

**BOARD OF REGENTS
MINUTES OF THE MEETING
August 3-5, 2021**

The South Dakota Board of Regents met on August 3, 2021, at the RedRossa Hills/Highlands Ballroom in Pierre at 1:00 p.m. Central Time with the following members in attendance:

Brock Brown
Jeff Partridge
Tim Rave
Barb Stork
Tony Venhuizen
Joan Wink
Jim Thares, Secretary
Pam Roberts, Vice President
John Bastian, President

Also present during all or part of the meeting were Dr. Brian Maher, Executive Director and CEO; Nathan Lukkes, Board of Regents General Counsel; Kayla Bastian, System Director of Human Resources; Dr. Janice Minder, System Vice President for Academic Policy and Planning; Dr. Rebecca Hoey, System Associate Vice President for Academic Affairs; Heather Forney, System Vice President of Finance & Administration; Dr. Janelle Toman, System Director of Communications; Shelly Anderson, System Internal Auditor; Molly Weisgram, Executive Assistant to the CEO and Board; Dr. Barry Dunn, SDSU President; Dr. Laurie Nichols, BHSU President; Dr. Jim Rankin, SDSM&T President; Dr. Neal Schnoor, NSU President; Sheila Gestring, USD President; Dr. José-Marie Griffiths, DSU President, via Zoom; and other members of the Regental system, public and media.

TUESDAY, AUGUST 3, 2021

Regent Bastian declared a quorum present and called the meeting to order at 1:00 p.m.

1-A Approval of the Agenda

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

1-B Declaration of Conflicts

Regent Thares recused himself from agenda item 8-E.

1-C Approval of the Minutes – Meeting on June 18, 2021; June 22; June 23-24, 2021

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the minutes of the Board of Regents meeting on June 18, 2021; June 22, 2021; and June 23-24, 2021. Motion passed.

1-D 2022 SDBOR Meeting Calendar

The Board agreed to adopt the proposed 2022 Board of Regents meeting dates and locations as shown in Attachment I with one change: the August retreat location will remain TBD until further notice.

Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to dissolve into Executive Session at 1:15 p.m. on Tuesday, August 3rd, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and 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 that it recess at 5:30 p.m. and reconvene in Executive Session 8:00 a.m. on Wednesday, August 4th, to continue discussing the earlier referenced matters, and that it rise from Executive session at 12:00 p.m. to resume the regular order of business and report its deliberations while in executive session, and take any action it deems prudent as a result thereof. Motion passed.

The Board dissolved into executive session at 1:15 p.m. and recessed at 5:30 p.m.

WEDNESDAY, AUGUST 4, 2021

The Board resumed its meeting in executive session at 8:00 a.m. and rose from executive session at 12:00 p.m.

The Board joined area legislators for a lunch meeting at 12:30 p.m., and then convened for its annual planning session at 2:00 p.m.

Meeting with Area Legislators

Representative Will Mortenson (District 24), Representative Mike Weisgram (District 24), Senator Mary Duvall (District 24), and Senator David Johnson (District 33) met with Board members to informally discuss priorities in the public university system.

PLANNING SESSION

4-A Senate Bill 55 Task Force Implementation Planning

Dr. Brian Maher, Executive Director and CEO, explained that the report from the Senate Bill 55 Task Force, a group commissioned by the 2020 Legislature to study efficiencies within the state's higher education system, will be finalized and submitted to the Governor's office and legislature no later than November of this year. He said there are several recommendations that emerged from the work, and planning for implementation of several recommendations is already underway. He invited Board office staff to provide an overview of the recommendations.

Dr. Janice Minder, System Vice President for Academic Policy and Planning, explained that at its June meeting, the Senate Bill 55 Task Force met to review its working list of recommendations. She shared the recommendations supported by the three subcommittees of the task force and invited Board member feedback and endorsement.

She described a recommendation about right sizing of staffing, which includes evaluation of data related to FTE and budgets at the universities. She said this work is in-progress and the data should be received by the end of August. The campuses will review the information and bring any related recommendations to the Board in December.

Kayla Bastian, System Director of Human Resources, explained that a comprehensive HR review will be conducted over the next year. This will also include a classification and compensation study for non-faculty exempt employees. Additionally, she said a performance evaluation software that ties with the system's position description software is being implemented, which will create a better way to manage and track a systematic review process and provide better data. A system-wide Lean project will begin in the next month as well to ensure new staff members are connected with systems sooner. Once these items are implemented, an HR audit will be conducted and any changes promoting efficiency would take effect the next fiscal year.

Dr. Minder described a merging of certain back office business functions at BHSU and SDSMT, including a single purchasing office, single travel approval and reimbursement process, and a single process for generating ID cards, etc. She said this is a pilot that has potential to be used at other universities on the eastern side of the state as well.

Nathan Lukkes, Board of Regents General Counsel, described the consolidation plan for Title IX and EO for the system. He said this includes centralizing the hearing process by having the Board office act as a conduit to engaging outside counsel so that the hearings are conducted in a consistent fashion. Additionally, two central hubs for conducting investigations system-wide were developed

in Brookings and Vermillion. Last, the back office work related to developing templates, notifications, and trainings are in the process of being developed centrally.

Dr. Minder said they are in the process of developing more efficient and effective quality control processes for distance education courses. This will become a lean review. Additionally, the state authorization reporting process is being reviewed to ensure that technology solutions are being implemented to create efficient reporting and streamlining of communication. Last, the group is looking to ensure the tools being purchased comply with and meet the needs of the ADA.

Dr. Minder described the implementation of an information/knowledge software tool called TeamDynamix. Essentially, this installs a call center/knowledge center for students as well as a center for technology solutions for departments.

Dr. Minder explained that Voice over Internet Phone (VOIP) has been deemed the standard for the system and a standard vendor/technology is being researched for later implementation by all universities.

Dr. Minder said SDSU and USD have high performance computing needs as research institutions. They have agreed to become hubs for the rest of the system. The other four campuses will be able to utilize this with a shared services model.

