

**SOUTH DAKOTA BOARD OF REGENTS**

**Full Board**

**AGENDA ITEM: 3 – E**

**DATE: April 1, 2020**

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**SUBJECT**

**COVID-19 Resolution**

**CONTROLLING STATUTE, RULE, OR POLICY**

SDCL Ch. [13-49](#)

SD Const. [Art. 14, §3](#)

**BACKGROUND / DISCUSSION**

The Governor declared a State of Emergency on March 13<sup>th</sup> and implemented certain measures regarding executive branch employees and the operations of state offices via the signing of Executive Orders [2020-04](#) and [2020-05](#). Executive Order 2020-05 was subsequently extended with the signing of Executive Orders [2020-06](#) and [2020-09](#), the latter of which extends through May 2<sup>nd</sup>. The system and its institutions have paralleled the actions and advice of the Governor with respect to its treatment of employees and campus/office operations, with campus measures extending through May 15<sup>th</sup> (end of semester/grading), and including the decision to transition to online delivery for the remainder of the semester and postpone commencement ceremonies.

As a result of the foregoing, there have been numerous accommodations/adjustments necessary, to include facilitating the transition from in-person to online delivery mid-semester, adjusting campus and staffing operations, providing reimbursements to students as a result of the shift to online and departure from campus, and making certain adjustments to academic deadlines and grading. Many of these actions require flexibility in applying/interpreting BOR Policy, as the procedures and parameters contained therein fail to provide the necessary flexibility to adapt and respond to the various issues at hand. Allowing emergency exceptions/waivers of Board Policy to accommodate the foregoing, with the approval of the applicable Board committee, will allow the system and its institutions to address and accommodate the current situation in a timely manner without running afoul of Board Policy.

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**DRAFT MOTION 20200401\_3-E:**

I move to approve the resolution set forth in Attachment I and ratify the actions and responses of the system and its institutions to date in response to the COVID-19 pandemic.

**IMPACT AND RECOMMENDATION**

The proposed resolution would declare/ratify a state of emergency within the system and allow for the granting of emergency exceptions/waivers to BOR Policy between now and the Board’s May 12<sup>th</sup> meeting, with the approval of the applicable Board committee, to allow the system and its institutions to respond to and address the unique circumstances created by the COVID-19 pandemic without running afoul of BOR Policy.

Staff recommends approval.

**ATTACHMENT**

Attachment I – COVID-19 Resolution

**RESOLUTION****Resolution declaring a State of Emergency and authorizing the grant of emergency exception(s) to and/or waiver(s) of Board of Regents Policy as necessary and appropriate to respond to the current COVID-19 pandemic.**

WHEREAS, the Governor has declared a State of Emergency in South Dakota and issued a series of Executive Orders addressing executive branch employees and operations of state offices; and

WHEREAS, the system and its institutions have paralleled the actions and advice of Governor with respect to treatment of employees and offices; and

WHEREAS, the Board recognizes and acknowledges the need to be flexible and responsive to the unique issues resulting from the current COVID-19 pandemic; and

WHEREAS, certain provisions of Board Policy may need to be waived and/or excepted in the short-term to accommodate the warranted action(s) of the system and its institutions in this time of emergency; and

WHEREAS, the urgency and uncertainty of the situation is not conducive with waiting until the Board's May 12<sup>th</sup> meeting to act; and

WHEREAS, in recognition of the foregoing, the Board does hereby:

1. Declare and/or ratify a State of Emergency within the system, thereby availing the system and its institutions to any rights, privileges and protections associated therewith.
2. Authorize the granting of emergency exceptions to, and/or waivers of, Board Policy as necessary and appropriate to respond in a timely manner to situations and/or issues stemming from the COVID-19 pandemic.
3. Authorize the grant of any such emergency exceptions and/or waivers upon the approval of the Committee on Academic and Student Affairs for all academic and student policies, the Committee on Budget and Finance for all budget and finance related policies, and the Executive Committee for all other policies.
4. Authorize the temporary grant of emergency exceptions and/or waivers, as stated herein, until May 12<sup>th</sup>, with any such grants of exceptions and/or waivers to be reported to the full Board at its meeting on May 12<sup>th</sup>.

Dated this 1<sup>st</sup> day of April, 2020.

SOUTH DAKOTA BOARD OF REGENTS

By \_\_\_\_\_

Kevin V. Schieffer

President

**Certification:**

I have compared the foregoing with an action taken by the Board of Regents at a regular meeting of the Board on the 1<sup>st</sup> day of April, 2020, and I hereby certify that the same is a true, correct, and complete copy thereof and that the same has not been rescinded.

Dated this 1<sup>st</sup> day of April, 2020.

SOUTH DAKOTA BOARD OF REGENTS

By \_\_\_\_\_

Jim Morgan

Secretary