

**SOUTH DAKOTA BOARD OF REGENTS**

**Academic and Student Affairs**  
**Consent**

**AGENDA ITEM: 5 – B (2)**  
**DATE: December 9-10, 2020**

\*\*\*\*\*

**SUBJECT**

**Revisions to BOR Policy 1:5 – Executive Director (First and Final Reading)**

**CONTROLLING STATUTE, RULE, OR POLICY**

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

**BACKGROUND / DISCUSSION**

As a result of the elimination of collective bargaining after the passage of [Senate Bill 147](#) during the 2020 Legislative Session, BOR Policy 1:5 is being updated for AAC review to provide clarity to the COHE reference in that it applies to the two special schools (SDSD and SDSBVI). The goal is to take this to the Board of Regents in December 2020 as a first and final reading.

**IMPACT AND RECOMMENDATION**

Board staff recommends approval.

**ATTACHMENTS**

Attachment I – Proposed Revisions to BOR Policy 1:5

\*\*\*\*\*

**DRAFT MOTION 20201209\_5-B(2):**

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of proposed revisions to BOR Policy 1:5, as presented.

**SOUTH DAKOTA BOARD OF REGENTS****Policy Manual****SUBJECT:** Executive Director**NUMBER:** 1:5

---

**A. PURPOSE**

To address the appointment of the Executive Director and designate the duties, responsibilities, and authority of the position of Executive Director of the Board of Regents.

**B. DEFINITIONS**

None

**C. POLICY****1. Appointment, Term and Qualifications**

The Board of Regents shall appoint an Executive Director of the Board of Regents, who shall be a full-time employee of the Board. The Executive Director shall be responsible to the Board and removable at the pleasure of the Board, shall have a graduate degree from an accredited college or university and shall by training and experience be familiar with the operations and problems of institutions of higher education. The Executive Director shall serve on the basis of an employment contract.

**2. Authority and Responsibility**

The Executive Director shall carry out the directives of the Board of Regents and shall be under the Board's general jurisdiction and supervision. He or she shall administer the policies of the Board, secure compliance with Board regulations, and advise the Board of problems affecting higher education. The Executive Director may act for the Board to the extent authorized by the Board and shall at all times report such action to the Board.

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.

The responsibilities of the Executive Director shall include the following:

- 2.1. Administer the Board Office of the Board of Regents; recruit and select the staff; conduct professional development programs for the staff, evaluate their performance, and maintain an organizational structure in the Office that serves the needs of the System and the Board of Regents.

- 2.2. Preside at meetings of the Council of Presidents and Superintendents.
- 2.3. Coordinate the collective bargaining process for the System.
- 2.4. Serve as arbitrator in [the South Dakota School for the Deaf and the South Dakota School for the Blind and Visually Impaired](#) COHE grievances for the System prior to the final stage of submitting a grievance to a hearing officer.
- 2.5. Maintain the Policy Manual for the Board and the Fact Book for the System for the Regents, presidents and superintendents.
- 2.6. Authorize correction of clerical errors in the Policy Manual and updating cross references and references to external authorities; provided that such changes do not effect a substantive change in Board policy.
- 2.7. Compile, distribute and maintain regular and special reports as directed by the Regents.
- 2.8. Review and monitor institutional personnel action requests for compliance with Board policies.
- 2.9. 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.
- 2.10. Coordinate the orientation program for new members of the Board.
- 2.11. Coordinate and monitor reciprocity agreements with contiguous states.
- 2.12. Serve as a spokesperson for the accomplishments and needs of public higher education in South Dakota.
- 2.13. Convene System-wide standing committees on behalf of the Board.
- 2.14. In the recruitment and appointment of presidents and superintendents, coordinate the appointment of a search committee, arrange for staffing, and serve as an ex officio member of the committee.
- 2.15. Direct – as required by the Board – and coordinate planning for the System, including the regular review of the missions and programs of the institutions.
- 2.16. Conduct system-wide studies to guide policy decisions of the Board.
- 2.17. Keep the Board informed of developments in the state, the nation, and internationally that could affect the System.
- 2.18. Coordinate the preparation, presentation and accounting of the budget for the System.
- 2.19. Coordinate the activities of the Regents, the presidents and superintendents, and Board staff in relations with state officials.
- 2.20. Receive personnel recommendations from the presidents and superintendents, and place these on the agenda of the Board if they are consistent with Board policy.
- 2.21. Transmit campus operating budgets and appropriation requests to the Board with independent, written recommendations.

- 2.22. Approve and submit to the Board, with recommendations, significant contracts for goods and services, subject to the limits specified in Board policy.

Additional responsibilities may be assigned to the Executive Director by the Board of Regents as required.

### **3. Emergency Contract Approval**

For contracts requiring Board approval pursuant to Board Policy 5:3 or another Board Policy, the Executive Director is authorized to approve any such contract on behalf of the Board in situations where the Executive Director determines that immediate contract approval is necessary as follows:

- 3.1. Contracts that involve a payment or liability by the Board of more than \$50,000 requires the Executive Director to consult with, and obtain the concurrence of, the President of the Board.
- 3.2. Contracts that involve a payment or liability of \$50,000 or less by the Board, may be approved by the Executive Director without consulting with the President of the Board.

### **4. Curricular Requests**

The Executive Director or his/her designee as the System Chief Academic Officer is authorized to approve new courses and substantive course and program modifications subject to Board Policy 2:23. Experimental courses may be offered on campus twice before obtaining Executive Director approval.

### **5. Delegation of Authority in Employment Actions**

Except where exclusively reserved, the Board delegates authority for personnel appointments, terminations, and compensation management to the Executive Director as described below. In fulfilling this responsibility, the Executive Director shall exercise their authority consistent with Board policies and procedures, the South Dakota Civil Service Act and its implementing regulations, or the collective bargaining agreement between the Board and the Council of Higher Education. Notwithstanding this delegation, the Board retains full authority regarding personnel appointments, terminations, and compensation management consistent with the Board's constitutional duty to control the institutions under its governance. The provisions of Section C(5) of this policy will supersede any other inconsistent policy requirements in the Board of Regents policy manual relating to employment actions.

#### **5.1. Delegation to the Executive Director**

Except as provided in Section C (5.2), the Executive Director shall have the authority subject to this section to appoint, terminate, manage, supervise, control and determine compensation for the personnel of the Office of the Executive Director.

#### **5.2. Authority Exclusively Reserved to the Board**

Board approval is required for:

- 5.2.1. The initial appointment of any employee who reports directly to the Executive Director;

- 5.2.2. The initial appointment of an employee to any position with salary that is greater than or equal to seventy-five percent (75%) of the salary of the applicable Executive Director;
- 5.2.3. Any mid-year, permanent compensation adjustments, outside of salary policy, that are five percent (5%), or greater, for benefit eligible non-faculty exempt employees in the Office of the Executive Director;
- 5.2.4. Annual salary policy increases that are greater than the Board approved salary policy pool by five percent (5%), or more; and
- 5.2.5. The granting of professional development leave for non-faculty employees.

**FORMS / APPENDICES:**

None

**SOURCE:**

SDCL 13-49-10; BOR April 1981; BOR February; BOR March 1989; BOR June 1991; BOR January 1996; BOR December 1996; BOR December 1997; BOR August 2014; BOR March 2018; BOR June 2018; BOR May 2020; [BOR December 2020](#).