Dr. Minder said the system is implementing Lean processes across councils, disciplines, and departments. This process should be accepted within the next three to six months.

Dr. Minder said there is a need to review the single sign-on process with the help of a consultant to understand best practices for how our active federation tree is set up on behalf of the system. This allows students and employees to sign onto technology systems once but gain access to the many tools and software available to them.

Heather Forney, System Vice President of Finance & Administration, shared information about end point detection and better safe guarding of our data. The recommendation is to put forward a budget proposal in hopes of getting funding that would enable the system to advance this effort.

Dr. Minder described a system funding analysis, which was tasked through the Senate Bill 55 legislation. The intention of this analysis is to review the history of funding within the system and the inequities of those funding streams to the universities. She said the Tuition and Fee Review Committee, which is looking at simplifying tuition and fees, will weave this review into its already agreed upon work.

Dr. Minder said the Technology Affairs Council has been asked to draft an interoperability policy, which would employ best practices to ensure interconnected integration throughout the system.

In response to the interoperability item, Regent Partridge suggested that the lines of communication be opened to understand if there are ways to stay consistent throughout the state. Regent Venhuizen agreed and after hearing ways in which this has been explored historically between the Board of Regents and the Bureau of Information Technology (BIT), he said the

technology has changed so much in the last twenty years that it's worth another conversation. Heather Forney responded by saying the relationship building continues with BIT as do the opportunities to collaborate.

Dr. Minder explained that there have been issues with timely reimbursement of household moving allowances for new employees. Representative Bartels, who served on the Task Force, has been working with the state to develop legislation that would remove the necessary approval for reimbursement of these expenses from the Board of Finance and take them directly to the auditor's office. Both Representatives Bartels and Karr have agreed to support and advocate for this proposed legislation in the 2022 session. Regent Venhuizen said this is an excellent idea and would be good for all of state government.

Dr. Minder explained the recommendation to add tele-mental health to the requested list of ARPA funding for our students. This budget request has been provided and we are anxiously awaiting whether or not it will be funded.

Dr. Maher said the next recommendations relate to how we can do a better job communicating and educating on the work of the Board of Regents. This includes developing a methodology to define peer groups for the institutions. Each institution currently has peer groups, but they are not using similar methodology to how they arrived at them. Wendy Caveny, system Director of Institutional Research, is working with the campuses to develop common definitions for a single methodology that will create peer groups more useful in comparison and communication purposes.

Additionally, related to educating and advocating for the Board of Regents, Dr. Minder said an Economic Impact Study of the system went out for RFP, and Parker Phillips was awarded the contract. The study is underway and should be completed by December of this year. This information will help tell the story of higher education and its impact in South Dakota.

Dr. Minder said a review of all current library subscriptions has taken place, which showed that we are already lean in this area. All the contracts we have will probably be the only ones we'll engage in together as a system because of the specialty content areas that pertain to only certain campuses. However, the recommendation from the Senate Bill 55 is that whenever a contract comes up for review, it should be revisited.

Dr. Minder explained that the Academic Subcommittee of the Senate Bill 55 Task Force recommended that the system complete a workforce gap analysis. The system engaged a firm called EMSI, which conducted a workforce analysis in the state of South Dakota and compared our graduates to our workforce needs. The final report was just received and it will be shared with the Board soon. The report helps us understand the programmatic needs of the state and where we might enhance our programmatic offerings or make other informed decisions for the system and universities. An analysis such as this can show gaps in terms of the number of jobs versus our supply of graduates as well as what jobs are projected in the future so we can adequately supply the relevant knowledge through relevant degrees.

Regent Wink said the learning from the EMSI report was so much greater than duplication and small class size. She said we learned more about where our problems are and where there is

workforce need beyond what was anticipated. The information is so rich that it will be helpful to others in the state, including economic developers and prospective employers. There will be webinars and other opportunities to roll out and educate on what information is available and how to access it.

Regarding course management, Dr. Minder said the task force recommends creating an all-encompassing policy that doesn't just look at section size, specifically low-enrolled sections, but also classroom capacity and class rotation. The recommendation is to develop a holistic set of data metrics to help academic leadership review trending information that helps them make decisions on section offerings. This is a student service because it supports offering the correct courses for students to complete their degrees in a timely manner. This policy will include all courses not just those that are low-enrolled, which is a major diversion from the past policy.

Dr. Minder said the task force recommends incorporating program effectiveness into a program prioritization policy. This policy would use more than degrees conferred to determine the sustainability and viability of their program offerings. As part of this work, the system office is creating a tool that uses a variety of metrics that provide academic leadership a way to monitor the sustainability of their programs within their campus. It also provides access to metrics that show how often students are transferring into their academic programs from other departments versus within the same department. Ideally, this would take care of many program productivity issues much before a program is flagged for unproductivity. Regent Wink said this is the sort of thing that saves real time and money on a campus, although it is not likely to be readily understood by the public and legislature.

Dr. Minder introduced the recommendation from the Academic Subcommittee that the Board review its institutions' missions. She said the task force was introduced to Indiana's impressive work on institutional missions and felt that South Dakota should do something similar even though it is a substantial amount of work. President Nichols said defining institutional missions is a major responsibility of the Board of Regents, so it is the Board's decision on how to move forward. If the Board decides to take the recommendation, it would likely be a two-year project that would require leadership from the Board and a neutral party to work with the institutions in navigating these conversations. Because this would have to be a partnership with the presidents, their feedback would be critical. Regent Rave commented that because campuses have multiple focuses, this process/discussion could be really challenging.

Dr. Minder said all task force subcommittees recommend that educating and advocating on behalf of the Board of Regents should increase. This includes the Economic Impact Study, round-table discussions, promoting the value of needs-based scholarship in the state, etc.

Heather Forney, System Vice President for Finance & Administration, explained that the Infrastructure Subcommittee of the task force recommends the exploration of a single food service provider for all six state universities in order to understand the benefits and potential cost savings for the system.

