

**BOARD OF REGENTS
MINUTES OF THE MEETING
June 26-27, 2019**

The South Dakota Board of Regents met on June 26-27, 2019 at South Dakota State University in Brookings, South Dakota with the following members present:

Kevin Schieffer, President
John Bastian, Vice President
Jim Morgan, Secretary
David Mickelson, Regent
Pam Roberts, Regent
Randy Schaefer, Regent
Jim Thares, Regent
Joan Wink, Regent

The following member was not at the meeting:

Lucas Lund, Regent

Also present during all or part of the meeting were Dr. Paul B. Beran, Board of Regents Executive Director and CEO; Nathan Lukkes, Board of Regents General Counsel; Michele Anderson, Internal Auditor; Kayla Bastian, Director of Human Resources; Monte Kramer, System Vice President of Finance & Administration; Dave Hansen, System Chief Information Officer; Janelle Toman, Director of Communications; Leah Ahartz, Budget Manager; Mary Ellen Garret, Accounting Manager; Molly Weisgram; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Kathy Johnson, Acting BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Lois Flagstad, Randy Culver, BHSU; Jim Moran, Jim Jacobsen, Amy Crissinger, Dick Hanson, DSU; Veronica Paulson, Jeremy Reed, Joelle Lien, NSU; Heather Forney, SDSM&T; Tracy Greene, Kristi Tornquist, Teresa Hall, Mary Kay Helling, Adam Hoppe, Daniel Scholl, Ally Manson, Corey Berscheit, Nick Lorang, Linda Schumacher, Matthew Vukorich, Melissa Granum, Jennifer Novotny, Karyn Weber, Doug Wermedal, Connie Johnson, Mary Gengler, Bill Gengler, Destiny Jaranby, Brianna Renaas, Nadifa Mahamed, Jane Dunn, Jill Thorngren, John Killefer, Charlene Wolf-Hall, Dwarika Bhattarai, Brakriti Sharma, Sen Subngmanign, Biberdanier, Lynn Sergeant, Nadine Gjerde, Michaela Willis, Jane Mort, Dennis Hedge, SDSU; Kim Grieve, Bruce Kelley, Kurt Hackemer, Beth Freeburg, Amber Hulse, Mary Nettleman, Carmen Simone, USD; Rich Naser, USD Discovery District; Dwaine Chapel, Research Park – SDSU; Carrie Sanderson, Center for Protection from Child Maltreatment (USD); Taneeza Islam, SD Voices for Peace; Armand Alacbay, The American Council of Trustees and Alumni; David Randall, National Association of Scholars; RyAnne Blau, SDBOR Student Federation; Representative Sue Peterson; Representative Jon Hansen; Carson Zubke, USD Student Government Association; Dr. Dale Droge, DSU Faculty Senate; Senator Susan Wismer Justin Bentaas, Sioux Falls Chamber of Commerce; Jennifer Anderson, SDSU Faculty Senate; Representative Fred Deutsch; Dr. Jack Walters, DSU Faculty Member; Trevor Gunlicks; Cole Christian; Senator VJ Smith; Naomi Ludeman Smith, Training Consultant; Brittni Skipper, BFM; Jeff Mehlhaff, LRC; and other members of the Regental system and public.

WEDNESDAY, JUNE 26, 2019

BOARD WORK

Regent Schieffer declared a quorum present and called the meeting to order at 9:50 a.m.

1-A Approval of the Agenda

IT WAS MOVED by Regent Bastian, seconded by Regent Wink, to approve the agenda as published. Motion passed.

1-B Declaration of Conflicts

Regent Morgan will abstain from voting on item 8-C NSU Regional Sports Complex Facility Design Plan given his role on the Daktronics Board and their involvement with the video displays authorized in the item.

1-C Approval of the Minutes – Meeting on May 14, 2019

IT WAS MOVED by Regent Morgan, seconded by Regent Mickelson, to approve the minutes of the meeting on May 14, 2019. Motion passed.

1-D Rolling Calendar

IT WAS MOVED by Regent Bastian, seconded by Regent Mickelson, to approve the 2020 Board meeting dates and locations as shown on Attachment I of the agenda item. Motion passed.

A copy of the Rolling Calendar can be found on pages _____ to _____ of the official minutes.

1-E Welcome and Presentation by SDSU President Barry Dunn

SDSU President Barry Dunn welcomed the audience to SDSU and shared information about Imagine 2023, the new SDSU strategic plan. He described the Wokini Initiative and shared information about other supports for American Indian students. Last he provided an update on current construction projects on campus and shared academic achievements of the institution and its students.

1-F Student Federation Report

RyAnne Blau, Student Federation Chair, provided a Student Federation report and explained that the Student Federation has determined the dates for Students in Higher Education Days (SHED) during the 2020 Legislative Session. She explained that SHED will host a Capitol Rotunda event on February 10, 2020.

The Student Federation Report can be found on pages _____ to _____.

1-G Student Organization Awards – SDSU

Dr. Michaela Willis, SDSU Vice President for Student Affairs, presented the Student Organization Awards for SDSU. The Award for Academic Excellence for 2018 was presented to Plant Science Graduate Student Association (PSGSA). The Award for Community Service was presented to Phi Upsilon Omicron – National Honor Society and Consume Sciences (Phi Chapter). The Award for Organization Leadership was presented to Armed Forces Association.

A copy of the SDSU Student Organization Awards can be found on pages ____ to ____ of the official minutes.

Intellectual Diversity Public Conversation

Regent Schieffer explained that the purpose of the Intellectual Diversity hearing is to solicit assistance in gathering the best means of achieving the intent of the new legislative requirements developed during the 2019 Legislative Session regarding intellectual diversity. Specifically the new legislative requirements obligate the Board of Regents to “prepare ... a[n annual] report that: (1) Sets forth all the actions taken by each institution to promote and ensure intellectual diversity and the free exchange of ideas; and (2) Describes any events or occurrences that impeded intellectual diversity and the free exchange of ideas.”

He said invitations were sent to legislators, South Dakota Chamber of Commerce members, public university representatives, special interest groups and national associations asking them to participate in the public intellectual diversity conversation in person or through written commentary. As a result, several individuals and groups provided written commentary as included in the Board agenda and others accepted the invitation to speak.

The following people addressed the Board:

- Representative Sue Peterson
As prime sponsor of House Bill 1087, Representative Peterson explained that she and other legislators submitted written commentary as requested. She reiterated the high points of the letter. She said the legislative intent is to ensure that the pursuit of truth is foremost in our students’ education at South Dakota campuses. The primary component of education is the classroom, so she wants to ensure that ideas can rise and fall on their own merit in the classroom. Regarding baseline assessments, she believes the public universities should do surveys of faculty and students. Additionally, a comprehensive review of all courses, their syllabi, required reading, etc., may be warranted to ensure intellectual diversity in the classroom. She said that ensuring a healthy balance is important and action is needed to counter any one sided balance that may exist. She said this should include the BOR implementing higher practices to make sure that there are a variety of ideological viewpoints from faculty. Additionally she said there should be a renewed focus on civics, constitutional heritage, and US history. She felt programs that support American Indian students on campus were helpful, but diversity office programming is not useful in promoting intellectual diversity. She thought instead an Office of Public Policy Education or an ombudsman would be useful. Additionally, Representative Peterson said the BOR

should enact policies to put intellectual diversity on the same footing as other activities promoting diversity. Moving to metrics, she suggested the BOR develop a list of professors that bring countering views.

- Representative Jon Hansen

Representative Hansen said he is proud of the South Dakota universities but felt that they have followed a disturbing national trend. He said nationally voices have been silenced and speech quelled. He said the intent of HB1087 is to ensure the pursuit of truth. He said public universities should teach the facts and then focus on teaching students how to think, not what to think. He described a personal situation while at the University of South Dakota Law School, which dealt with student funds not being distributed to a Christian student group. He said universities themselves speak when they allow distribution of funds to certain groups but not others. He said the university hosted a drag show but when a simple request was made to the medical school to advertise an event to gather and pray with medical students, the school would not advertise. He said students fear repercussion from their faculty to exercise their ideas. To allow students to be educated in a place where truth can prevail, institutions should not install safe spaces. He said there should not be discrimination on use of space nor should there be a culture of fear that chills students' speech. Instead institutions should instill good judgment, reason, and content of character in their students.

Regent Thares asked Representative Peterson if she had data that showed the “one sided views” of the public universities that she referenced in her written commentary. Representative Peterson said they have not done a scientific study to prove this and much of the research is based on national statistics. He said South Dakota research would be helpful.

