USDA Office of Tribal Relations will host a Tribal consultation on equity and barriers on April 11-15, 2022, to discuss next steps and to follow up from last year’s consultation. Mr. Shorty is working with AIHEC to fully implement the USDA 1994 Tribal Scholars Program, which supports students pursuing agriculture-related careers. Students preparing to graduate or who are in their final semesters of study are the best candidates for this program. Supported scholars may use scholarship benefits if they transfer to a four-year, non-TCU institution. Scholarship benefits include tuition, room and board, and stipends. Mr. Shorty also is focused on destigmatizing degrees from TCUs as “junior college degrees.” Lastly, AIHEC and Mr. Shorty continue to work towards finalizing a memorandum of agreement with AIHEC.

**FALCON-LAND GRANT:** A written report is included in the board book on pages 143-144.

**AIHEC TRIBAL COLLEGES AND UNIVERSITIES LIBRARIANS’ ASSOCIATION:** A written report is included in the board book on pages 125-141.

**LUNCH BREAK:** President Yarlott declared a lunch break at 1:02 pm ET until 2:15 pm ET.

Ms. Billy recognized the AIHEC staff for all their hard work during the 2022 Legislative Summit and Spring Board Meeting, stating the planning and conducting the events are the same, whether the group is smaller or large.

**REMARKS: ASSISTANT SECRETARY OF INDIAN AFFAIRS, BRYAN NEWLAND**

Ms. Billy introduced Assistant Secretary of Indian Affairs, Bryan Newland, who provided remarks to the Board. Assistant Secretary Newland, who previously served as Bay Mills Indian Community President and governing board member for Bay Mills Community College (BMCC), spoke about the important role of BMCC in his upbringing, particularly in helping him connect with his Anishinaabe culture and language. He reiterated the value of TCUs in supporting Native languages and culture, workforce opportunities, and public health initiatives. He is committed to investing in TCUs, both Tribally controlled colleges and federally operated TCUs, through future budget requests (FY 23). He recognized the service and contributions of the TCUs to Tribal communities and students throughout the pandemic.

President Yarlott commented that challenges exist in working with the BIA and requested that Assistant Secretary Newland help in remedying communication issues between the BIE and BIA.

Regarding BIE covid-19 relief funds (CARES, CRRSSA, ARP), Ms. Billy requested that Assistant Secretary Newland direct the BIE to allow funds to be used for TCU covid-19 related construction. Explicit language was included in the FY22 omnibus appropriations bill to allow for this flexibility for ED covid-19 relief funds. AIHEC requests that BIE follow the same guidance, as BIE has routinely followed ED guidance in regard to previous covid-19 relief funds and the BIE does not have the underlying

regulatory restrictions that limited ED's capacity to allow this flexibility prior to the legislative directive. In other words, no legislative directive is necessary for BIE to allow this necessary flexibility.

Assistant Secretary Newland responded by sharing President Clinton's Tribal Consultation Executive Order 13175 which permits flexible policy making and allows regulatory waivers with the goal to provide Tribes [and TCUs] the ability to provide services to the community. While many federal agencies are improving upon Tribal consultation practices, he believes federal agencies need to remember to use the allowable flexibilities included within EO, which is still in effect.

President Bordeaux spoke about the importance of developing a separate Tribal accreditation entity within the BIE or ED to support future TCUs. Assistant Secretary Newland expressed his support and said he is open to ideas that work for Indian Country. While DOI supports self-determination, he explained that DOI supports partnerships to revitalize Native culture and languages. In closing, the Assistant Secretary expressed his desire to visit more TCUs in the near future.

Following the Assistant Secretary's remarks, several presidents made comments and asked questions. President Guillory reiterated the need for flexibility in using covid-19 relief funding for construction. President Patil asked about the spending deadlines for federal covid-19 funding. Ms. Billy explained that previously distributed ED covid-19 relief funds (CARES and CRRSSA) fall under updated rules and timelines established by ARP. In regard to BIE covid-19 relief funds, Dr. Campbell stated that all BIE covid-19 relief funds (CARES, CRRSAA, and ARP) are considered obligated once they have been drawn down and TCUs may spend them as needed. Ms. Billy further added that while some funds may be "available until expended," the legal authority expires within a 10-year timeframe. She encouraged TCUs to spend funds within a shorter timeframe to demonstrate the need for the funding. By not spending the funds in a timely manner, it is difficult to argue that additional funds are needed, and it will be difficult to receive extensions.

President Bordeaux stated that he does not believe TCUs are pushing for a separate Tribal accreditation entity. He added that funding was set aside for this effort and requested an update on this issue. Ms. Billy responded that the Membership and Accreditation Committee, which oversees this Tribal accreditation entity issue, was tasked by the Board of Directors to review and rewrite the AIHEC bylaws which required a considerable amount of time. Additionally, AIHEC staff have been focused on supporting TCUs during the ongoing pandemic, which required a considerable amount of time. She reported that progress has been made in developing a national Tribal university through a working group of AIHEC and TCU staff.