Dr. Minder said the Senate Bill 55 Task Force recommends further developing the West River Nursing programming, which included the move to a single nursing school to service west river as approved by the Board of Regent in May 2021.

Heather Forney provided some background information on discussions related to the Community College for Sioux Falls, which include draft budget recommendations for the facility that will be finalized at the Board meeting tomorrow.

Heather Forney said the next recommendation relates to the Black Hills State University – Rapid City, and the Board has seen a budget request from President Nichols for renovations and expansion of the West River Health Science University Center and that includes the changes to the nursing program there.

Heather Forney said high performance green standards for buildings was a win during the 2021 Legislative Session. Through the work of the task force, Senator Maher heard from campus facilities personnel about the excess amount of time and money invested to achieve the required LEED silver certification on all big renovations and new builds. The successful legislation as a result removed the silver certification requirement for all renovations and took all new builds down to a LEED certification only, not necessarily silver.

Heather Forney provided information on a vendor that is projecting significant utility savings to the Regental System through behavior modification. ~~described a recommendation that would increase energy and utility savings on our campuses.~~ She said currently general funds fully pay the utilities for academic buildings. ~~If sustainability efforts are implemented, we believe we can find significant savings.~~ The task force recommends a sustainability analysis of our system, and in connection to that, move forward legislation that would authorize the Board of Regents to use the savings to pay the sustainability vendor and then capture the remaining savings to be used for energy conservation M&R projects. ~~all the savings in order to incentivize campus behaviors.~~

In response, Regent Roberts said this goes against her personal appropriations philosophy since it is difficult to expect the state to keep appropriating money that we will no longer be needing ~~ed~~. In response to a question about how the savings would be used, Heather explained the savings would be captured and dedicated to future sustainability projects. Regent Roberts said she would prefer that the Board ask for money to support sustainability projects and justify the request by emphasizing that the dollars are actually the savings captured through past sustainability efforts. Regent Roberts reemphasized that she doesn't like how it is presented at current. Heather said the feedback is helpful. She said the Board doesn't need to make any decisions on recommendations at this point, however. There is time before now and December to continue to discuss recommendations and how legislation may or may not support them.

Heather Forney said the next recommendation relates to refinancing of bonds and would require legislation. She said there are two kinds of bonding done for the system. One is the auxiliary facilities that we bond ourselves with rent, food service, and wellness center revenues. In this case, when there is an opportunity to refinance, we capture the savings. On the other hand, the building authority issues bonds for academic buildings and we pay a lease to the building authority to pay for these facilities. When the building authority has an opportunity to refinance, the Board

continues to pay the same lease payment and any savings go back to the general fund. The recommendation is to capture these savings and bring them back to the students, which would require a legislative change. Regent Venhuizen said he doesn't recommend this battle.

Heather Forney said the task force recognized the value in implementing a contract management database software, and because of the vast efficiencies offered in this regard, the recommendation to implement is already being acted upon. She described the importance and capabilities of such a database system.

Dr. Minder thanked all the Senate Bill 55 Task Force members for their time and contributions, explaining that the effort was herculean. She let everyone know that there are six meetings planned across the state to provide outreach and further information about the Senate Bill 55 recommendations to the campuses and local community, as well as legislators.

A copy of the Senate Bill 55 Task Force Implementation Planning can be found on pages ____ to ____ of the official minutes.

4-B Community College for Sioux Falls

This item was deferred.

4-C BHSU-Rapid City Role and Name

BHSU President Laurie Nichols explained that the Rapid City Center has had two converging forces in the last few years. First, the center has seen a decade worth of decline in enrollment. Second, the west river nursing program in Rapid City is located in an old Monument building that no longer serves its needs. These two things created an opportunity to come together and elevate nursing in the area.

Regent Partridge said BHSU has done great work with applied sciences. He said they are working diligently to expand and attract more people into the healthcare field. Toward this effort, there is a movement to officially change the center's name to the West River Health Science University Center. This would require Board action at a later date.

A copy of the BHSU-Rapid City Role and Name can be found on pages ____ to ____ of the official minutes.

4-D Goals for Strategic Planning and Performance Metrics

Dr. Brian Maher, Executive Director and CEO, said the Board of Regents will need to establish new performance measures that would be used ongoing or could be tightly coupled to the next five-year strategic plan, which is under development this fall. Additionally, later this month, the Board is asked to report its new performance indicators to the Government Operations and Audit Committee (GOAC) of the legislature.

Dr. Janice Minder, System Vice President for Academic Policy and Planning, pointed to Attachment I of the agenda item and said the Board should consider the identified performance indicators. The Presidents were invited to provide insight on their university performance indicators to give perspective on system indicators.

President Nichols said BHSU uses enrollment, retention rate (federal rate), persistence rates, degree completion, NESSE results, external grants/contracts, job placement and region placement.

President Griffiths said DSU also uses those named, but she included financial stability of the university.

President Schnoor said NSU uses those named, but he added success rate, which includes transfer students and those who go onto post-graduate education.

President Rankin said SDSMT agrees with those names and included placement rate in their field, invention disclosures and patents, intellectual property and royalties.

President Dunn said SDSU would include the cost of degree, which pulls in retention and graduate rates. He agreed that financial sustainability is very critical.

Regent Venhuizen reinforced the importance of the cost of degree metric.

The Board engaged in a discussion about the importance of educating the public about the work of the foundations, donor dollars, and endowments. Regent Venhuizen said he has very often needed to explain the difference between the institutional and foundation lines, and it is not readily understood.

Regent Thares talked about how important the work of the foundations is to the system.

Regent Partridge asked if there is a way to find the foundation information.

In response, Regent Venhuizen said the information is available, but we tread a fine line because while this is important, it is also important to note that the regents do not control this money.

Heather Forney said as we are going through the Economic Impact Study, there are opportunities to integrate the stories about the important work of the foundations from those interviewed.