Regent Schieffer said some of the things outlined in Representative Peterson's written comments were included in the original bill but were ultimately taken out. He said as before he is cautious considering the public dollars involved at the universities and is fearful of an unfunded mandate. He said when going through the list of what an Office of Public Policy Events would do, the budget for such work could be staggering.

Representative Peterson said that implementing the legislative requirements would likely include budgeting for them. She felt some of the budget directed to the diversity offices could likely be redirected.

Regent Schieffer asked Representative Peterson about her suggestion to consider ideological belief systems in hiring processes. Representative Peterson clarified that faculty members' bodies of work should be considered, rather than specific questions asked in the hiring process.

Regent Schieffer said there is a difference between intellectual diversity and diversity and inclusion. He said in some cases they are grouped together and at other times they are incompatible or inconsistent. He asked why dismantling the diversity and inclusion work at the universities and building up the Office of Public Policy Events would solve the problem. He asked if it would be a wrongheaded direction in her view to implement the intellectual diversity piece of this within the

current diversity offices. Representative Peterson said if it could be implemented in a way that eliminates political agendas and the “social justice warrior” type approach it could work.

Regent Schieffer asked Dr. Beran to follow-up on the situations at the medical school and law school described by Representative Hansen and report back to both Representative Hansen and the Board of Regents.

- **Armand Alacbay, The American Council of Trustees and Alumni**
Armand Alacbay commended the Board for having this conversation at this level. He said it is long overdue. He said this is much more about fulfilling a legislative mandate than it is about fulfilling the Board members’ fiduciary responsibility. He said education is the process of finding better, truer ways of understanding something. He described suggested ways to create a baseline and consider changes that may need to be made, such as conducting a campus climate survey much like that which was done by the Colorado Board of Regents. He also suggested that the Board conduct a self-assessment much like entitled “10 Questions College Trustees Must Ask”.
- **David Randall, National Association of Scholars**
David Randall offered four suggestions. He strongly recommended the Board establish an Office of Public Policy Events (OPPE). This office would promote and generate speaking events with opposing views, video record these events, and then collect and measure the data for intellectual diversity. Additionally, the OPPE would develop intellectual diversity rubrics for the educational curriculum. He recommend that the BOR replace the social studies general education requirement and replace it with credit hours in US history and US government as well as require a civics test. He said the National Association of Scholars would endorse the idea that the Board give preference to certain minors of study. Last they recommend that the public universities should define and limit the scope of the diversity, equity and inclusion offices on campuses.
- **Taneeza Islam, South Dakota Voices for Peace**
Taneeza Islam described the work of South Dakota Voices for Peace. She said she is not an expert on measurables, instead she is an expert on immigration law and the education on Islamophobia. She provided a case study from Northern State University on September 18, 2018 that showed the negativity of hate speech. This invited speaker spoke against Muslims. Taneeza asked what the parameters are of intellectual diversity. She asked if the universities have the ability to keep those targeted by hate speech safe. She asked if the legislation being discussed is a smoke screen for right wing ideology. She noted that protected categories are defined by law. Furthermore, she said statistics show that the Sioux Falls school district is increasing in diversity so felt that the diversity offices at the universities should be bolstered and enhanced to support students and as well as to foster intellectual diversity.

- Allyson Monson, SDSU Student Association President / Corey Berscheit, SDSU Student Association Vice President
Allyson Monson and Corey Berscheit outlined the reporting avenues for students to utilize in the case of any violations of intellectual diversity. They described how student organizations promote a wide breadth of ideas at SDSU.
- Dale Droge, DSU Faculty Senate President
Dr. Droge said in the 27 years he has been teaching at DSU he is not aware of a single event that would fall under an infringement of intellectual diversity as defined by law. He said when he was a student in the 1970's he was privileged to take a few English classes. He had no idea what this professor's ideology and only later learned that this faculty member was the advisor for a very conservative student group. He said faculty are professionals and do not try to indoctrinate students. He said if faculty are abusing their privilege, it should be taken seriously. However, it should be done fairly and a single complaint should not receive all the attention. It should be done with due process. He said over monitoring could have a very chilling effect because sensitive issues may be avoided. He said he disagreed with all four points of his colleague from the National Association of Scholars made. He said he feels tracking speakers is appropriate and doable.

Regent Morgan asked how many speakers come to campus arranged through the student organizations versus the administration. Allyson Monson explained that the student organizations invite the majority of speakers. She said all of that is public information on a public calendar.

In response to a question by Regent Schieffer, David Randall from NAS said there isn't a huge problem in South Dakota but he anticipates that South Dakota may encounter the national trend in the next five to 10 years.

Regent Schieffer asked David Randall if he felt the findings from USD's "Hawaiian Day" controversy, which showed there was not a free speech violation, were incorrect. David Randall said there was a chilling effect. Regent Schieffer agreed but said that the chilling effect was not on the part of the administration. Instead he said this took the form of a media campaign to promote a political issue. He said students are in the middle of this and we need to take it very seriously.

In response to an invitation to comment, Armand Alacbay said the issue is very much a national trend, especially self-censorship, which is a type of issue that doesn't manifest in a very apparent way. That's why a baseline assessment is helpful to make as part of a regular assessment. Regent Schieffer asked him to provide names of objective organizations that could provide this type of survey that could provide price quotes for the system. Armand Alacbay mentioned Heterodoxy Academy.

Regent Schieffer said the situation Taneza Islam described is the definition of free speech. Taneza Islam said her question is who has the burden of ensuring intellectual diversity. Is it the institution? Does the law require the institutions to more proactively generate the counter opinion for speakers, whether invited or not?

David Randall, National Association of Scholars, said the student-centered and citizen-centered approaches are not divided. Students need to be trained to be intellectually diverse citizens.

Dr. Droge, DSU Faculty Senate President, said he is concerned about a top down versus a bottom up approach. No one from the top should be saying “this is what you need”. He is concerned about a speaker’s bureau designating what students hear.

Allyson Monson, SDSU Student Association President, said from the student perspective, if speaker selection isn’t happening organically (students inviting speakers), it would be a loss as these debates to determine speakers are very enriching in themselves.

In response to a question by Regent Roberts, most Regental presidents indicated that they already conduct campus climate surveys.

Regent Bastian asked how much a diversion away from diversity, equity and inclusion would hurt accreditation efforts. Additionally, how friendly would South Dakota appear to students and faculty if we were to steer away from these efforts?

David Randall, National Association of Scholars, said that accreditation requirements would need to be considered but he would recommend an explicit request through federal delegation to the Federal Department of Education to describe their stance on this. He said no institution to date has had funding taken away due to this issue, but it has not been challenged either.

- Carson Zubke, USD Student Government Association President
Carson Zubke said the student association’s responsibility is to listen to student concerns and enhance the student experience. He said students have circulated a letter in support of the positive impact of the diversity offices at the institutions. He said USD’s SGA is committed to bringing a broad range of speakers and ideas to campus. He provided examples of the different speakers invited in the previous year. Additionally, he noted that students are less and less participating in surveys as they value personalized communication in this day and age of technology.
- RyAnne Blau, SDBOR Student Federation Chair
RyAnne Blau explained the work of the Student Federation and said she wanted to clarify the general reporting procedure. She said the students’ budgets total \$4.4 million and these are allocated to thousands of student organizations. She said the Student Federation said whatever they end up being reporting requirements and rules around invited guests need to be crystal clear. If these requirements are to be carried out by students they need to be understood by students.
- Senator Susan Wismer
Senator Wismer said she finds pages 96 to 102 of the agenda item, which are a list of demands by GOP, to be embarrassing, presumptuous, disrespectful, and close minded. She said the legislators who provided that commentary had every right to do so, but they did not have the right to impose additional dictates. She said intellectual diversity is a two-way street and be careful for what you wish for. For instance, economics is a very conservative

field, if intellectual diversity were better enforced, it would require less main stream economic theory. She said this is an assault on public higher education, and urged the Board not to give into their demands.

- Justin Bentaas, Sioux Falls Area Chamber of Commerce
Justin Bentaas said Sioux Falls and the surrounding area have become increasingly diverse. At a recent Sioux Falls school district, by the year 2020 40% of students will be of ethnic minorities. Sioux Falls appreciates the institutions' efforts to explore and incorporate cultural and diversity training as it will benefit the diverse workforce in the future. The Sioux Falls Chamber of Commerce applauds the universities' diversity efforts.
- Jennifer Anderson, SDSU Faculty Senate Representative
Dr. Anderson said the SDSU Faculty Senate is committed to providing the highest quality of education and well-roundedness of students. All faculty at SDSU take their responsibility to provide well-rounded education very seriously. This includes exposure to several different ideas without the imposition of their personal ideas. The effort of diversity training is critical to cultural sensitivity in the workplace. When we curtail students their ability to interact in a diverse world, we are curtailing the economic wellbeing of South Dakota. Conversely, when we encourage our students to becoming culturally sensitive, we are encouraging the economic wellbeing of South Dakota.

