

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
December 9-10, 2020**

The South Dakota Board of Regents met via Zoom on December 9-10, 2020 with the following members present:

ROLL CALL:

Brown – PRESENT  
Roberts – PRESENT  
Schaefer – PRESENT  
Schieffer – PRESENT  
Stork – PRESENT  
Thares – PRESENT  
Wink – PRESENT  
Morgan – PRESENT  
Bastian – PRESENT

Also present during all or part of the meeting were Dr. Brian L. Maher, Board of Regents Executive Director and CEO; Nathan Lukkes, Board of Regents General Counsel; Michele Anderson, Internal Auditor; Kayla Bastian, Director of Human Resources; Janice Minder, Interim System Vice President for Academic Affairs; Heather Forney, System Vice President of Finance & Administration; Dave Hansen, System Chief Information Officer; Janelle Toman, Director of Communications; Molly Weisgram; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Laurie Nichols, BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Kim Wadsworth, SDSD Superintendent; Dan Trefz, SDSBVI Superintendent; and other members of the Regental system and public and media.

**WEDNESDAY, DECEMBER 9, 2020**

Regent Bastian declared a quorum present and called the meeting to order at 9:00 a.m. Central Time.

**1-A Approval of the Agenda**

IT WAS MOVED by Regent Morgan, seconded by Regent Schieffer, to approve the agenda as published.

**ROLL CALL:**

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

**1-B Declaration of Conflicts**

There were no declared conflicts.

**1-C Approval of the Minutes – Meeting on October 7, 2020 and October 20, 2020**

IT WAS MOVED by Regent Stork, seconded by Regent Schieffer, to approve the minutes of the Board of Regents meetings on October 7, 2020 and October 20, 2020.

**ROLL CALL:**

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

## **1-D BOR 2021 Series Housing and Auxiliary Facilities System Revenue Bonds**

Heather Forney, System Vice President of Finance & Administration, asked the Board to consider the refinance.

IT WAS MOVED by Regent Morgan, seconded by Regent Stork, to approve the Action Items 1, 2, 3, 4 and 5 set forth in the body of this Board item. (Each action should be approved on separate motion and seconded, and a roll call vote on each should be taken and recorded.)

### **ROLL CALL:**

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

IT WAS MOVED by Regent Roberts, second Regent Schieffer, to authorize the issuance of additional series of Bonds under the Amended and Restated Bond Resolution adopted by the Board on October 21, 2004 (the “Original Resolution”) to finance: (i) the refunding of the Refunded Bonds, but only if (a) there is a net present value savings from the portion of the Series 2021 Bonds attributable to the refunding and (b) the aggregate debt service on the portion of the Series 2021 Bonds attributable to the refunding does not exceed the aggregate debt service on the Refunded Bonds; and (ii) costs of issuance of the Bonds; (Attachment I—Fifteenth Supplemental System Revenue Bond Resolution (the “Fifteenth Supplemental Bond Resolution”)).

### **ROLL CALL:**

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

IT WAS MOVED by Regent Schaefer, second Regent Schieffer, to approve the contract with the underwriter, Piper Sandler & Co., who will market the Bonds for the Board; provided, however, that the aggregate principal amount of Series 2021 Bonds sold pursuant thereto shall not exceed \$40,000,000, shall mature not later than April 1, 2036, shall bear interest at a true interest cost not exceeding 2.50%, and shall be sold at an underwriter's discount of not more than 0.5% of the par amount of the Series 2021 Bonds (Attachment II—Bond Purchase Agreement).

ROLL CALL:

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

IT WAS MOVED by Regent Schieffer, second Regent Roberts, to approve an escrow agreement with First Bank & Trust, Brookings, South Dakota, the Bond Registrar for the Refunded Bonds, to provide for the refunding of the Refunded Bonds (Attachment III—Escrow Agreement).

ROLL CALL:

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

IT WAS MOVED by Regent Schieffer, second Regent Stork, to ratifying the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction once they are determined and the Bonds are ready for sale (Attachment IV— draft Preliminary Official Statement).

ROLL CALL:

Brown – AYE  
Roberts – AYE

Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

IT WAS MOVED by Regent Stork, second Regent Schieffer, to authorizing the President of the Board, the President of South Dakota State University, the Executive Director of the Board and other Board officials to perform those acts and to execute those documents necessary to complete the Bond issue and the refunding of the Refunded Bonds, and the execution and delivery of the Fifteenth Supplemental Bond Resolution, the Bond Purchase Agreement and the Escrow Agreement.