President Gestring said USD uses a whole host of performance indicators, including student life, auxiliary system, student programming, external funding applications and awards, IP and invention disclosures and patents, academic progress, graduation success, ticket sales, corporate sponsorships, fundraising, admissions data, affordability, average net price, average net cost, academic affairs persistence, retention rates, accreditation reports, pass rates of professionals, pass rates of exit exams, donors, dollars raised, social media engagements, local and state news impressions, traffic on website, regulatory compliance, finance and days cash on hand, CPI, audit reports, revenue per FTE by major source, education and related spending per degree, total spending per degree, deferred maintenance, overall aesthetic, human resources turnover by

department, number of employees eligible to retire, succession planning, error rate of payroll processing, customer satisfaction, project completion, time to resolution from the help desk and overall health and age of technology infrastructure.

President Dunn said US News and World Report rankings are challenging to manage, and we do not look very good from these rankings. The impressions by others is a huge part of that ranking, too.

President Nichols said the student to faculty ratio is another very critical indicator of quality.

Dr. Minder summarized the performance indicators she heard, naming academic quality, placement, passage rate for licensure and certification, average net price, student life/aux health, HLC ratio, student success completion-retention-persistence, academic quality student to faculty ratio. The last, however, needs to be considered on what is success. She recognized that campus climate is also important.

The group discussed research dollars as a performance indicator, saying that is one that is unknown as to whether it should be a system indicator or left as a university-specific metric. Nathan Lukkes, BOR General Counsel, said if we are only tracking the research dollars, then it's not helpful at the system level. However, if the system cannot effectively influence increasing research dollars, it should be included.

Dr. Minder explained that Dr. Maher will take the final list of the performance indicators as a foundation to assist in developing a draft five-year strategic plan. The plan will incorporate goals that allow campus feedback and connect to measurable outcomes. This draft will be provided to the Regents at their December 2021

A copy of the Goals for Strategic Planning and Performance Metrics can be found on pages ____ to ____ of the official minutes.

4-E Budget Request Development Process

Heather Forney, System Vice President of Finance & Administration, asked the Board to consider how it would like to engage in the budget development process in future years.

Regent Venhuizen said he likes the current process. His question relates to what direction the presidents are getting on what they should be asking for at the informal budget hearings in June.

Regent Rave said a "hot wash" shortly after the legislative session is really important to analyze what was asked, what was given, what wasn't given, and why. This debrief and summary can help launch the next budget development and remain congruent and within context from year to year.

Heather Forney explained the direction given to presidents this year when developing their informal budget requests. Regent Venhuizen followed up by saying it is important not to over direct the presidents in the spring because seven to nine months later the context could change quite a bit.

The Board felt that it would be helpful to have reserve lists of projects on hand so the Board office is ready to pivot if the context changes.

The Board agreed to implement a spring review as suggested by Regent Rave when the “wins” and “losses” are fresh in everyone’s minds.

A copy of the Budget Request Development Process can be found on pages ____ to ____ of the official minutes.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, that the Board dissolve back into Executive Session at 4:55 p.m. to continue to discuss the previously referenced matters, recess at 5:45 p.m. and then reconvene in Executive Session at 8:00 a.m. on Thursday, August 5th, to continue its deliberations before rising from Executive Session at 10:00 a.m. to resume the regular order of business and report its deliberations while in executive session, and take any action it deems prudent as a result thereof. Motion passed.

THURSDAY, AUGUST 5, 2021

The Board met in executive session 8:00 a.m. and rose from executive session at 10:00 a.m. It reconvened at 10:00 a.m. for public session.

5-A Report and Actions of Executive Session

Regent Thares said the Board dissolved into Executive Session at 1:15 p.m. on Tuesday, August 3rd, 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 5:30 p.m. The Board reconvened in Executive Session at 8:00 a.m. on Wednesday, August 4th to continue discussing the earlier referenced matters before rising from Executive Session at 12:00 p.m. to resume the regular order of business. The Board dissolved back into Executive Session at 4:55 p.m. to continue to discussing the previously referenced matters, recessing at 5:45 p.m. and then reconvened in Executive Session at 8:00 a.m. on Thursday, August 5th, to continue its deliberations before rising from Executive Session at 10:00 a.m. to resume the regular order of business.

While in Executive Session, the Board discussed the matters just described, which included certain recommended actions as set forth in the Secretary’s Report and other matters permitted by law.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to approve the recommended actions as set forth in the Secretary’s Report and that it 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.

5-B Public Comment Period

There were no public comments.

CONSENT AGENDA

IT WAS MOVED by Regent Rave, seconded by Regent Roberts, to approve consent agenda items 6-A through 6-K. Motion passed.

Academic and Student Affairs

6-A Graduation Lists

Approve the attached BHSU, NSU, SDSU, and USD graduation lists contingent upon the students' completion of all degree requirements.

A copy of the Graduation Lists can be found on pages ____ to ____ of the official minutes.

6-B (1) BOR Policy Revisions – BOR Policy 2:10 – Grades and Use of Grade Point averages (GPA) – Revisions to Minimum Progression Standards (Second Reading)

Approve the second and final reading of the proposed revisions to BOR Policy 2:10, as presented.

A copy of the BOR Policy Revisions – BOR Policy 2:10 – Grades and Use of Grade Point averages (GPA) – Revisions to Minimum Progression Standards (Second Reading) can be found on pages ____ to ____ of the official minutes.

6-B (2) BOR Policy Revisions – BOR Policy 4:15 – Medical Leave and Leaves of Absence (First and Final Reading)

Approve the first and final reading of the proposed revisions to BOR Policy 4:15, as outlined in Attachment I.

A copy of the BOR Policy Revisions – BOR Policy 4:15 – Medical Leave and Leaves of Absence (First and Final Reading) can be found on pages ____ to ____ of the official minutes.

6-C (1) New Program Requests – SDSMT – Minor in Biomaterials

Authorize SDSMT to offer a minor in Biomaterials, as presented.