Regent Schieffer referenced the letter by Dow Chemical and said he was very troubled to read that although Dow admires SDSM&T the company no longer interviews SDSM&T students because they are not diverse enough per Dow's corporate standards.

Jason Bentaas, Sioux Falls Chamber, said Sioux Falls employers are certainly wanting students who can interact with many culturally diverse individuals.

Dr. Anderson, SDSU Faculty Senate, said students felt very able to express their opinions in her class and she explicitly says students can describe any opinion at all as long as they can explain why they have that opinion. She said students have anonymous ways to address concerns that faculty members are trying to push their beliefs through student reviews of faculty members.

Carson Zubke, USD Student Association, said students are on campus to get an education and a part of education is collecting information and advice. He said USD is good at sharing advice when asked but it is clearly just advice and absolutely not a mandate.

- Representative Fred Deutsch
Representative Deutsch suggested that as the Board decides how to proceed to consider adding to mission, vision and diversity statements the inclusion of intellectual diversity and evaluate how this new law impacts the mission, vision and diversity statements. For instance, he quoted the medical school's mission statement. He said he doesn't understand the medical schools' emphasis on diversity in gender.

Regent Schieffer asked Dr. Beran to follow up Representative Deutsch on his question regarding the medical school.

- Jack Walters, Professor of Management at DSU
Dr. Walters opened by sharing praise for the work that the Board of Regents has done in recent years to well position South Dakota. He said some of the proposals considered today, what he considers short term political pressures, could attack funding and exacerbate the larger pressures South Dakota higher education already faces. This could harm educational opportunities for all students and weaken the state's investment in higher education.
- Trevor Gunlicks, Recent SDSU Graduate
Trevor Gunlicks self-identified as conservative and said he has found himself self-censoring as he knows that his ideology would ruffle feathers. He said he is a strong proponent of diversity and has learned a lot at SDSU, but he doesn't feel SDSU is a very intellectually diverse place.
- Cole Christian, Current SDSU Student
Cole Christian explained his belief that his recent English 201 course was focused on political ideology and seemed heavily weighted on one political perspective.
- Senator VJ Smith
Senator Smith said he voted in the affirmative for HB1087 because Representative Stalzer assured the group that he and the BOR worked together on the legislation. He is uncomfortable that the sponsors of the bill have made this something different than what they promised. He said there are several legislators that do not believe this effort should go into the classroom.
- Naomi Ludeman Smith, Retired Administrator (Intercultural Studies) and Training Consultant
Naomi Ludeman Smith said she is currently being sought after to teach intercultural competency and sensitivity training. She explained that she appreciates this forum as it is diverse in itself. She invited the group to explore the definitions of diversity and multiculturalism and the intersection of diversity and intercultural sensitivity. In the field of intercultural competency and sensitivity, she said we need to slow down our judgements and question the assumptions we have (often assumptions called biases). Slow down the assumptions that we have behind definitions behind curriculums and how they were designed. From her experience on curriculum development groups, she said social justice being built into the curriculum is likely not done with a certain political agenda in mind. Instead, it is likely included for its valuing of civil education.

Executive Session to Discuss Personnel Matters, Pending and Prospective Litigation, Contractual Matters, Marketing or Pricing Strategies by a Board of a Business Owned by the State When Public Discussion May Be Harmful to the Competitive Position of the Business, and to Consult with Legal Counsel

IT WAS MOVED by Regent Morgan, seconded by Regent Mickelson, that the Board dissolve into executive session at 1:00 p.m. on Wednesday, June 26, 2019, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, marketing or pricing strategies by a board of a business owned by the state when public discussion may be

harmful to the competitive position of the business, and to consult with legal counsel; that it recess from executive session at 2:30 p.m.; reconvene in executive session at 12:30 p.m. on Thursday, June 27, 2019, to continue to discuss the earlier referenced matters; that it rise from executive session at 2:30 p.m. to resume the regular order of business; and that it report its deliberations while in executive session. Motion passed.

FY21 Informal Budget Hearings

SDSU/CES/AES: President Barry Dunn reviewed the budget priorities for South Dakota State University, SDSU Extension, and the Agricultural Experiment Station. These included Bioprocessing, Rural Veterinary Medical Education, Teaching and Learning STEM Innovation Lab, and Extension Broadband and Rural Technology program.

USD/Law School/SSOM: President Sheila Gestring reviewed the budget priorities for the University of South Dakota, the USD School of Law, and the Sanford School of Medicine. She said the Dakota's Promise Scholarship program is top priority but since this is already a system request, she described the importance of a new Health Sciences building.

SDSBVI & SDSD: Superintendent Marje Kaiser reviewed the budget priorities of the South Dakota School for the Blind and Visually Impaired and the South Dakota School for the Deaf. She explained that SDSBVI is asking for a base increase to support access technology that allows blind and visually impaired students to access online curriculum. She is not asking for anything for the South Dakota School for the Deaf as it is unclear of its needs considering the upcoming location change.

SDSM&T: President Jim Rankin reviewed the budget priorities for South Dakota School of Mines and Technology. These included a new Mineral Industries building and the purchase of the current Ascent Building to expand research space.

DSU: President José-Marie Griffiths and Stacy Krusemark, VP of Business and Administrative Services, reviewed budget priorities for Dakota State University, including the Cyber Cync Incubator and Entrepreneurial Center (CCIEC) and Student Success.

NSU: President Tim Downs reviewed the budget priority for Northern State University. The request is focused on Native American student success.

BHSU: Acting President Kathy Johnson reviewed budget priorities for Black Hills State University, which included a Sustainability Research Center and a Rural K-12 Improvement Research-Practice Partnership.

Board Deliberations/Round Table Discussion: Regents asked the presidents and superintendent questions about their offered budget priorities.

System Priorities: SDBOR Executive Director Dr. Paul Beran and Dr. Monte Kramer reviewed budget priorities for the BOR system, which included the Dakota's Promise Scholarship program and General Fund Maintenance and Repair.

Regent Schieffer asked if we have comparative data for how surrounding states construct buildings and how they fund maintenance and repair. Dr. Kramer said he sent a survey to SHEEOs and only got four responses out of over 50. He also called surrounding states and queried them. He said we have a good story to tell because someone had the foresight to dedicate a portion of tuition money to buildings. Additionally, the state has committed to contributing to maintenance and repair, where as other states have a considerable maintenance and repair backlog. He said the good news for other state systems is that their states are paying for new buildings. In further discussion, Regent Schieffer said he wants to know what surrounding states are spending on maintenance and repair, who is funding it, and what percentage of the replacement value the states are funding for maintenance and repair.

CONSENT AGENDA

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve consent agenda items 5-A through 5-M. Motion passed.

Academic and Student Affairs

5-A (1) New Program Request – BHSU – Minor in Exercise Science

Authorize BHSU to offer a minor in Exercise Science, including authorization to offer the program at BHSU-Rapid City, as presented.

A copy of the New Program Request – BHSU – Minor in Exercise Science can be found on pages ____ to ____ of the official minutes.

5-A (2) New Program Request – NSU – Minor in Art History

Authorize NSU to offer a minor in Art History, as presented.

A copy of the New Program Request – NSU – Minor in Art History can be found on pages ____ to ____ of the official minutes.

5-A (3) New Program Request – SDSU – MS in Interdisciplinary Studies

Authorize SDSU to offer a MS in Interdisciplinary Studies, including online authorization, as presented.

A copy of the New Program Request – SDSU – MS in Interdisciplinary Studies can be found on pages ____ to ____ of the official minutes.

5-A (4) New Program Request – SDSU – Minor in Bioprocessing Sciences

Authorize SDSU to offer a minor in Bioprocessing Sciences, as presented.

A copy of the New Program Request – SDSU – Minor in Bioprocessing Sciences can be found on pages _____ to _____ of the official minutes.

5-A (5) New Program Request – SDSU – Minor in Sustainable Local Foods

Authorize SDSU to offer a minor in Sustainable Local Foods, as presented.

A copy of the New Program Request – SDSU – Minor in Sustainable Local Foods can be found on pages _____ to _____ of the official minutes.