ROLL CALL:

Brown – AYE  
Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR 2020 Series Housing and Auxiliary Facilities System Revenue Bonds can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**1-E Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, that the Board of Regents dissolve into executive session at 9:15 a.m. on Wednesday, December 9th, 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 rise from Executive Session and reconvene in public session at 1:00 p.m. to resume the regular order of business, and report its deliberations while in executive session at 9:00 a.m. on Thursday, December 10th and take any action it deems prudent as a result thereof.

ROLL CALL:

Brown – AYE

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

The Board dissolved into executive session.

The Board reconvened in public session at 1 p.m.

**Joint Meeting of the Board of Regents, Board of Education Standards Meeting, and Board of Technical Education to Focus on Attainment – Setting the Stage to Success through Student Enrollment and Student Success**

Dr. Maher welcomed all attendees to the joint board meeting of the Board of Regents, Board of Education Standards, and the Board of Technical Education. He explained that the agenda for the joint meeting was established with focus on the boards' shared goals of education attainment and student success. He introduced the members of the Board of Regents.

Nick Wendell, Executive Director of the Board of Technical Education, introduced the members of the Board of Technical Education:

Dana Dykhouse, Chairman  
Bob Faehn, Vice-Chairman  
Doug Ekeren  
Diana VanderWoude  
Ed Mallett  
Scott Peterson  
Scott Knuppe

(Terry Sabers and Rod Bowar were unable to attend.)

Tiffany Sanderson, Secretary of Education, introduce the members of the Board of Education Standards:

Jacque Sly, President  
Becky Guffin, Vice President  
Phyllis Heineman  
Kay Schallenkamp  
Lori Wagner  
Julie Westra

(Scott Herman was unable to attend.)

### **3-A (1) FAFSA Completion – Pathways to Success**

Catherine (Cathy) Mueller from Mapping Your Future presented information on the Free Application for Federal Student Aid (FAFSA). The presentation focused on needs around FAFSA completion, including partnership opportunities for the BOR, BOES, and BOTE to consider regarding FAFSA's impact on (1) student enrollment, (2) student access, and (3) student success.

Board members asked about opportunities that could increase FAFSA completion, including whether South Dakota would consider making FAFSA completion mandatory. Ms. Mueller verified that states including Louisiana, Texas, and Illinois have mandated FAFSA completion.

A copy of the PowerPoint handout regarding FAFSA Completion – Pathways to Success can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **3-B High School Dual Credit (HSDC)**

Katie Hubbard, Academic Affairs Specialist, presented information on the High School Dual Credit (HSDC) program. Specifically, the presentation focused on a review of (1) success/partnerships, (2) college readiness, (3) barriers and whether or not any exist, and (4) future needs for HSDC.

Board members asked several questions that required a deeper dive into the dual credit program data. It was noted that only 10% of participants in the dual credit program are disadvantaged students in comparison with the 38% of disadvantaged students in South Dakota. There was interest by the board members to find ways to make the participation more representative of the population.

A copy of the PowerPoint handout regarding High School Dual Credit (HSDC) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **3-C Articulation Agreements**

Dr. Janice Minder, Interim System Vice President for Academic Affairs, presented information on articulation agreements, focusing on a review of (1) success/partnerships, (2) workforce needs, and (3) barriers and whether or not they exist.

Board members recognized the gains made in the area of articulation agreements, but it was requested that the improvement be further verified through metrics. Furthermore, it was requested that a list of any trouble areas that currently exist be shared, i.e. agreements that remain in draft form because they cannot be resolved. The board members urged other ways the entities could be thoughtful and big-thinking, including how to make articulation agreements broader since program-to-program agreements can become unwieldy.

A copy of the PowerPoint handout regarding Articulation Agreements can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **3-D Policy Roundtable**

Dr. Maher, Secretary Sanderson, and Executive Director Wendell provided summaries of the potential future collaborations and opportunities amongst the boards. They vouched to meet within the next quarter to discuss continued partnerships and action.

### **THURSDAY, DECEMBER 10, 2020**

The Board reconvened at 9:00 a.m. Central Time.

### **4-A Report and Actions of Executive Session**

Regent Roberts reported that the Board dissolved into executive session at 9:15 a.m. on Wednesday, December 9th, 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 rising from Executive Session and reconvening at 1:00 p.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 Roberts, seconded by Regent Schaefer, to move that the Board 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.

### **ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the Report and Actions of Executive Session can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.



#### **4-B (1) Report of the Executive Director – Senate Bill 55 Task Force Update**

Dr. Maher, Board of Regents' Executive Director & CEO, explained that the Senate Bill 55 Task Force continues to work on recommendations for its final report. Co-chairs of the subcommittees answered Board questions and comments.