A copy of the New Program Requests – SDSMT – Minor in Biomaterials can be found on pages ____ to ____ of the official minutes.

6-C (2) New Program Requests – USD – Minor in Medical Laboratory Practices

Authorize USD to offer a minor in Medical Laboratory Practices, as presented.

A copy of the New Program Requests – USD – Minor in Medical Laboratory Practices can be found on pages ____ to ____ of the official minutes.

6-D Intent to Plan Request – SDSMT – BS in Ceramics Engineering

Authorize SDSMT to develop a program proposal for a BS in Ceramic Engineering, as presented.

A copy of the Intent to Plan Request – SDSMT – BS in Ceramics Engineering can be found on pages ____ to ____ of the official minutes.

6-E Inactive Status and Program Termination Requests – BHSU

Approve BHSU request to terminate the BSED in Mathematics & Science Ed – Composite major, as presented in Attachment I.

A copy of the Inactive Status and Program Termination Requests – BHSU can be found on pages ____ to ____ of the official minutes.

6-F (1) Agreements on Academic Cooperation – South Dakota State University

Approve South Dakota State University’s agreements on academic cooperation with Carlow College (Ireland), Kaya Responsible Travel, Work the World, and Lakeland Tours LLC dba Worldstrides, as presented.

A copy of the Agreements on Academic Cooperation – South Dakota State University can be found on pages ____ to ____ of the official minutes.

6-F (2) Agreements on Academic Cooperation – University of South Dakota

Approve the University of South Dakota’s agreements on academic cooperation with the University of Oldenburg and Otaru University of Commerce, as presented.

A copy of the Agreements on Academic Cooperation – University of South Dakota can be found on pages ____ to ____ of the official minutes.

6-G (1) Articulation Agreements – Black Hills State University

Approve Black Hills State University’s articulation agreement with Laramie County Community College, as presented.

A copy of the Articulation Agreements – Black Hills State University can be found on pages ____ to ____ of the official minutes.

6-G (2) Articulation Agreements – Dakota State University

Approve Dakota State University’s articulation agreement with Alexandria Technical and Community College, as presented.

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

6-H Extension Forestry Joint Powers Agreement Addendum – SDSU & SD Department of Agriculture and Natural Resources

Approve the Year 2 Work Plan to the existing Joint Powers Agreement set forth in Attachment I.

A copy of the Extension Forestry Joint Powers Agreement Addendum – SDSU & SD Department of Agriculture and Natural Resources can be found on pages ____ to ____ of the official minutes.

Budget and Finance

6-I M&R Projects

Approve the requested maintenance and repair projects as described in this item.

A copy of the M&R Projects can be found on pages ____ to ____ of the official minutes.

6-J FY22 Minnesota Reciprocity

Approve the Minnesota reciprocity rates for FY22 and authorize the Executive Director to execute the Memorandum of Understanding.

A copy of the FY22 Minnesota Reciprocity can be found on pages ____ to ____ of the official minutes.

6-K City of Brookings Easement – Research Park at SDSU

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

A copy of the City of Brookings Easement – Research Park at SDSU can be found on pages ____ to ____ of the official minutes.

INFORMATIONAL ITEMS – NO BOARD ACTION NECESSARY

6-L Interim Actions

A copy of the Interim Actions can be found on pages ____ to ____ of the official minutes.

6-M Capital Projects List

A copy of the Capital Projects can be found on pages ____ to ____ of the official minutes.

6-N Annual Teacher Education Report

A copy of the Annual Teacher Education Report can be found on pages ____ to ____ of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

7-A Opportunity for All

Nathan Lukkes, Board of Regents General Counsel, explained that over the course of the last few years, the Board has engaged in conversation about intellectual diversity, civics and history, inclusion, critical race theory, and other national buzz words and topics. He said the Board has worked to take a very reasoned and rational approach within the system to respond to the many involved constituent groups. He referenced Attachments I and II of the agenda item and said they are a culmination of the Board's efforts.

He said Attachment I is the Board's position statement on the issues and concerns around these areas and how they should be advanced going forward. Attachment II is a summary action plan that highlights four different areas that would result in a number of actions between now and the October Board meeting. This would require action at both the institutions and the Board office. At the October Board meeting, the Board would be provided an update on changes and activity that has occurred in the interim. The Board would also review and approve any policy changes that have occurred as a result.

Regent Venhuizen thanked Nathan Lukkes, the executive director, the presidents, and the Board members who contributed considerable work toward this effort. He said this is an issue we've heard about from many constituents, including the Governor, legislators, tax payers, and parents, so it is important that we are clear. He said critical race theory is not the basis of instruction at our universities, and it will not be. He said what we are doing today is not simply banning a label because that label means different things to different people and it's a shifting message.

Instead, the Board is passing a statement on the positive values of the Board moving forward. He said higher education has played a very important role in history, explaining that it teaches American ideals, encourages academic freedom and discovery, and encourages breakthrough in technology. He read a statement from President Biden given on May 28, 2021 on the current conflict between America and China. He said America's strength lies in its ability to access information and learning. This availability of information and the ability to critique and learn from our flaws is a critical aspect to winning current and future global conflicts.

Regent Wink said this has been a process and very much appreciates the work on this statement, though she has often been the dissenting voice within these discussions. She appreciates that her colleagues have truly listened to her point of view. She noted that she believes in equity, diversity, and the value of inclusion. She also believes the Board has to do what is best for its six universities.

Regent Partridge said there has been a lot of work done in this area already, and he believes the Opportunity Centers and Opportunity for All efforts continues this work. He encourages a yes vote on moving this forward so we can continue the process of what has happened thus far.

IT WAS MOVED by Regent Stork, seconded by Regent Partridge, to adopt the Board Statement set forth in Attachment I and the Action Plan in Attachment II, and further direct Board staff and presidents to take the necessary actions to begin implementing the Action Plan and report back and propose any necessary changes at the Board's October meeting. Motion passed, Regent Wink abstained.