5-A (6) New Program Request – USD – Minor in Neuroscience

Authorize USD to offer a minor in Neuroscience, as presented.

A copy of the New Program Request – USD – Minor in Neuroscience can be found on pages _____ to _____ of the official minutes.

5-A (7) New Program Request – USD – BS in Neuroscience (with specializations in Cognitive Neuroscience -&- Molecular and Cellular Neuroscience)

Authorize USD to offer a BS in Neuroscience with specializations in Cognitive Neuroscience and Molecular and Cellular Neuroscience, as presented.

A copy of the New Program Request – USD – BS in Neuroscience (with specializations in Cognitive Neuroscience -&- Molecular and Cellular Neuroscience) can be found on pages _____ to _____ of the official minutes.

5-B (1) New Certificate Requests – BHSU, DSU, NSU, SDSMT, SDSU, USD – Graduate Mathematics -&- Advanced Graduate Mathematics

Authorize BHSU, DSU, NSU, SDSM&T, SDSU, and USD offer a Certificate in Graduate Mathematics and a Certificate in Advanced Graduate Mathematic, including online, as presented.

A copy of the New Certificate Requests – BHSU, DSU, NSU, SDSMT, SDSU, USD – Graduate Mathematics -&- Advanced Graduate Mathematics can be found on pages _____ to _____ of the official minutes.

5-B (2) New Certificate Request – BHSU – Adventure Education

Authorize BHSU to offer a certificate in Adventure Education, as presented.

A copy of the New Certificate Request – BHSU – Adventure Education can be found on pages _____ to _____ of the official minutes.

5-B (3) New Certificate Request – SDSU – Bioprocessing Sciences

Authorize SDSU to offer a certificate in Bioprocessing Sciences, as presented.

A copy of the New Certificate Request – SDSU – Bioprocessing Sciences can be found on pages _____ to _____ of the official minutes.

5-C (1) New Specialization Request – SDSU – Agricultural Economics Specialization (BS in Economics)

Authorize SDSU to offer a specialization in Agricultural Economics in the BS in Economics, as presented.

A copy of the New Specialization Request – SDSU – Agricultural Economics Specialization (BS in Economics) can be found on pages _____ to _____ of the official minutes.

5-C (2) New Specialization Request – SDSU – Rangeland Ecology and Management Specialization (BS in Ecology and Environmental Science)

Authorize SDSU to offer a specialization in Rangeland Ecology and Management in the BS in Ecology and Environmental Science, as presented.

A copy of the New Specialization Request – SDSU – Rangeland Ecology and Management Specialization (BS in Ecology and Environmental Science) can be found on pages _____ to _____ of the official minutes.

5-C (3) New Specialization Request – SDSU – Geography Specialization (PhD in Geospatial Science & Engineering)

Authorize SDSU to offer a specialization in Geography in the PhD in Geospatial Science & Engineering, as presented.

A copy of the New Specialization Request – SDSU – Geography Specialization (PhD in Geospatial Science & Engineering) can be found on pages _____ to _____ of the official minutes.

5-D (1) New Site Request – SDSU – Management Foundations Graduate Certificate

Approve SDSU's new site proposal to offer the graduate certificate in Management Foundations through online delivery.

A copy of the New Site Request – SDSU – Management Foundations Graduate Certificate can be found on pages _____ to _____ of the official minutes.

5-D (2) New Site Request – SDSU – Post-Graduate Clinical Nurse Leader Certificate

Approve SDSU's new site proposal to offer the Post-Graduate Clinical Nurse Leader Certificate through online delivery.

A copy of the New Site Request – SDSU – Post-Graduate Clinical Nurse Leader Certificate can be found on pages _____ to _____ of the official minutes.

5-D (3) New Site Request – SDSU – Post-Graduate Family Nurse Practitioner Certificate

Approve SDSU's new site proposal to offer the Post-Graduate Family Nurse Practitioner Certificate in Sioux Falls and Rapid City.

A copy of the New Site Request – SDSU – Post-Graduate Family Nurse Practitioner Certificate can be found on pages _____ to _____ of the official minutes.

5-D (4) New Site Request – SDSU – Post-Graduate Nurse Educator Certificate

Approve SDSU's new site proposal to offer the Post-Graduate Nurse Educator Certificate through online delivery.

A copy of the New Site Request – SDSU – Post-Graduate Nurse Educator Certificate can be found on pages _____ to _____ of the official minutes.

5-D (5) New Site Request – USD – American Indian Education Graduate Certificate

Approve USD's new site proposal to offer the graduate certificate in American Indian Education through online delivery.

A copy of the New Site Request – USD – American Indian Education Graduate Certificate can be found on pages _____ to _____ of the official minutes.

5-E (1) Agreements on Academic Cooperation – Black Hills State University

Approve the agreement on academic cooperation between Black Hills State University and Language and Cultural Encounters, Seville, Spain.

A copy of the Agreements on Academic Cooperation – Black Hills State University can be found on pages _____ to _____ of the official minutes.

5-E (2) Agreements on Academic Cooperation – Northern State University

Approve the agreement on academic cooperation between Northern State University and Capital Normal University, China.

A copy of the Agreements on Academic Cooperation – Northern State University can be found on pages _____ to _____ of the official minutes.

5-E (3) Agreements on Academic Cooperation – SD School of Mines and Technology

Approve the agreement on academic cooperation between the South Dakota School of Mines and Technology and Technische Universität, Bergakademie, Freiberg.

A copy of the Agreements on Academic Cooperation – SD School of Mines and Technology can be found on pages _____ to _____ of the official minutes.

5-F (1) Articulation Agreements – South Dakota State University

Approve the articulation agreements between South Dakota State University and 1) Mitchell Technical Institute, and 2) Western Dakota Technical Institute, as presented.

A copy of the Articulation Agreements – South Dakota State University can be found on pages _____ to _____ of the official minutes.

5-F (2) Articulation Agreements – University of South Dakota

Approve the articulation agreement between the University of South Dakota and Southeast Technical Institute, as presented.

A copy of the Articulation Agreements – University of South Dakota can be found on pages _____ to _____ of the official minutes.

5-G Memorandum of Understanding – SDSU & Crazy Horse Memorial Foundation

Approve the Memorandum of Understanding between South Dakota State University and the Crazy Horse Memorial Foundation, as presented.

A copy of Memorandum of Understanding – SDSU & Crazy Horse Memorial Foundation can be found on pages _____ to _____ of the official minutes.

5-H Program Inactivation and Termination Requests – SDSU & USD

Approve SDSU and USD's respective program inactivation and termination requests, as presented.

A copy of Program Inactivation and Termination Requests – SDSU & USD can be found on pages _____ to _____ of the official minutes.

5-I USD Naming Request – Gallagher Center for Experiential Learning & Education

Approve the request from the University of South Dakota to rename the Center for Academic & Global Engagement as the “Gallagher Center for Experiential Learning & Education Abroad.”

A copy of USD Naming Request – Gallagher Center for Experiential Learning & Education can be found on pages _____ to _____ of the official minutes.

Budget and Finance

5-J BOR Policy 5:26 – Bond Compliance and Management Revisions (Second Reading)

Approve the second and final reading of the revisions made to BOR Policy 5:26 – Bond Compliance and Management.

A copy of the BOR Policy 5:26 – Bond Compliance and Management Revisions (Second Reading) can be found on pages _____ to _____ of the official minutes.

5-K BOR Policy 6:6 – Maintenance and Repair Revisions (Second Reading)

Approve the second and final reading of the revisions made to BOR Policy 6:6 – Maintenance and Repair as shown in Attachment I.

A copy of the BOR Policy 6:26 – Maintenance and Repair Revisions (Second Reading) can be found on pages _____ to _____ of the official minutes.

5-L – REMOVED

5-M ADRDL Title Transfer Resolution

Approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and Public Lands to proceed with the real property transaction as stated therein.

A copy of the ADRDL Title Transfer Resolution can be found on pages _____ to _____ of the official minutes.

PLANNING, GOVERNANCE, AND RESOURCE DEVELOPMENT

6-A Report of the Executive Director/Interim Actions

Dr. Paul B. Beran, Board of Regents Executive Director and CEO, explained that there will be a West River Nursing Education meeting with the CEO of Regional Health. Additionally, he expressed his appreciation for the work done with the Community College for Sioux Falls.

A copy of the Report of the Executive Director can be found on pages _____ to _____ of the official minutes.

6-B Reports on Individual Regent Activities

No reports by individual regents.