#### **WHITE HOUSE INITIATIVE ON AMERICAN INDIAN AND ALASKAN NATIVE EDUCATION (WHIAIANE) (Virtual Presentation):**

Ron Lessard provided several updates from ED. President Biden issued Executive Order 14049 on October 11, 2021, on the "White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities" (new WH Indian Education Initiative). EO 14049 supersedes the previous EO 13592. He highlighted provisions related to TCUs within the new EO and said he looks forward to supporting the upcoming

work. Dr. Hollie J. Mackey was appointed as the new Executive Director of the initiative, which will be co-chaired by the secretaries of Labor, Interior, and Education. The National Advisory Committee on Indian Education (NACIE) has several vacancies. Nominations can be sent to Mr. Lessard or Shannon Myricks, ED White House liaison.

President Bordeaux asked if any updates were available as follow up to previous discussion between AIHEC and ED officials regarding a Tribal accreditation entity. Mr. Lessard committed to bringing this issue to the attention of the new Education Under Secretary.

President McDonald and Mr. Lessard spoke about the ongoing work of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. The commission is currently holding hearings with an upcoming session scheduled for the Navajo Nation.

After providing his report, Mr. Lessard received a round of applause for his service as Acting Director and was extended an open invitation to future meetings.

## **VII. AIHEC CENTRAL OFFICE REPORT**

### **Legislative & Executive Branch Report**

**FY 2022 and FY 2023:** Ms. Atine provided an in-depth legislative update as part of the AIHEC Legislative Summit on Monday, March 14; therefore, she provided a shortened overview of the following:

- FY 22 Final Funding Levels: Omnibus bill signed into law on March 15, 2022
- FY 23 President's Budget Request: Developed by the Biden Administration
- FY 23 AIHEC Request: Developed and approved by the AIHEC Executive Committee.

After reviewing the higher FY 22 House and Senate proposed levels in contrast to the lower final FY 22 omnibus levels, Ms. Billy explained that education advocates were disappointed across the board to receive lower than anticipated funding levels. To avoid a full year continuing resolution, which would have held all programs to FY 21 levels, Democrats had to negotiate with Republicans, who refused to support either House or Senate passed funding levels. The final FY 22 omnibus bill includes small increases that did not reach the proposed House and Senate levels, but the funding certainly was better than level funding, which would have resulted from a continuing resolution.

**HEERF Construction:** On Monday, March 14, Michelle Cooper, Deputy Assistant Secretary for Higher Education Programs, announced that the FY 22 omnibus bill includes flexibility language to allow TCUs to use HEERF funds for covid-19 related construction. While updated official guidance was not immediately available, Deputy Assistant Secretary Cooper requested patience from the TCUs as official updated guidance would be available in the upcoming weeks. The new flexibility applies to HEERF funding for TCUs, HBCUs, and MSIs. Additionally, BIE has been following ED guidance regarding allowable uses for covid-19 relief funds and AIHEC has requested that BIE adopt the new flexibility for construction for BIE covid-19 relief funds.

**COMPETES/USICA:** The House and Senate passed legislation related to NSF reauthorization and innovation to compete with China. A chart was presented outlining TCU-specific provisions in the COMPETES and USICA bills. Both bills include a provision to establish a new program to complement the recently passed Connecting Minority Communities Act. The Improving Minority Participation in Telecommunications Act (IMPACT Act) was supported by Senator Wicker and Senator Sinema and includes a \$30 million TCU set-aside for the development of programs to support the telecommunications workforce.

President Lindquist shared that institutions of higher education in North Dakota (including TCUs) have been providing input on the development of USICA and COMPETES. She encouraged other TCUs to become involved in their local advocacy process.

**Department of Education – Regulations:** The Biden Administration plans to propose new Title IX regulations, including regulations related to transgender students. Additionally, new regulations may be released regarding gainful employment, which measures the earnings of graduates and the debt they incur. This has been an ongoing issue for for-profit colleges and non-degree programs at nonprofit colleges.

**Department of Labor – Regulations:** The Biden Administration is considering new regulations regarding overtime rules that would raise salary thresholds for exempt workers. Employers would be required to pay overtime for employees below the salary threshold. A letter from the College and University Professional Association for Human Resources outlines the potential increased expenses to IHEs if the proposed regulators were to be implemented.