A copy of the Opportunity for All can be found on pages ____ to ____ of the official minutes.

7-B New Program Request and Request to Seek Accreditation – USD – DNAP in Nurse Anesthesia Practice (CRNA)

Dr. Tim Ridgway, USD Medical School Chief Health Officer, stated that the University of South Dakota (USD) is requesting authorization to offer a Doctor of Nurse Anesthesia Practice (DNAP) degree program. The purpose of the DNAP post baccalaureate program is to prepare registered nurses to become Certified Registered Nurse Anesthetists (CRNAs) who will have the educational background and skills necessary to provide anesthesia care that is founded in innovative, evidence-based practice and use of advanced technologies. Graduates of the program will be able to assume leadership roles in a variety of healthcare settings and improve healthcare delivery.

He explained that the Council on Accreditation of Nurse Anesthesia Education (COA), which is recognized by the U.S. Department of Education and the Council for Higher Education Accreditation as the sole accrediting authority for nurse anesthesia educational programs, has mandated that all students accepted into an accredited program as of January 1, 2022 will be required to graduate with doctoral degrees. Therefore, USD also requests approval to seek accreditation from the Council on Accreditation of Nurse Anesthesia Educational Programs (COA) contingent upon approval of the DNAP degree program.

Dr. Ridgeway provided information to support why there is demand for more CRNAs in South Dakota and shared reasons why the program is well suited as an offering provided by USD. He answered questions about the timing of ramping this program. He stressed the importance of each step in the process promoting the quality of the program.

Regent Rave said this program is vital for the stability of our healthcare system in the state, and while we have one program offered at a private university in the state already, it is not within the state's university system.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize USD to offer a DNAP degree in Doctor of Nurse Anesthesia Practice at the Community College for Sioux Falls and to seek accreditation from the Council on Accreditation of Nurse Anesthesia Educational Programs (COA), as presented. Motion passed.

A copy of the New Program Request and Request to Seek Accreditation – USD – DNAP in Nurse Anesthesia Practice (CRNA) can be found on pages ____ to ____ of the official minutes.

7-C New Program Request – SDSMT – Minor in Avionics

Dr. Lance Roberts, SDSMT Provost/Vice President for Academic Affairs, stated that South Dakota School of Mines & Technology (SDSMT) requests authorization to offer a minor in Avionics. The proposed minor will address the needs of the aerospace industry in South Dakota in the field of avionics and will better prepare students by increasing their competitive edge when seeking employment in the avionics area of aerospace engineering. The minor would require an exception to AAC Guideline 2.8, which limits minors to 18 credit hours, including prerequisites. The proposed minor in avionics will require 18-20 credit hours, with further credit hours in prerequisites required. This highly specialized minor will be targeted to existing electrical or mechanical engineering majors who will already take those prerequisite courses as part of their major.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize SDSMT to offer a minor in Avionics, as presented. Motion passed.

A copy of the New Program Request: SDSMT – Minor in Avionics can be found on pages ____ to ____ of the official minutes.

7-D New Specialization Requests – SDSMT – Specializations in Minerals Industry Management, Mining Engineering, and Mining Industry Applications (MS Mining Engineering and Management)

Dr. Janice Minder, System Vice President of Academic Affairs, stated that South Dakota School of Mines & Technology (SDSMT) requests authorization to offer three new specializations within the MS in Mining Engineering and Management program: Minerals Industry Management, Mining Engineering, and Mining Industry Applications. Currently, these proposed specializations exist as “emphases” within the Minerals Industry Management and Mining Engineering program. Converting these emphases into specializations will allow them to show up on student transcripts.

Dr. Lance Roberts, SDSMT Provost/Vice President for Academic Affairs, said when this MS program was started eight years ago, the students fell into two different groups: on-campus students funded through research projects and looking for a technical focus, and students who are professionals working in the mining field and more interested in the management focus. The second group especially would benefit with the specialization noted, as it will help them with their career. He noted that the proposed Mining Industry Applications specialization is a combination of the two existing tracks for students who wish to gain experience in both areas.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize SDSMT to offer specializations in Minerals Industry Management, Mining Engineering, and Mining Industry Applications within the MS in Mining Engineering and Management, as presented. Motion passed.

A copy of the New Specialization Requests – SDSMT – Specializations in Minerals Industry Management, Mining Engineering, and Mining Industry Applications (MS Mining Engineering and Management) can be found on pages ____ to ____ of the official minutes.

7-E Intent to Plan Request – SDSMT – PhD in Data Science and Engineering

Dr. Janice Minder, System Vice President of Academic Affairs, stated that South Dakota School of Mines & Technology (SDSMT) requests authorization to develop a proposal to offer a PhD in Data Science and Engineering. The PhD in Data Science and Engineering will be an interdisciplinary degree that would span across many existing and emergent technical fields, including Machine Learning and Artificial Intelligence, Data Mining and Big Data, Data Analytics and Applied Statics, Data Engineering, and Data Visualization. The program would include participation from the departments of Mathematics, Computer Science and Engineering, and Industrial Engineering.

Dr. Lance Roberts, SDSMT Provost/Vice President for Academic Affairs, further described the multi-disciplinary program and the possibilities this program brings to students and business

Dr. Minder said there is potential for external funding for this exploratory program, which is why the item appears on the main agenda rather than the consent agenda. She noted that the full proposal will incorporate much deeper information about the need for the program.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize SDSMT to develop a program proposal for a PhD in Data Science and Engineering, as presented. Motion passed.

A copy of the Intent to Plan Request – SDSMT – PhD in Data Science and Engineering can be found on pages ____ to ____ of the official minutes.

7-F Capital University Center Agreement

Nathan Lukkes, Board of Regents General Counsel, explained that the Board of Regents has a long history of engagement with Capital University Center (CUC), now known as Capital City Campus (CCC), in Pierre. At the Board's May 2017 meeting, it reviewed and discussed a detailed report regarding CUC and the pathway forward. One of the action items identified in that discussion was the need for a new agreement between the Board of Regents and the CUC Foundation Advisory Board.