6-C Reports from Individual Presidents and Superintendents

President Gestring introduced Dean Neil Fulton as the new dean of the law school.

6-D Legislative Letters of Intent

Dr. Monte Kramer, System Vice President of Finance & Administration, explained the four Letters of Intent relating to the Board of Regents, one of which was drafted by the Appropriations Committee behind closed doors following the discussion pertaining to the transition from the University Center – Sioux Falls to the Community College in Sioux Falls. Leadership from USD, BHSU and the Board office have met with LRC staff to discuss the University Center report and proposed budget unit. Board office staff are now trying to meet with legislative leadership to explain the difficulties with establishing separate budget units for the Centers.

The letter allowing the utility realignment did not have a sponsor as it was drafted by the Board office. Dr. Kramer presented the letter to the committee and it was unanimously approved.

A copy of the Legislative Letters of Intent can be found on pages _____ to _____ of the official minutes.

6-E Lean Methodology Overview – Moved to Thursday, June 27

6-F BIOSNTR / EPSCoR Project Overview – Moved to Thursday, June 27

6-G Research Park Reports / USD Discovery District Annual Meeting – Moved to Thursday, June 27

6-H Amendments to the By-Laws (Second Reading)

Nathan Lukkes, Board of Regents General Counsel, stated that as noted at the April Board meeting, changes to the By-Laws of the Board were requested to streamline the committee structure and to allow for the effective and efficient administration of Board business. There have been no changes to the proposed By-Laws since the first reading in April.

IT WAS MOVED by Regent Schaefer, seconded by Regent Mickelson, to approve the second and final reading of the proposed revisions to the By-Laws, as set forth in Attachment I. Motion passed.

A copy of the Amendments to the By-Laws (Second Reading) can be found on pages _____ to _____ of the official minutes.

6-I Appointment of Board Committees

Regent Schieffer appointed the following regents to the standing Board committees:

Budget and Finance Committee

Regent Mickelson, Chair

Regent Roberts
Regent Morgan

Academic and Student Affairs

Regent Wink, Chair
Regent Bastian
Regent Lund

Audit Committee

Regent Thares, Chair
Regent Schaefer
Regent Lucas Lund

ACADEMIC AND STUDENT AFFAIRS

7-A Center for the Prevention of Child Maltreatment Update – Moved to Thursday, June 27

7-B Intent to Plan Request – SDSMT – MS in Green Chemistry

Dr. Jay Perry, System Vice President for Academic Affairs, stated that the South Dakota School of Mines & Technology (SDSMT) requests permission to plan a Master of Science (MS) in Green Chemistry. This program would focus on development of new chemical processes and products to address pressing needs pertaining to the synthesis of green chemicals and polymers, efficient waste treatment, materials for green electric power generation and storage, environmentally benign processes, and green microbiology. This program would tie into the BS in Chemistry currently offered at SDSMT. Program graduates should be well positioned for green jobs (e.g., jobs related to energy conservation, alternative energy sources, pollution reduction, recycling, etc.), which are in high demand nationally. In addition, South Dakota ranks as a leading state in terms of green power generation and consumption.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to authorize SDSMT to develop a program proposal for an MS in Green Chemistry, as presented. Motion passed.

A copy of the Intent to Plan Request – SDSMT – MS in Green Chemistry Center can be found on pages _____ to _____ of the official minutes.

7-C (1) Dual Credit In-District Delivery Approvals – NSU & Brandon Valley

Dr. Jay Perry, System Vice President for Academic Affairs, stated that Northern State University (NSU) is requesting authorization to offer In-District Delivery of High School Dual Credit (HSDC) to the Brandon Valley School District. The MOU presented between the Board and the Brandon Valley School District complies with established guidelines for In-District Delivery. NSU worked with UC-SF as the primary institution designated by AAC Guideline 7.1 and received permission to work with the Brandon Valley School District.

IT WAS MOVED by Regent Wink, seconded by Regent Thares, to approve 1) the MOU between the Board of Regents and the Brandon Valley School District, and 2) the course requests as

presented for the 2019-2020 academic year for in-district delivery of High School Dual Credit courses. Motion passed.

A copy of the Dual Credit In-District Delivery Approvals – NSU & Brandon Valley can be found on pages _____ to _____ of the official minutes.

7-C (2) Dual Credit In-District Delivery Approvals – USD & Harrisburg High School

Dr. Jay Perry, System Vice President for Academic Affairs, stated that the University of South Dakota (USD) is requesting authorization to offer In-District Delivery of High School Dual Credit (HSDC) to the Harrisburg School District. The MOU presented between the Board and Harrisburg High School complies with established guidelines for In-District Delivery.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve 1) the MOU between the Board of Regents and the Harrisburg High School, and 2) the course requests as presented for the 2019-2020 academic year for in-district delivery of High School Dual Credit courses. Motion passed.

A copy of the Dual Credit In-District Delivery Approvals – USD & Harrisburg High School can be found on pages _____ to _____ of the official minutes.

7-C (3) Dual Credit In-District Delivery Approvals – USD & Lincoln High School

Dr. Jay Perry, System Vice President for Academic Affairs, stated that the University of South Dakota (USD) is requesting authorization to offer In-District Delivery of High School Dual Credit (HSDC) to Lincoln High School within the Sioux Falls School District. The MOU presented between the Board and Lincoln High School complies with established guidelines for In-District Delivery.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve 1) the MOU between the Board of Regents and Lincoln High School, and 2) the course request as presented for the 2019-2020 academic year for in-district delivery of High School Dual Credit courses. Motion passed.

A copy of the Dual Credit In-District Delivery Approvals – USD & Lincoln High School can be found on pages _____ to _____ of the official minutes.

7-C (4) Dual Credit In-District Delivery Approvals – USD & Tea Area High School

Dr. Jay Perry, System Vice President for Academic Affairs, stated that the University of South Dakota (USD) is requesting authorization to offer In-District Delivery of High School Dual Credit (HSDC) to the Tea Area School District. The MOU presented between the Board and Tea Area High School complies with established guidelines for In-District Delivery.

IT WAS MOVED by Regent Wink, seconded by Regent Bastian, to approve 1) the MOU between the Board of Regents and the Tea Area High School, and 2) the course requests as presented for

the 2019-2020 academic year for in-district delivery of High School Dual Credit courses. Motion passed.

A copy of the Dual Credit In-District Delivery Approvals – USD & Tea Area High School can be found on pages _____ to _____ of the official minutes.

7-D (1) Routine Informational Items – Discipline Council Reports

Dr. Jay Perry, System Vice President for Academic Affairs, explained that in 1997 the Board of Regents formed a set of discipline councils to allow for stronger coordination among faculty across common discipline areas within the Regental system. Operating as sub-committees of the Academic Affairs Council (AAC), the discipline councils engage to ensure common and consistent approaches in the delivery of curriculum, assessment of student learning, and services. Currently, ten active discipline councils continue to meet routinely to discuss common system institutional issues. The reports presented summarize their activities over the 2018-19 academic year.

A copy of the Discipline Council Reports can be found on pages _____ to _____ of the official minutes.

7-D (2) Routine Informational Items – Program Review Reports – DSU, SDSMT, SDSU & USD

Dr. Jay Perry, System Vice President for Academic Affairs, explained that the system has established a process requiring periodic reviews of all programs offered. A primary purpose for these reviews is to continuously improve the quality of all educational programs. Periodic program review involves stakeholders in an analysis of past performance which is used to inform present and future directions and decision-making. The review process is integrated with strategic planning and budgeting, with regional and specialized accreditation processes, and with student-learning outcome assessment. The system's processes require each campus to maintain a schedule that indicates the time frame for the review of every program offered.

A copy of the Program Review Reports – DSU, SDSMT, SDSU & USD can be found on pages _____ to _____ of the official minutes.

7-E Free Speech Policy Revisions – BOR Policies 1:32 & 3:18 and Proposed BOR Policy 6:13:1 (First Reading)

Nathan Lukkes, Board of Regents General Counsel, stated that during its December 2018 meeting the Board approved changes to BOR Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1, all of which touched on first amendment issues in one respect or another. HB1087 was subsequently passed during the 2019 Legislative Session, which addressed a number of issues germane to various BOR policies. Consequently, the proposed changes to BOR Policies 1:32 and 3:18, which include the addition of a new policy (6:13:1), have been made to incorporate the relevant text from HB1087, providing further clarity to the campuses on the various first amendment related issues.

Regent Bastian asked whether the institutions were involved in the drafting of BOR Policy 6:13.1. General Counsel Lukkes said the general counsels from USD and SDSU were involved in the drafting of the policy. The policy has been reviewed by the Student Affairs Council and as a result there will likely be a few minor changes between the first and second reading.

