

**SOUTH DAKOTA BOARD OF REGENTS**

**Planning, Governance, and Resource Development**

**AGENDA ITEM: 5 – F**

**DATE: April 2-4, 2019**

\*\*\*\*\*

**SUBJECT**

**Exclusion Resolution (Special Resolution No. 01-2019)**

**CONTROLLING STATUTE, RULE, OR POLICY**

[SD Constitution Art. XIV § 3. Governance of state educational institutions](#)

[SDCL § 13-49-1. Control of educational institutions vested in board](#)

[SDCL § 13-49-19. Customary management powers conferred on board](#)

[SDCL § 13-59-2.2. Dakota State University at Madison—Purposes—Degree Programs](#)

**BACKGROUND/DISCUSSION**

As part of Dakota State University’s continued work with the federal government, which work includes access to classified information, the federal government requires that five regents undergo security clearance to have access to classified information. Four regents will not undergo security clearance and will be excluded from having access to classified information.

A history of Exclusion Resolutions is listed below. Each resolution supersedes the resolution prior to it.

- August 2017 Board Meeting ([Item 5-L](#)) - Special Resolution No. 44-2017 At the
- March 9, 2018 Special Board Meeting ([Item 3](#)) - Special Resolution No. 01-2018
- June 2018 Board meeting ([Item 7-H](#)) - Special Resolution No. 13-2018
- August 30, 2018 Special Board Meeting ([Item 2](#)) – Special Resolution No. 15-2018

Per DSU’s request, this exclusion resolution (Special Resolution No. 01-2019) names Lucas Lund as the Student Regent and will supersede Special Resolution 15-2018. The Exclusion Resolution included as Attachment I is required by the federal government.

**IMPACT AND RECOMMENDATIONS**

As a result of this item, the following five Regents will undergo (or have undergone) security clearance: Morgan, Roberts, Schieffer, Mickelson, and Wink. The Board staff recommendation is to approve this item.

**ATTACHMENTS**

Attachment I – Exclusion Resolution (Special Resolution No. 01-2019)

\*\*\*\*\*

**DRAFT MOTION 20190402\_5-F:**

I move to approve the Exclusion Resolution (Special Resolution No. 01-2019) included as Attachment I, which supersedes Special Resolution No. 15-2018.

**C.4 Exclusion Resolution for Certain Directors, Officers, and LLC Member (if Person)**

I, *Kevin Schieffer*, do hereby certify that I am *President of the Board of Regents of Dakota State University*, organized and existing under the laws of the State of *South Dakota*, and that the following is a true and correct copy of a resolution adopted by the Board of Directors, management board, or a similar type of executive body of the said *Board of Regents* at a meeting held in *Spearfish, SD* on *April 3, 2019* at which time a quorum was present.

**WHEREAS**, current Department of Defense Regulations contain a provision making it mandatory that the Chairman of the Board, Senior Management Official and Facility Security Officer meet the requirements for eligibility for access to classified information established for a contractor facility security clearance; and

**WHEREAS**, said Department of Defense Regulations permit the exclusion from the personnel of the requirements for access to classified information of certain members of the Board of Directors and other officers, provided that this action is recorded in the corporate minutes.

**NOW THEREFORE BE IT DECLARED** that the Chairman of the Board, Senior Management Official and Facility Security Officer at the present time do possess, or will be processed for, the required eligibility for access to classified information; and

**BE IT RESOLVED** that in the future, when any individual enters upon any duties as Chairman of the Board, Senior Management Official and Facility Security Officer, such individual shall immediately make application for the required eligibility for access to classified information; and

**BE IT RESOLVED AND DIRECTED** that the following members of the Board of Regents and other officers or members shall not require, shall not have, and can be effectively and formally excluded from access to all CLASSIFIED information disclosed to the Board and shall not affect adversely Board policies or practices in the performance of classified contracts for the Department of Defense or the Government contracting activities (User Agencies of the National Industrial Security Program):

NAME	TITLE
John Bastian	Member of the Board of Regents
Randy Schaefer	Member of the Board of Regents
James Thares	Member of the Board of Regents
Lucas Lund (Student Regent)	Member of the Board of Regents

**IN WITNESS WHEREOF** I have hereunto set my hand and affixed the seal of the South Dakota Board of Regents this \_\_\_\_ day of April, 2019.

\_\_\_\_\_  
Signature