Various iterations of models and approaches have been discussed between the parties since 2017. The proposed agreement set forth in Attachment I reflects the approach ultimately deemed to be the most prudent by CUC, Board staff and institutional representatives. In short, the proposed agreement wipes the slate clean and starts fresh, voiding and/or replacing any and all prior agreements and/or understanding between the parties. It provides a flexible framework through

which our institutions can provide offering at or through CUC, allowing both CUC and our institutions to adjust and respond to the changing market conditions in timely fashion.

Regent Partridge asked if there is a budget item or unit for this facility. Nathan Lukkes said there is an appropriation that comes from HEFF that was agreed to a number of years ago. This agreement does not change the funding structure, only how we deliver courses. Originally, there was a twenty five year lease that went through 2034. This agreement would run through 2031 and then includes the option for five year renewals. If the funding stream and legislative appropriation changes, there is flexibility to change the agreement.

Regent Roberts provided additional historical context on the money appropriated specifically for the SDBOR to pass through to the CUC.

President Dunn said the delivery system that came from COVID response has created opportunities in Pierre that have potential for success. The intention is to provide hybrid experience for students with online courses to support the workforce in Pierre.

IT WAS MOVED by Regent Wink, seconded by Regent Brown, to authorize the Executive Director to finalize and execute the CUC Agreement in substantially similar form to Attachment I. Motion passed.

A copy of the Capital University Center Agreement can be found on pages ____ to ____ of the official minutes.

7-G BOR Policy X:X – Student-Athlete Commercial Use of Name, Image, and Likeness Policy (New Policy) (First and Final Reading)

Nathan Lukkes, Board of Regents General Counsel, explained that in response to a recent US Supreme Court decision (NCAA v. Alston), on June 30th, the NCAA adopted an interim name, image and likeness (“NIL”) policy. While South Dakota has a few related laws with respect to agents, South Dakota does not have any state law specific to NIL. While the landscape in this area will certainly evolve in the months to come, the proposed policy set forth in Attachment I provides a basic framework under which our institutions and their student-athletes can operate in the interim. It is anticipated that institutions may, but wouldn’t have to, create campus specific policies to provide additional detail, parameters, process, etc. consistent with the Board’s general policy.

Regent Venhuizen complimented the work done on this policy. He said he has followed this issue and acknowledges that this is very new and comes with many unknowns. He said he doesn’t want to impose rules on our system that the NCAA doesn’t dictate.

Regent Partridge said the policy is a first step with more to come. This provides cover and guidance for now until more guidance comes out from NCAA.

President Dunn said the NCAA plans to rewrite its constitution for update in January 2022 so confirmed that this is a dynamic issue.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first and final reading of the new policy as presented in Attachment I. Motion passed.

A copy of the BOR Policy X:X – Student-Athlete Commercial Use of Name, Image, and Likeness Policy (New Policy) (First and Final Reading) can be found on pages ____ to ____ of the official minutes.

BUDGET AND FINANCE

8-A FY23 Budget Request

Heather Forney, Vice President of Finance & Administration, presented the revised system budget request. She directed the Board to review Attachment II and noted one change related to the NSU E-Learning Center. Where it says NSU requests five FTE for the NSU E-Learning Center, this will be changed to zero.

Regent Roberts said we will also submit a statement of need for salary policy above inflation with hopes that we can get action on increasing salaries not just for the regental system but all state employees.

Regent Venhuizen elaborated on the “why” for advocating for salary policy above inflation. He also noted his support for the M&R request.

Regent Roberts said there is also an ARPA request list, and Heather Forney verified that this list has been shared with the Business Affairs Council and some of the university requests appear there since they have legitimate chance of being funded with ARPA dollars.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the FY23 Budget Request to include the priorities identified in Attachment II, to direct the staff to prepare and submit the FY23 Budget Request detail and justification to the Bureau of Finance and Management, and to refine any budget request figures and narratives as necessary. Any needs for federal and other expenditure authority, full-time equivalent (FTE), South Dakota Opportunity Scholarship, post-secondary scholarship, lease payments, salary policy, and utility adjustment requests should be included.

A copy of the FY23 Budget Request can be found on pages ____ to ____ of the official minutes.

8-B FY22 HEFF Bonding

Heather Forney, Vice President of Finance & Administration, notified the Board that in August or September 2021, the South Dakota Building Authority will issue Series 2021 Revenue Bonds to provide \$10,500,000 of funding for construction costs on the BHSU E.Y. Berry Library Renovations and the USD Allied Health Sciences Facility. She provided information on the HEFF Bonding process, explaining that the Board will be asked to adopt a single resolution on a roll call vote to (1) request the Building Authority to go forward with the issuance of the Revenue Bonds to finance a portion of the costs of the Projects, (2) authorize the formal transfer of jurisdiction

over the necessary property or structures to the Building Authority, and (3) amend the lease agreement between the Board and the Building Authority to reflect the new transactions.

She said property transferred to the Building Authority as collateral for the Revenue Bonds will be reconveyed to the Board once the construction bonds, or refinancing instruments, have been discharged.

A copy of the FY22 HEFF Bonding can be found on pages ____ to ____ of the official minutes.

8-C SDSU Data Storage

Heather Forney, System Vice President of Finance & Administration, explained that SDSU and the Regents Information System (RIS) are seeking authority to purchase data storage to replace their existing systems. SDSU's primary data storage systems for enterprise, research, and disaster recovery functions are end-of-support and end-of-life beginning in June 2021. SDSU needs to replace these systems with new solutions. RIS also needs to upgrade their existing data storage systems for their production and disaster recovery operations, as maintenance and support agreements end in 2022.