IT WAS MOVED by Regent Wink, seconded by Regent Bastian, to approve the first reading of the proposed revisions to BOR Policies 1:31 and 3:18 and proposed BOR Policy 6:13:1. Motion passed.

A copy of the Free Speech Policy Revisions – BOR Policies 1:32 & 3:18 and Proposed BOR Policy 6:13:1 (First Reading) can be found on pages _____ to _____ of the official minutes.

BUDGET AND FINANCE

8-A BHSU Solar Project

Randy Culver, BHSU Associate Vice President of Facilities and Sustainability, explained BHSU's proposal to install 797KW solar array on the rooftops of four academic buildings. The new solar project is estimated to cost \$1,132,166 that will be paid for with state utility savings over the 14.4-year payback period. The operational savings is estimated at \$500 per year and the utility savings is estimated to be \$78,976 annually. The State is considering the possibility of a 0% financing loan from state energy funds. Much like a performance contract, the energy savings from the production of solar panels will be used to pay the capital lease. Once the capital lease is paid off, the savings will revert to the State of South Dakota. A Memorandum of Agreement between BHSU and the Bureau of Finance & Management is being drafted that would formalize the use of utility savings.

Regent Thares asked about the cited 14 year payback and the life cycle of the solar panels. Randy Culver indicated that there is strong assurance that the panels are have a life cycle to last at least 30 years and even then they will produce energy even if it isn't the latest technology.

Regent Roberts clarified that this project will not move forward if the MOU with the Bureau of Finance and Management does not go forward. Dr. Kramer explained that this MOU declares that cost savings will go back to the campus for payback rather than back into the state coffers. There is strong support from the State Engineer for this project.

IT WAS MOVED by Regent Roberts, seconded by Regent Wink, to approve the solar panel project and authorize the executive director to finalize and approve the MOU with the Bureau of Finance and Management. Motion passed.

A copy of the BHSU Solar Project can be found on pages _____ to _____ of the official minutes.

8-B BHSU Energy Performance Contract

Randy Culver, BHSU Associate Vice President of Facilities and Sustainability, explained BHSU's energy savings projects that include updating LED lighting, rezoning air handlers, modifying operation of chilled water pumps, sequencing exhaust fans to match occupancy needs, balancing the chiller water system, repairing or replacing steam traps, and replacing domestic plumbing

fixtures at both BHSU and BHSU-Rapid City. The projects must garner enough energy savings for the total project cost to be paid back within 15 years.

A critical piece of the financing structure is to retain the general fund utility savings resulting from these projects. Those general funds will pay the annual lease cost for academic buildings. A memorandum of understanding regarding the utility savings will be needed. Once the project is paid off, the energy savings will be returned to the State of South Dakota. Currently, general fund utility savings are reverted to the State; the universities are not allowed to keep those savings. Although this funding policy creates a disincentive to the universities to complete energy efficiency projects, BHSU has historically made it a priority to manage utility costs and save energy resulting in an accumulation of hundreds of thousands of dollars in savings to the State. These projects will result in \$206,240 in utility savings each year, \$113,612 in savings to the State and another \$92,628 in savings to the Auxiliary System.

He said BHSU will be the first state entity to accomplish a guaranteed energy savings contract allowing others to learn from their experience and to possibly pursue energy savings for the State. The project is dependent on the state allowing the utility savings to pay the lease-purchase payments over the payback period.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve the BHSU Energy Performance Contract at an estimated cost of \$3.4M to be paid for with energy savings over a 15-year period. Motion passed.

A copy of the BHSU Energy Performance Contract can be found on pages _____ to _____ of the official minutes.

8-C NSU Regional Sports Complex Facility Design Plan

Veronica Paulson, NSU Vice President of Finance and Administration, reviewed the Facility Design Plan for the Regional Sports Complex at NSU. The estimated cost of the project and available funds guaranteed by the NSU Foundation is \$33,000,000. This is the third and final project to be funded with private gifts and grants generated through the Educational Impact Campaign (EIC). The EIC also provided \$6 million for the NSU Athletic and Recreation Fields and \$14,347,916 for the new School for the Blind and Visually Impaired. Construction will not begin until the full amount of pledges to fund the project is in place. Approval of the Regional Sports Complex Facility Design Plan completes the projects and the planning related to the fundraising campaign.

IT WAS MOVED by Regent Roberts, seconded by Regent Wink, to approve the Facility Design Plan for NSU's Regional Sports Complex at \$33M to be funded with private donations guaranteed by the NSU Foundation. Motion passed, Regent Morgan abstained.

A copy of the NSU Regional Sports Complex Facility Design Plan can be found on pages _____ to _____ of the official minutes.

8-D USD Wellness Center Addition Preliminary Facility Statement

USD President Sheila Gestring presented the Preliminary Facility Statement for the USD Wellness Center Expansion project that includes an aquatic addition to the existing Wellness Center facility. This expansion is phase II or III of the original Wellness Center facility plan and would replace the existing swimming pool in the Dakota Dome. Approval of the Preliminary Facility Statement allows the campus to do appropriate planning and does not constitute approval of the project by the Board. The planning phase of the project is recommended.

IT WAS MOVED by Regent Roberts, seconded by Regent Wink, to approve USD's Preliminary Facility Statement for the Wellness Center Expansion. Motion passed.

A copy of the USD Wellness Center Addition Preliminary Facility Statement can be found on pages _____ to _____ of the official minutes.

8-E South Dakota Building Authority (SDBA) Refinancing Series 2009 & 2011 Bonds

Dr. Monte Kramer, System Vice President of Finance & Administration, stated that in May of 2019, SDBA refinanced the Series 2009 and Series 2011 bonds. The Series 2009 bonds paid for the construction of the building at Black Hills State University – Rapid City. These bonds were eligible for an interest subsidy from the federal government as a part of the Build America Bonds (BAB) program. The Series 2011 bonds funded M&R projects at four campuses: SDSU, NSU, USD, and BHSU.

He said it is the BAB subsidy that makes this refinancing different from those that have been done in prior years. The BAB subsidy was transferred each year to BOR to offset the interest paid by BOR on its lease. When the Series 2009 bonds were refinanced, the BAB subsidy ceased to exist. The subsidy was not transferable to the Series 2019 bonds. However, the savings from the refinancing were substantial enough that it covered the value of the subsidy.

Per SDBA, the lease payments made to SDBA will not change for the 2009 and 2011 series bonds, similar to past practice on refinanced bonds. However, without the BAB subsidy credit, there would be an increase in overall debt cost. Instead of the BAB subsidy, SDBA will give the Board a credit each year equivalent to the BAB subsidy that would have been received from the federal government. By doing this, BOR will be held harmless and our annual debt service will remain the same as it has been.

He said the refinancing of both bonds netted the State of South Dakota a total savings of approximately \$1.97 million and that will be deposited with the State. This is in addition to the \$1.8 million in savings that SDBA will be using to offset the loss of the BAB subsidy.

A copy of the South Dakota Building Authority Refinancing Series 2009 & 2011 Bonds can be found on pages _____ to _____ of the official minutes.

8-F REED 100G Network Update

Dr. Monte Kramer, System Vice President of Finance & Administration, provided an update on the 100G REED Network. He explained that the investment in REED provides substantial benefits to our research efforts, the state, and the students attending our universities. The project is on budget. To date, \$2,069,197 has been spent. Estimated total costs at this point are \$2,590,196.36, down from the initial estimate of \$3.0M. The overall budget and funding sources will be reviewed when the project is complete to determine what will happen with any remaining dollars.

A copy of the REED 100G Network Update can be found on pages _____ to _____ of the official minutes.

8-G (1) BOR Policy Revisions - BOR Policy 3:6 – Housing and Meal Plans (First Reading)

Dr. Monte Kramer, System Vice President of Finance & Administration, stated that BOR Policy 3:6 – Housing & Meal Plan is being reformatted into the new policy format. There are substantial changes to the policy layout in an attempt to clarify housing and meal requirements; however, there are no substantive changes in content.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve the first reading of the revisions made to BOR Policy 3:6 – Housing and Meal Plan. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 3:6 – Housing and Meal Plans (First Reading) can be found on pages _____ to _____ of the official minutes.

