

SOUTH DAKOTA BOARD OF REGENTS

Planning Session

AGENDA ITEM: 7 – A
DATE: August 4-5, 2020

SUBJECT

System Governance

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL 13-53-4](#)

[SDCL 13-53-5](#)

[BOR Policy 1:1 – General Authority, Powers and Purpose of the Board](#)

[BOR Policy 1:5 – Executive Director](#)

[BOR Policy 1:6 – Appointment, Authority, and Responsibilities of Presidents and Superintendents](#)

BACKGROUND / DISCUSSION

The Board’s governance of the institutions stems from [Art. 14, Sec. 3](#) of the SD Constitution, which mandates the public institutions of higher education and the special schools “shall be under the control of a board...under such rules and restrictions as the Legislature shall provide.” While there are various statutes pertinent to specific topics, [SDCL 13-53-4](#) provides the sum and substance of the Board’s general powers, stating:

The Board of Regents shall have power to enact and enforce all rules and regulations, not in conflict with any law, and deemed necessary by it for the wise and successful management of the institutions under its control and for the government of students and employees therein.

[SDCL 13-53-5](#) goes on to provide for the Board’s provisional delegation of authority as follows:

The board may delegate provisionally to the president, dean, superintendent, or faculty of any school under its control, so much of the authority conferred by § 13-53-4 or §§ 13-53-23 to 13-53-41, inclusive, as in its judgment seems proper and in accordance with the usual custom in such cases.

There are numerous Board policies that flesh out the general application of the aforementioned statutes by outlining the authority, responsibilities and roles of the

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DISCUSSION ITEM

Board/System Office and the institutions. The most pertinent Board policies and statutes related to this topic are outlined below to help frame the discussion with the Board on what its operational vision is for the system, and to evaluate and define the roles and responsibilities of the Board/System Office and that of the individual Institutions.

While the existing framework is instructive, the intent of the discussion is to consider the operational vision and preferred framework moving forward, which may or may not align with current policy. Some key discussion points to help frame the conversation are outlined below:

1) Operational Vision

- a. What is the Board’s vision for public higher education in South Dakota in the decades to come?
- b. What are the primary obstacles or barriers to realizing that vision?
- c. What is the Board doing (or not doing) currently that detracts from the fulfillment of that vision?
- d. Are there any statutory, policy or operational changes needed to align the governance framework with the Board’s operational vision moving forward?

2) Roles and Responsibilities of the Board/System Office and Institutions

- a. What are the fundamental roles and responsibilities of the Board/System Office with respect to oversight and governance of the system of public higher education in South Dakota?
- b. What are the fundamental roles and responsibilities of the Institutions within the system of public higher education in South Dakota?
- c. Where is the balance between the oversight/governance of the Board/System Office and the autonomy of the individual Institutions?
 - i. What academic decisions should rest with the Board/System Office vs. at the Institutional level?
 - ii. What fiscal/infrastructure decisions should rest with the Board/System Office vs. at the Institutional level?
 - iii. What administrative/personnel decisions should rest with the Board/System Office vs. at the Institutional level?
- d. Are there any statutory, policy or operational changes needed to effectuate the foregoing?

[BOR Policy 1:0 – South Dakota’s Unified System of Higher Education](#)

- “The Board sets policy direction for the System, oversees the management of its resources (personnel, facilities, and financial), and establishes and monitors its educational program. The Board executes its authority through the adoption of policies, approval of programs, selection and evaluation of System and institutional executives, and the setting of annual budgets, tuition and fees, and legislative budget requests.”

- “The Executive Director serves as the System’s principal spokesperson on higher education issues.”
- “The Board delegates to the presidents and superintendents the responsibilities for managing and operating the individual institutions within the framework of a Unified System.”

BOR Policy 1:1 – General Authority, Powers and Purpose of the Board

BOR Policy 1:2 – System Mission Statement

- “The Board recognizes its responsibility for appropriate stewardship of financial resources from the state, from students, and from sources external to the institutions. While the Board recognizes the diversity of the institutions and the desirability of such diversity, the six universities function as a part of a system of higher education where the collective use of resources is focused for maximum common good. Inherent within this tenet is a commitment to interinstitutional relationships in order to maximize educational opportunities for the people of South Dakota; maximize the articulation of educational programs among the institutions; and avoid unnecessary duplication by focusing the resources of individual institutions in a cooperative fashion to deliver programs and services across the state and in the region. Consistent with the commitment to accountability and stewardship is an affirmation to seek the necessary funding from the state to enable the System's institutions to fulfill their respective missions.”

BOR Policy 1:6 – Appointment, Authority, and Responsibilities of Presidents and Superintendents

- “The presidents and superintendents shall be appointed by the Board of Regents. The Board may conduct a nation-wide search by utilizing a search and screen committee consistent with Board bylaws. The president or superintendent shall serve on the basis of an employment contract. The presidents and superintendents shall report to the Board of Regents through the Executive Director.”

BOR Policy 1:5 – Executive Director

- “Any requests or directives by the Executive Director for information or action shall be directed to the president or superintendent of the university or special school who shall receive such request or directive as if it were received directly from the Board of Regents. While the presidents and superintendents report to the Board of Regents, they report to the Board through the Executive Director.”
- “Coordinate the preparation and submission of legislative bills authorized by the Board; monitor the progress of legislation affecting higher education and provide timely reports to the Board and the presidents and superintendents; and present testimony - as authorized by the Board - on legislation that affects the System.”

BOR 1:10 – Relationship of Curriculum and Instruction to Statutory Objectives

- “Each campus must seek and receive Board approval before applying for initial accreditation or an expanded scope of accreditation for academic programs. Requests to the Board for initial accreditation or an expanded accreditation must be in a format determined by the Academic Affairs Council. In disciplines where approval or accreditation is required and not optional to practice in the profession, the Request to Seek Accreditation must be submitted with the Program Request.”

BOR Policy 1:12 – State Relations

- “All institutionally lobbied relationships and negotiations with the State Legislature, including its committees, shall be coordinated through the Board of Regents. No subordinate official representing any of the several institutions may appear before the Legislature or any committee except upon the authority of the Board or when requested by the State Legislature itself.”

SDCL 13-53-4. Rules and regulations for management of institutions.

- The Board of Regents shall have power to enact and enforce all rules and regulations, not in conflict with any law, and deemed necessary by it for the wise and successful management of the institutions under its control and for the government of students and employees therein.

13-53-5. Delegation of authority to school officials.

- The board may delegate provisionally to the president, dean, superintendent, or faculty of any school under its control, so much of the authority conferred by § 13-53-4 or §§ 13-53-23 to 13-53-41, inclusive, as in its judgment seems proper and in accordance with the usual custom in such cases.

13-49-21. Accounting and record-keeping systems--Budget--Duties of executive director.

- The executive director is responsible for the maintenance of modern, uniform systems of accounting and record-keeping at all institutions; and for the compilation of a budget for the board, for the office of the executive director and for all public institutions in the state under the Board of Regents

IMPACT AND RECOMMENDATION

Direct staff to prepare and present the appropriate item(s) for Board consideration at a future date, as necessary and appropriate, based on the discussion and direction of the Board.

ATTACHMENTS

None