David Overby, SDSU Vice President for Technology and Security, and Dave Hansen, System Chief Information Officer, explained that after a process of review the vendor NetApp as selected. After negotiating costs, NetApp has agreed to reduce the cost to SDSU by 79%, or \$22,550,000, and RIS by 68%, or \$642,700, and extend these discounts to other SD BOR institutions for their storage solutions to January 20, 2022 (approximately 6 months) as well. The Board office will review the discount information with the Universities and coordinate additional purchases under this discount program. SDSU and the Board office are seeking approval to move forward with the purchase of the NetApp solutions beginning in August 2021.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the SDSU/RIS request to purchase a NetApp data storage solution at a cost of \$6,457,300. SDSU will be using Other Funds of \$6,150,000 and RIS will be using their Capital Fund for \$307,300. Motion passed.

A copy of the SDSU Data Storage can be found on pages ____ to ____ of the official minutes.

8-D NSU Request to Dispose of Rental House

Heather Forney, System Vice President for Finance & Administration, explained that NSU requests permission to dispose of the house located at 1217 South Lincoln Street in Aberdeen. This house was one of three properties purchased from the NSU Foundation in 2019. The Board of Regents approved the acquisition of the properties in December 2018. The acquisition plan submitted and approved in 2018, stated that the two houses included in the purchase would eventually be sold and moved from the site in order to provide additional parking for Wolves Memorial Suites which is adjacent to 1217 South Lincoln Street. The house has stood empty for nearly two years and needs major repairs. Permission is requested to demolish the house if it cannot be sold and moved from the site. The estimated cost of demolition is \$10,000. Additional parking would not be added at this time. The lot would be graded and planted to grass to be used as a

recreational space. In the event this space is turned into parking, a special parking permit would be established and all revenues for said permits would be part of the NSU Auxiliary System.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to approve the demolition of the rental house located at 1217 South Lincoln Street in Aberdeen at a cost not to exceed \$10,000. In the event NSU converts this location to parking, revenues generated from said parking permits will be part of their Auxiliary System. Motion passed.

A copy of the NSU Request to Dispose of Rental House can be found on pages ____ to ____ of the official minutes.

8-E NSU Naming Request

Nathan Lukkes, Board of Regents General Counsel, explained that Northern State University (NSU) requests authorization to name the football field within the new football stadium as Thares Field. The new Dacotah Bank Stadium, which is located on the southeast corner of campus within the Regional Sports Complex, is currently under construction and slated for completion in August 2021. The naming request from NSU requires an exception to Board Policy 1:27 (naming after serving Regent), which the Board has the authority to allow. He recognized the contributions of Jim and Tracy Thares to the campaign leadership and also for their individual giving.

IT WAS MOVED by Regent Roberts, seconded by Regent Rave, to grant an exception to BOR Policy 1:27 and approve the request from Northern State University to name the football field within the new Dacotah Bank Stadium as “Thares Field”. Motion passed. Regent Thares abstained.

A copy of the NSU Naming Request can be found on pages ____ to ____ of the official minutes.

8-F BOR Policy 1:27 – Naming of Institutional Facilities, Programmatic Units of Funded Academic Honors Revisions (First Reading)

Nathan Lukkes, Board of Regents General Counsel, explained that facilities (e.g., buildings, additions and roadways), programmatic units (e.g., colleges, schools, institutes, centers or departments) and wings, halls rooms or other areas within buildings, chairs, lecture series or other academic honors. While the bulk of BOR Policy 1:27 is specific to naming facilities or programmatic units in recognition of a person, family or organization, the second paragraph is generally applicable to the naming of all facilities (costing more than \$250K) and programmatic units. As a result, the current policy can be read to require Board approval of generic/logical names, such as East Hall, Department of Biomedical Engineering, Center for Applied Sciences, etc.

The proposed revisions seek to clarify this issue, and in doing so, leave the authority to name facilities or programmatic units that are not in recognition of a person, family and organization and which bear a generic descriptive name that is logically related to its use, offering(s) and/or location, with the presidents and superintendents.

Regent Partridge said because he is not supportive of perpetual naming generally, he agrees that adding a definition to the length of time given for naming is worthy of further discussion.

IT WAS MOVED by Regent Thares, seconded by Regent Brown, to approve the first reading of the proposed revisions to BOR Policy 1:27, as presented in Attachment I. Motion passed.

A copy of the BOR Policy 1:27 – Naming of Institutional Facilities, Programmatic Units of Funded Academic Honors Revisions (First Reading) can be found on pages ____ to ____ of the official minutes.

ADJOURNMENT

IT WAS MOVED by Regent Thares, seconded by Regent Venhuizen, to adjourn the meeting. Motion passed.

The meeting adjourned at 11:50 a.m.

DRAFT

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 Tuesday, August 3rd, 2021, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session on August 5th, 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:

2-F – Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.

2-H (1) – Approve the salary adjustments and appointments as outlined in Attachment I of the Secretary's Report.

2-H (2) – Award one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Dr. Christopher Stanichar (NSU).

2-H (3) - Adopt the proposed findings and conclusions pertaining to USD Faculty Grievance No. 2021-1.

2-H (4) – Approve the evaluations letters for President Dunn, Superintendent Trefz, Superintendent Wadsworth, and Executive Director Maher as presented.

UNIVERSITY OF SOUTH DAKOTA

Name	Title	Effective Date	Job Change Reason	New Salary	Prior Salary	% Increase
Tse Chi Yen	Admissions Counselor	5/22/2021	Permanent Additional Duties	\$46,000.00	\$41,000.00	12.20%

APPOINTMENTS REPORTING TO THE PRESIDENT, SUPERINTENDENT or EXECUTIVE DIRECTOR

NAME	TITLE	EFFECTIVE DATE	SALARY	INSTITUTION
Ashley Podhradsky	Vice President for Research and Economic Development	6/22/2021	\$ 205,000.00	DSU
Josh Pauli	Executive Director of the Applied Research Lab	6/22/2021	\$ 252,690.00	DSU
Joan Ray	Director of Special Education	6/30/2021	\$ 67,135.00	SDSBVI
Padriac McMeel	Director of Athletics	6/22/2021	\$ 110,000.00	BHSU