8-G (2) BOR Policy Revisions – BOR Policy 5:5:1 – Tuition & Fees: On-Campus Tuition (First Reading)

Dr. Monte Kramer, System Vice President of Finance & Administration, reviewed the proposed changes to BOR Policy 5:5:1 – Tuition and Fees: On-Campus Tuition based on the Board's decisions to 1) offer on-campus courses taken by active-duty military personnel at a rate not to exceed the federal tuition assistance benefit (currently that rate is \$250 per credit hour); and 2) offer first-time freshmen or new transfer students from Colorado, Iowa, Montana, Nebraska, North Dakota and Wyoming the resident on-campus tuition rate. Both rates are effective beginning with the 2019 summer term and are available only at the undergraduate level.

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to approve the first reading of BOR Policy 5:5:1 – Tuition and Fees: On-Campus Tuition with the revisions shown in Attachment I of the agenda item. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 5:5:1 – Tuition & Fees: On-Campus Tuition (First Reading) can be found on pages _____ to _____ of the official minutes.

8-G (3) BOR Policy Revisions – BOR Policy 6:12 – Bomb Threats (First Reading)

Dr. Monte Kramer, System Vice President of Finance & Administration, stated the current policy on bomb threats is outdated given the many threats that institutions now deal with, and therefore,

is being updated to clarify campus authority and responsibility as well as updating the penalties for false threats.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to approve the first reading of the revisions to BOR Policy 6:12 – Bomb Threats as shown in Attachment I. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 6:12 – Bomb Threats (First Reading) can be found on pages _____ to _____ of the official minutes.

8-G (4) BOR Policy Revisions – BOR Policy 5:15 – Athletics (First Reading)

Kayla Bastian, System Director for Human Resources, explained that NCAA recommends that athletics policies address four key components: 1) Fiscal Responsibility; 2) Academic Integrity; 3) Student Athlete Welfare; and 4) Rules Compliance. In addition, it is imperative that the Board adopt an athletic philosophy statement to establish institutional control, and vest the responsibility of athletic program oversight in the institutional president. The proposed changes to the policy identify that the Board vests the responsibility and authority over university athletic programs in the President. Also, the proposed changes remove the requirement for an annual report comparing student athlete academic success to that of the general student population. Information may be brought forward to the Board, but eliminates the annual requirement for the twenty-five page report. No changes were made to the financial requirements noted in this policy.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve the first reading of revisions to BOR Policy 5:15. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 5:15 – Athletics (First Reading) can be found on pages _____ to _____ of the official minutes.

8- G (5) BOR Policy Revisions – BOR Non-Faculty Exempt Employment Policy Revisions (First Reading)

Kayla Bastian, System Director of Human Resources, stated that the Board had expressed a desire to create BOR policies that are less complex, more user friendly, and easily understood by all stakeholders. To streamline the policy manual, a single policy, BOR Policy 4:4 – Non-Faculty Exempt (NFE) Employment Provisions, has been created. This single policy changes BOR Policy 4:1, and eliminates BOR Policies 4:8, 4:33, 4:44, and 4:46 as the provisions of those policies are now incorporated into the new BOR Policy 4:4. The item outlines the substantive changes in policy language.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve the first reading of BOR Policy 4:4 and the proposed revisions to BOR Policy 4:1. Motion passed.

A copy of the BOR Policy Revisions – BOR Non-Faculty Exempt Employment Policy Revisions (First Reading) can be found on pages _____ to _____ of the official minutes.

8-H (1) Routine Informational Items – Capital Project List

Dr. Monte Kramer, System Vice President of Finance and Administration, reviewed the June 2019 capital projects list. He said a new law that will go into effect July 1 requires building projects \$5 million or more to have a building committee project, which is a higher dollar amount than previously required. He said the system will need to have a discussion about what types of projects they consider “major” and which require building committees.

A copy of the Routine Informational Items – Capital Project List can be found on pages _____ to _____ of the official minutes.

8-H (2) Routine Informational Items – Building Committee Report

Dr. Monte Kramer, System Vice President of Finance and Administration, provided information on the actions taken by the building committees.

A copy of the Routine Informational Items – Building Committee Report can be found on pages _____ to _____ of the official minutes.

8-H (3) Routine Informational Items – FY18 University Scholarships Report

Dr. Monte Kramer, System Vice President of Finance and Administration, provided a brief overview of the FY18 University Scholarships Report.

A copy of the Routine Informational Items – FY18 University Scholarships Report can be found on pages _____ to _____ of the official minutes.

Campus Community Forum

The Board responded to questions from the campus community.

THURSDAY, JUNE 27, 2019

The Board reconvened at 7:15 a.m.

Breakfast Meeting with Area Legislators

Senator John Wiik (District 4), Senator V.J. Smith (District 7), Representative Hugh Bartels (District 5), Representative Tim Reed (District 7), Representative John Mills (District 4), and Representative Nancy York (District 5) met with board members to informally discuss priorities in the public university system. Topics included diversity, Dakota’s Promise scholarship support, funding of maintenance and repair projects, and Lean principles.

6-E Lean Methodology Overview

Becky Degen, SDSU Director of Continuous Improvement, described the key elements of lean which are purpose, people and processes. She shared background on the development of SDSU's Office of Continuous Improvement which includes her position and a lean advisory committee composed of people from across campus. She discussed the core concepts training she conducted with the Legislature and described how the Legislature has adopted it for state government. She described the lean toolbox which includes (1) Standards, (2) Kaizen Events and then (3) Plan-Do-Check-Adjust-Repeat. She further described the elements of purpose, which is at the heart of everything; people, which includes training; and process, which describes what exists today and how it could exist in the future. She explained that SDSU is happy to help the Board of Regents however it works best.

In response to a question from Regent Morgan, Director Degen explained that there have been three cohorts of Lean Champions at SDSU thus far.

Regent Schieffer asked how Director Degen would approach a system-level project. Becky said there are several different ways to approach this, but you shouldn't let perfect get in the way of better. Sometimes you just have to pick a project and start.

Regent Morgan said we need to follow up with a smaller group to leverage the experience that SDSU has and then try to answer the question of how we might want to approach a system project. He suggested following up with meetings and figuring how next steps.

Director Degen described an important aspect of lean which is respect for people. She said when you go into a Kaizen event you need to go in with unbiased approach with no figure pointing. If there is an error with the process, you point to the process not the people. When we talk about improving we want to do it with respect for people.

A copy of the Lean Methodology Overview can be found on pages _____ to _____ of the official minutes.

6-F BIOSNTR / EPSCoR Project Overview

Nathan Lukkes, Board of Regents General Counsel, described the background of the NSF EPSCoR in South Dakota. He explained that the current NSF EPSCoR Research Infrastructure Improvement (RII), Track I award, which totals \$20M and spans from FY15 – FY19, is centered on the BioSystems Networks / Translational Research (BioSNTR) project, led by Adam Hoppe (SDSU). BioSNTR is focused on bridging the gap between academia and industry to create a bio-economy in South Dakota through impact science, via a distributed research initiative based on a systems biology approach and translational research model that advances biotechnology. BioSNTR was developed with funding from the NSF EPSCoR RII Track-1 award (approx. \$10.3M), in addition to a South Dakota Research Innovation Center award from the State of South Dakota (approx. 11.8M). BioSNTR is currently made up of roughly 40 academic researchers across the state, utilizing state-of-the-art imaging and bioinformatics.

Dr. Adam Hoppe, Principal Investigator of the BioSNTR, provided a presentation to the Board highlighting the accomplishments and successes of the BioSNTR over the last five years.

Regent Wink said this presentation demonstrated why research is so important for our state.

Regent Morgan noted that in FY18 total expenditures from grants and contracts is almost \$100 million, so regents really need to keep an eye on this. Research is really important for South Dakota.

A copy of the BIOSNTR / EPSCoR Project Overview can be found on pages _____ to _____ of the official minutes.

6-G Research Park Reports / USD Discovery District Annual Meeting

Nathan Lukkes, Board of Regents General Counsel, explained that the USD Discovery District and Research Park at SDSU will present to the Board to provide updates on the current status of operations at the two research parks.

He said this meeting will serve as the time and place for the USD Research Park, Inc. (dba USD Discovery District) annual meeting. The annual meeting is also the time and place for the Board to appoint directors to the Board of Directors of the USD Discovery District. He said three terms are set to expire in 2019, which are currently occupied by Russell Olson, Paul Hanson, and Kevin Schieffer, all of which are seeking reappointment for their second 3-year term. As such, there are three appointments pending before the Board at its meeting, which would become effective upon approval.

Dwaine Chapel, Executive Director of the SDSU Research Park, provided an update on the SDSU Research Park. In response to a question by Regent Schaefer, Dwaine gave comparisons of how other states fund their research parks. Dwaine said he appreciates the \$100,000 per Research Park that the state of South Dakota provides.

