

**BOARD OF REGENTS
MINUTES OF THE MEETING
August 30, 2018**

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**BOARD OF REGENTS
MINUTES OF THE MEETING
Board of Regents Central Office (Teleconference)
Pierre, South Dakota
August 30, 2018**

The South Dakota Board of Regents convened by teleconference at 10:00 a.m. Central Time on August 30, 2018 with the following members in attendance:

ROLL CALL:

David Mickelson – PRESENT
Jim Morgan, Secretary – PRESENT*
Pam Roberts – ABSENT
Randy Schaefer – PRESENT
Jim Thares – PRESENT
Joan Wink – PRESENT
John Bastian, Vice President – PRESENT
Kevin Schieffer, President – PRESENT

*Regent Morgan joined after the roll call.

Also present were members of the system office and other members of the Regental system.

Regent Schieffer called the public meeting of the Board of Regents to order at 10:04 a.m. and declared a quorum present.

APPROVAL OF THE AGENDA

IT WAS MOVED by Regent Thares, seconded by Regent Schaefer, to approve the agenda as published with the removal of the executive session and the subsequent report and actions of executive session.

ROLL CALL:

Mickelson – AYE
Morgan – ABSENT
Roberts – ABSENT
Schaefer – AYE
Thares – AYE
Wink – AYE
Bastian – AYE
Schieffer – AYE

Motion passed.

EXCLUSION RESOLUTION (SPECIAL RESOLUTION NO. 15-2018)

Nathan Lukkes, acting BOR general counsel, explained that as part of Dakota State University's continued work with the federal government, which work includes access to classified information, the federal government requires that five regents undergo security clearance to have access to classified information. Four regents will not undergo security clearance and will be excluded from having access to classified information.

He explained that Regent Mickelson intends to replace Regent Thares as one of the five regents with access to classified information; therefore, a new exclusion resolution is required and it will supersede Special Resolution 13-2018. As a result of this item, the following five Regents will undergo (or have undergone) security clearance: Morgan, Roberts, Schieffer, Mickelson, and Wink.

IT WAS MOVED by Regent Schaefer, seconded by Regent Wink, to approve the Exclusion Resolution (Special Resolution No. 15-2018) included as Attachment I of the agenda item, which supersedes Special Resolution No. 13-2018).

ROLL CALL:

Mickelson – AYE
Morgan – ABSENT
Roberts – ABSENT
Schaefer – AYE
Thares – AYE
Wink – AYE
Bastian – AYE
Schieffer – AYE

Motion Passed.

A copy of the Exclusion Resolution (Special Resolution No. 15-2018) can be found on pages **3373** to **3374** of the official minutes.

ADJOURN

IT WAS MOVED by Regent Thares, seconded by Regent Wink, to adjourn the meeting of the Board at 10:13 a.m.

ROLL CALL:

Mickelson – AYE
Morgan – AYE
Roberts – ABSENT
Schaefer – AYE
Thares – AYE
Wink – AYE
Bastian – AYE

Schieffer – AYE

Motion Passed. Meeting adjourned.

SOUTH DAKOTA BOARD OF REGENTS

AGENDA ITEM: 2
DATE: August 30, 2018

SUBJECT

Exclusion Resolution (Special Resolution No. 15-2018)

CONTROLLING STATUTE, RULE, OR POLICY

[SD Constitution Art. XIV § 3. Governance of state educational institutions](#)
[SDCL § 13-49-1. Control of educational institutions vested in board](#)
[SDCL § 13-49-19. Customary management powers conferred on board](#)

BACKGROUND / DISCUSSION

As part of Dakota State University’s continued work with the federal government, which work includes access to classified information, the federal government requires that five regents undergo security clearance to have access to classified information. Four regents will not undergo security clearance and will be excluded from having access to classified information.

At the August 2017 regular Board meeting ([Item 5-L](#)), the Board approved an exclusion resolution (Special Resolution No. 44-2017). At the March 9, 2018 special Board meeting ([Item 3](#)), the Board approved an exclusion resolution (Special Resolution No. 01-2018), that superseded Special Resolution No. 44-2017. At the June 2018 regular meeting ([Item 7-H](#)), the Board approved an exclusion resolution (Special Resolution No. 13-2018), that superseded Special Resolution No. 01-2018.

Regent Mickelson intends to replace Regent Thares as one of the five regents with access to classified information; therefore, a new exclusion resolution is required and it will supersede Special Resolution 13-2018.

IMPACT AND RECOMMENDATIONS

As a result of this item, the following five Regents will undergo (or have undergone) security clearance: Morgan, Roberts, Schieffer, Mickelson, and Wink.

The Board staff recommendation is to approve this item with a roll call vote.

ATTACHMENTS

Attachment I – Exclusion Resolution

DRAFT MOTION 20180830_2:

I move to approve the Exclusion Resolution (Special Resolution No. 15-2018) included as Attachment I, which supersedes Special Resolution No. 13-2018.

C.4 Exclusion Resolution for Certain Directors, Officers, and LLC Member (if Person)

I, *Kevin Schieffer*, do hereby certify that I am *President of the Board of Regents of Dakota State University*, organized and existing under the laws of the State of *South Dakota*, and that the following is a true and correct copy of a resolution adopted by the Board of Directors, management board, or a similar type of executive body of the said *Board of Regents* at a meeting held *via teleconference on August 30, 2018* at which time a quorum was present.

WHEREAS, current Department of Defense Regulations contain a provision making it mandatory that the Chairman of the Board, Senior Management Official and Facility Security Officer meet the requirements for eligibility for access to classified information established for a contractor facility security clearance; and

WHEREAS, said Department of Defense Regulations permit the exclusion from the personnel of the requirements for access to classified information of certain members of the Board of Directors and other officers, provided that this action is recorded in the corporate minutes.

NOW THEREFORE BE IT DECLARED that the Chairman of the Board, Senior Management Official and Facility Security Officer at the present time do possess, or will be processed for, the required eligibility for access to classified information; and

BE IT RESOLVED that in the future, when any individual enters upon any duties as Chairman of the Board, Senior Management Official and Facility Security Officer, such individual shall immediately make application for the required eligibility for access to classified information; and

BE IT RESOLVED AND DIRECTED that the following members of the Board of Regents and other officers or members shall not require, shall not have, and can be effectively and formally excluded from access to all CLASSIFIED information disclosed to the Board and shall not affect adversely Board policies or practices in the performance of classified contracts for the Department of Defense or the Government contracting activities (User Agencies of the National Industrial Security Program):

NAME	TITLE
John Bastian	Member of the Board of Regents
Randy Schaefer	Member of the Board of Regents
James Thares	Member of the Board of Regents
Vacant (Student Regent)	Member of the Board of Regents

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of the South Dakota Board of Regents this 30th day of August, 2018.

Signature

The South Dakota Board of Regents adjourned its special business meeting on August 30, 2018 and will meet again for its regular session on October 2-4, 2018 in Rapid City, South Dakota.

I, Paul Turman, System Vice President of Academic Affairs for the South Dakota Board of Regents, declare that the above is a true, complete and correct copy of the minutes of the Board of Regents meeting held on August 30, 2018.

A handwritten signature in cursive script that reads "Paul Turman".

Paul Turman
Vice President of Academic Affairs
South Dakota Board of Regents