A copy of the Report of the Executive Director – Senate Bill 55 Task Force Update can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **4-B (2) Report of the Executive Director – Lessons Learned from Fall 2020 Semester Regarding Best Practices for Pandemic Response**

Dr. Maher, Board of Regents' Executive Director & CEO, invited the university presidents to provide brief summaries of the major lessons learned from preparing for and navigating through the COVID pandemic. Common themes included the importance of planning, communication, adaptation, health focus, partnership, and student progress focus.

Dr. Maher recognized the presidents for the work they put in to deliver education to the students of South Dakota in a safe and collaborative manner.

Board members noted how important it was to tell the Regental system's success story as so many other universities throughout the country were not as effective in their mitigation efforts.

A copy of the Report of the Executive Director – Lessons Learned from Fall 2020 Semester Regarding Best Practices for Pandemic Response can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **4-B (3) Report of the Executive Director – Lean Efforts**

Dr. Maher, Board of Regents' Executive Director & CEO, explained that the SD Legislative Research Council has contracted with ReEngine Consulting, LLC to perform a Lean process-improvement effort for the South Dakota Board of Regents (BOR). The work is scheduled to take place in 2021. The contract indicates a required completion date of September 30, 2021.

In addition to training on Lean leaders within the organization, ReEngine will work with the BOR to apply Lean methodology to three identified system-wide processes that could benefit from thoughtful review. The first Lean project selected by the BOR for review is a critical examination of the way individual universities and the greater system enter into software contracts. This project was selected because the BOR felt there is real benefit to creating better system-processes and expectations around these business decisions. The project intersects each university and has potential to show real financial savings. The next two projects have not yet been determined.

Dr. Maher said Lean creates opportunity in the system to find efficiencies, but it also creates the opportunity to improve morale since it helps employees understand their value while finding streamlined ways to accomplish that value.

A copy of the Report of the Executive Director – Lean Efforts can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **4-C Report from Individual Presidents and Superintendents**

No reports.

#### **4-D Report from Individual Regent Activities**

No reports.

#### **4-E Student Federation Report**

Macy Halverson, Student Federation Chair, thanked everyone who made this semester possible. She said the semester went as well as possible considering the circumstances. She noted that a modified lobbying effort will be implemented during the legislative session so the student voices are heard but with health and safety measures recognized.

A copy of the Student Federation Report can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **4-F Public Comment Period**

There were no public comments.

#### **CONSENT AGENDA**

IT WAS MOVED by Regent Wink, seconded by Regent Thares, to approve consent agenda items 5-A through 5-Z (2).

#### **ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – ABSENT  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

## **Academic and Student Affairs – Consent**

### **5-A Graduation Lists**

Approve the Fall 2020 graduation lists for BHSU, DSU, NSU, SDSMT, SDSU, and USD 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.

### **5-B (1) BOR Policy Revisions – BOR Policy 2:10 – Grades and Use of Grade Point Averages (Second Reading)**

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

A copy of the BOR Policy Revisions – BOR Policy 2:10 – Grades and Use of Grade Point Averages (Second Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-B (2) BOR Policy Revisions – BOR Policy 1:5 – Executive Director (First and Final Reading)**

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.

A copy of the BOR Policy Revisions – BOR Policy 1:5 – Executive Director (First and Final Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-B (3) BOR Policy Revisions – BOR Policy 1:6 – Appointment, Authority and Responsibilities for the Presidents and Superintendents (First and Final Reading)**

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 1:6, as presented.

A copy of the BOR Policy Revisions – BOR Policy 1:6 – Appointment, Authority and Responsibilities for the Presidents and Superintendents (First and Final Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-C New Site Request – SDSU – AS/BS in Respiratory Care (Monument Health – Rapid City)**

Approve SDSU's new site proposal to offer the A.S. & B.S. in Respiratory Care at Monument Health – Rapid City.

A copy of the New Site Request – SDSU – AS/BS in Respiratory Care (Monument Health – Rapid City) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-D (1) New Program Request – SDSU – Minor in Early Childhood Education**

Authorize SDSU to offer a minor in Early Childhood Education, on campus and online.

A copy of the New Program Request – SDSU – Minor in Early Childhood Education can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-D (2) New Program Request – USD – AS in Applied Health Sciences**

Authorize USD to offer the Associate of Science (AS) in Applied Health Sciences as presented, including authorization for delivery at the Community College for Sioux Falls.