Rich Naser, president of the USD Discovery District, provided an update on the USD Discovery District. Per the request of Regent Morgan, Rich provided an overview of the funding for the buildings in the district.

IT WAS MOVED by Regent Schaefer, seconded by Regent Bastian, to reappoint Russell Olson, Paul Hanson, and Kevin Schieffer to serve three year terms on the Board of Directors of the USD Discovery District. Motion passed.

A copy of the Research Park Reports / USD Discovery District Annual Meeting can be found on pages _____ to _____ of the official minutes.

7-A Center for the Prevention of Child Maltreatment Update

Dr. Jay Perry, System Vice President for Academic Affairs, explained that the Center for the Prevention of Child Maltreatment (CPCM) at the University of South Dakota (USD) coordinates

the 10-year strategic plan of the Jolene's Law Task Force, including but not limited to coordinating awareness and prevention of child maltreatment and sexual abuse in the state, engaging education partners in developing training and curriculum initiatives, and conducting research on prevention and treatment. In 2014, the Legislature created the Jolene's Law Task Force and tasked it with studying the impact of child sexual abuse in South Dakota as well as presenting policy recommendations; the CPCM grew out of the of Task Force's recommendations.

Carrie Sanderson, Director for the Center for the Prevention of Child Maltreatment, provided a summary of the activities that have occurred through the Center through 2018. Regent Roberts thanked Director Sanderson for her work.

Regent Wink asked if K-12 teachers are mandatory reporters. Director Sanderson said they are mandatory reporters but interestingly there is no required training on what this means. She said she hopes that will change as a result of the 2020 legislative session.

A copy of the Center for the Prevention of Child Maltreatment Update can be found on pages _____ to _____ of the official minutes.

8-H (4) Routine Informational Items – Reduced Tuition Annual Report

The Board received a report that shows that various tuition reduction programs total of \$7,553,538 was waived for the 2019 academic year. The attachments provide in the agenda item show the breakdown by program, campus, number of students, and funding sources.

A copy of the Routine Informational Items – Reduced Tuition Annual Report can be found on pages _____ to _____ of the official minutes.

8-I SDSU Football Stadium Financials

Rob Kohrman, SDSU Vice President of Finance and Administration, provided an update on the SDSU Football Stadium. He explained that the revised financial report for the SDSU Football Stadium now reflects more accurate expenses and revenues and meets the 2% M&R requirement. The coverage ratios are very healthy and eliminating the reserve at 1.20 allows the dollars to be effectively used to support the facility.

Regent Roberts overviewed the four elements of the draft motion.

On the request of Regent Roberts, Dr. Monte Kramer, System Vice President of Finance and Administration, shared background on how the project was set up and why an initial reserve was set aside equivalent to one year of debt service. He said this is an outlier situation but was established because this project was unprecedented in the system. Regents discussed whether the reserve was still necessary and determined it was not necessary in full as the stadium is now self-sustaining; the compromise was .01 of the coverage ratio.

Regent Schieffer asked about the major differences between the last proposals and this one. Dr. Kramer described the changes and said there was a lot of debate about the coverage ratio and all were comfortable with the proposed change.

Regent Schieffer suggested additional communication with the legislature about this project. He said he thought this would have already happened, especially regarding their concern about maintenance and repair. President Dunn said he will reach out to the appropriations committee chairs and will report back in August at the Board meeting. Regent Schieffer said proformas make a difference and he believes this proforma was put together to get a project passed. He said he will vote against it because of that.

Regent Thares said this proforma shows that the stadium is able to pay its bills, and we need to continue to monitor maintenance and repair shortfalls so it will be covered in coming years. The annual reporting requirement will ensure the oversight of this.

Regent Roberts said they had a long conversation about this in the Board's Budget and Finance committee and are comfortable with the proposed plan as stated in the motion.

IT WAS MOVED by Regent Roberts, seconded by Regent Mickelson, to approve that the following changes be made to the football stadium financial reporting requirements:

1. That the attached (Attachment I of the agenda item) updated financial projections be used going forward to provide a more accurate benchmark of the stadium's financial performance and a benchmark to set future goals against;
2. Revise the debt service requirement from the current threshold of an annual reserve equal to one year of debt service to a requirement of \$125,000 for every .01 of coverage ratio below the 1.2 goal effective with FY2020;
3. The annual investment for M&R be adjusted to reflect the 2% requirement on roofed facilities to ensure the project is in-line with the revised BOR M&R policy.
4. The SDSU stadium financial report be annually submitted to the full Board as an informational item.

Motion passed.

A copy of the SDSU Football Stadium Pro forma can be found on pages _____ to _____ of the official minutes.

The Board dissolved into executive session at 11:15 a.m.

Executive Session to Discuss Personnel Matters, Pending and Prospective Litigation, Contractual Matters, Marketing or Pricing Strategies by a Board of a Business Owned by the State When Public Discussion May Be Harmful to the Competitive Position of the Business, and to Consult with Legal Counsel – Jensen-Smith Board Room (Alumni Center)

The Board reconvened at 2:15 p.m.

Regent Morgan reported that the Board dissolved into Executive Session at 1:00 p.m. on Wednesday, June 26, 2019, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or price strategies by a board of a business owned by the State when public discussion may be harmful to the competitive position of the business, before recessing at 2:30 p.m. to resume the regular order of business.

He said the Board reconvened in Executive Session at 11:15 a.m. on Thursday, June 27, 2019, to continue discussing the earlier referenced matters before rising from Executive Session at 2:15 p.m. to resume the regular order of business.

IT WAS MOVED by Regent Morgan, seconded by Regent Bastian, to approve the recommended actions as set forth in the Secretary's Report and publish said report and official actions in the formal minutes of this meeting. Motion passed.

A copy of the Secretary's Report can be found on pages ____ to ____ of the official minutes.

ADJOURNMENT

IT WAS MOVED by Regent Morgan, seconded by Regent Schaefer, to adjourn the meeting. Motion passed. The meeting adjourned at 2:25 p.m.

Secretary's Executive Session Report

The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, June 26, 2019, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.

Recommended Actions:

3-B.1 – Approve the salary adjustments and appointments as outlined in Attachment I.

3-B.2 – Approve the contract terms and appointment of Dr. Laurie Nichols as BHSU Interim President, effective July 1, 2019 at an annualized salary of \$250,000.

3-B.3 – Adopt the recommendation of the executive director and deny SDSU Faculty Grievance No. 2019-1.

3-B.4 – Approve the five year contract for Dawn Plitzuweit for the period of June 22, 2019 – June 22, 2024 as found in Attachment II, at an annualized salary of \$250,000.

3-B.5 – Approve the five year contract for Leanne Williamson for the period of June 22, 2019 – June 22, 2024 as found in Attachment II, at an annualized salary of \$87,000.

3-B.6 – Approve the five year contract for Robert Nielson for the period of June 22, 2019 – June 22, 2024 as found in Attachment II, at an annualized salary of \$295,000.

3-B.7 – Approve the request to grant tenure to Dr. Mary Anne Krogh (SDSU) as a Professor.

3-B.8 – Award three (3) years of prior service credit toward tenure and three (3) years of prior service credit toward promotion for Joseph Bottum (DSU); four (4) years of prior service credit toward tenure for Houssain Kettani (DSU); two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Wendy Romero (DSU); two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Douglas Raynie (SDSU); award three (3) years of prior service credit toward tenure and three (3) years of prior service credit toward promotion for Ann Tweedy (USD); and one (1) year of prior service credit toward promotion for Jessica Messersmith (USD).

3-B.9 – Approve the request for a one (1) year extension of time for tenure consideration for Leah McCormack (USD).

3-B.10 – Approve the leave request for Mark Geary (DSU) as presented.

3-B.11 – Award an honorary Bachelor of Science degree in Agricultural Science to Jaci Hermstad (SDSU).

3-E – Authorize the Executive Director to take the following action(s), as appropriate: (1) approve the final COHE Agreement for 2019 – 2022 with terms consistent with the directive(s) given by the Board; (2) declare impasse; (3) request conciliation/further investigation through DLR; (4) impose terms as permitted by South Dakota law; and/or (5) to take any other action deemed necessary and appropriate to effectuate the directive(s) of the Board.

3-G – Approve both Piper Jaffrey & Co. and RBC Capital Markets as preferred vendors for bond underwriting services through FY25.

3-H – Approve a recommended timeline and provide authority for Dr. Beran to secure a contract with a search firm.