**AIHEC Board Report:** The full AIHEC report is included in the board book on page 223-242.

**Upcoming Meetings and General Information:** A calendar of upcoming events can be found in the board book on page 287. Highlights include: the First Annual TCU Native Languages Summit, the American Indian/Alaska Native Healthcare Summit, Indigeverse, the annual TCU meeting at SKC, the AIHEC Summer 2022 Board Meeting, and the 2022 WINHEC Meeting.

## VIII. COMMITTEE REPORTS & MOTIONS

### **RESEARCH COMMITTEE: Leander McDonald, Chair**

The Research Committee met on February 14, 2022, and presented two motions for Board action:

#### **MOTION:**

President McDonald moved [seconded by President Patil] that the AIHEC Board of Directors directs AIHEC to establish a working group to evaluate and make recommendations to the Research Committee on AIHEC AIMS and the Professional Data Partnership (PDP) on the usefulness and value of each instrument to the TCUs, AIHEC, and the American Indian College Fund; and further, that such recommendations shall be presented to the Research Committee no later than Fall 2022.

**OUTCOME:**

The motion was agreed to by voice vote.

**MOTION:**

President McDonald moved [seconded by President Azure] that the AIHEC Board of Directors supports the University of Washington in submitting applications for two grant proposals – R-13 (NIH) and National Science Foundation conference grant – for a conference to be held to support the TCUs.

**OUTCOME:**

The motion was agreed to by voice vote.

**TRIBAL COLLEGE JOURNAL ADVISORY BOARD: Monte Randall, Chair**

The TCJ Advisory Board met on February 17, 2022. The current issue of TCJ is focused on TCU leadership, including an interview with President Bordeaux. Upcoming volumes will focus on shared governance, distance education, cyberinfrastructure, and trauma and healing. One motion was presented for Board action:

**MOTION:**

President Randall moved [seconded by President Caldwell] that the *Tribal College Journal* will hold a Missing and Murdered Indigenous Women poster contest for TCU students to raise awareness of this ongoing human rights tragedy.

**OUTCOME:**

The motion was agreed to by voice vote.

**STUDENT ACTIVITIES COMMITTEE: Robert Martin, Chair**

The Student Activities Committee met on January 31, 2022. The 2023 AIHEC Student Conference will be hosted by the Southwest and Oklahoma TCUs. After the 2023 student conference, rotation will restart as follows: 2024-Woodlands, 2025-South Dakota, 2026-North Dakota, 2027-Montana and NWIC. The AIHEC Student Congress (ASC) will hold a virtual Student LIFE Conference this summer.

President Yarlott shared that two vacancies remain for athletic commissioners: (1) female coach and (2) athletic director or TCU president. The TCU must be able to support the athletic commissioner with travel funds for meetings and the AIHEC basketball tournament. The World Indigenous Games may be held in Brazil in November 2022; however, details are pending due to ongoing travel and pandemic-related restrictions. Previously, the Board discussed delegating approval authority to the Student Activities Committee for certain activities and actions. One motion was presented for Board action:

**MOTION:** President McDonald moved [seconded by President Roessel] that the AIHEC Board of Directors delegate authority to the Student Activities Committee to approve (1) the appointment of athletic commissioners, (2) changes to the AIHEC Athletic Commission bylaws, and (3) change in rotations of the AIHEC Student Conference.

**OUTCOME:**

The motion carried by voice vote.

**FINANCE & AUDIT COMMITTEE: Justin Guillory, Chair**

In addition to the two motions presented earlier, President Guillory raised an additional issue for consideration: financial challenges facing developing/emerging members.

**MOTION:**

President Oltrogge moved [seconded by President Azure] that the AIHEC Board of Directors waives the FY 2022 Developing & Emerging Membership dues for California Tribal College.

**DISCUSSION:**

President Guillory shared that NWIC is working with CTC to potentially sponsor CTC's accreditation efforts. CTC is experiencing financial hardship and requested the AIHEC membership fee be waived.

**OUTCOME:**

The motion carried by voice vote. (One abstention noted: President Justin Guillory, Northwest Indian College)

**IX. NEW BUSINESS**

Interim President Monteith shared that the vacancy announcement for the SIPI President position has been posted. Applications will be accepted until April 4, 2022.

**X. ADJOURNMENT**

President Bordeaux thanked AIHEC staff and TCU presidents for their commitment to working with TCUs and Tribal Nations.

President Bordeaux offered a closing prayer.

**MOTION:**

President Oltrogge moved [seconded by President Patil] that the 2022 AIHEC Spring Board of Directors Meeting be adjourned.


**OUTCOME:**

The motion was approved by voice vote.

President Yarlott Jr. adjourned the meeting at 5:12pm ET.

Minutes prepared by AIHEC staff.

Executed and acknowledged by the undersigned being the Secretary of the Board of the Corporation.

  
\_\_\_\_\_  
Leander R. McDonald, Secretary  
American Indian Higher Education Consortium

3-4-23  
Date