A copy of the New Program Request – USD – AS in Applied Health Sciences can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E (1) New Certificate Request – DSU – Online Teaching (Undergrad)**

Authorize DSU to offer an undergraduate certificate in Online Teaching & Learning, as presented.

A copy of the New Certificate Request – DSU – Online Teaching (Undergrad) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E (2) New Certificate Request – DSU – Creative Coding (Undergrad)**

Authorize DSU to offer an undergraduate certificate in Creative Coding, as presented.

A copy of the New Certificate Request – DSU – Creative Coding (Undergrad) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E (3) New Certificate Request – SDSU & USD – Public Health (Graduate)**

Authorize SDSU and USD to offer the new graduate certificate in Public Health, as presented.

A copy of the New Certificate Request – SDSU & USD – Public Health (Graduate) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E (4) New Certificate Request – USD – Actuary Sciences (Undergrad)**

Authorize USD to offer an undergraduate certificate in Actuarial Sciences, as presented.

A copy of the New Certificate Request – USD – Actuary Sciences (Undergrad) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E (5) New Certificate Request – USD – Board Certified Behavior Analyst (Graduate)**

Authorize USD to offer a Board Certified Behavior Analyst graduate certificate, as presented.

A copy of the New Certificate Request – USD – Board Certified Behavior Analyst (Graduate) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-E (6) New Certificate Request – USD – Technology Development & Entrepreneurship (Graduate)**

Authorize USD to offer a graduate certificate in Technology Development and Entrepreneurship, as presented.

A copy of the New Certificate Request – USD – Technology Development & Entrepreneurship (Graduate) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (1) New Specialization Request – DSU – Accounting (BBA in Business)**

Authorize DSU to offer a specialization in Accounting within the BBA in Business, as presented.

A copy of the New Specialization Request – DSU – Accounting (BBA in Business) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (2) New Specialization Request – DSU – Business Technology (BBA in Business)**

Authorize DSU to offer a specialization in Business Technology within the BBA in Business, as presented.

A copy of the New Specialization Request – DSU – Business Technology (BBA in Business) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (3) New Specialization Request – DSU – Finance (BBA in Business)**

Authorize DSU to offer a specialization in Finance within the BBA in Business, as presented.

A copy of the New Specialization Request – DSU – Finance (BBA in Business) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (4) New Specialization Request – DSU – Management (BBA in Business)**

Authorize DSU to offer a specialization in Management within the BBA in Business, as presented.

A copy of the New Specialization Request – DSU – Management (BBA in Business) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (5) New Specialization Request – DSU – Marketing (BBA in Business)**

Authorize DSU to offer a specialization in Marketing within the BBA in Business, as presented.

A copy of the New Specialization Request – DSU – Marketing (BBA in Business) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (6) New Specialization Request – USD – PreK-12 Educational Leadership (EdD in Educational Administration and Leadership)**

Authorize USD to offer a specialization in PreK-12 Educational Leadership within the Ed.D. in Educational Administration and Leadership, as presented.

A copy of the New Specialization Request – USD – PreK-12 Educational Leadership (EdD in Educational Administration and Leadership) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-F (7) New Specialization Request – USD – Molecular Biology & Genetics (PhD in Basic Biomedical Science)**

Authorize USD to offer a specialization in Molecular Biology & Genetics within the PhD in Basic Biomedical Sciences, as presented.

A copy of the New Specialization Request – DSU – Molecular Biology & Genetics (PhD in Basic Biomedical Science) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-G (1) Intent to Plan Request – DSU – BS in Artificial Intelligence**

Authorize DSU to develop a program proposal for a B.S. in Artificial Intelligence, as presented.

A copy of the Intent to Plan Request – DSU – BS in Artificial Intelligence can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-G (2) Intent to Plan Request – USD – BS in Biochemistry**

Authorize USD to develop a program proposal for a B.S. in Biochemistry, as presented.

A copy of the Intent to Plan Request – USD – BS in Biochemistry can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-H (1) Articulation Agreements – Black Hills State University**

Approve Black Hills State University’s articulation agreement with Western Dakota Technical College and Northern Wyoming Community College District, as presented.

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

### **5-H (2) Articulation Agreements – South Dakota State University**

Approve South Dakota State University's articulation agreement with Southeast Community College and Mitchell Technical College, as presented.

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

### **5-H (3) Articulation Agreements – University of South Dakota**

Approve the University of South Dakota's articulation agreements with Mitchell Technical College and Black Hills State University, as presented.

A copy of the Articulation Agreements – University of South Dakota can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-I Agreements on Academic Cooperation – University of South Dakota**

Approve the University of South Dakota's agreement on academic cooperation with University of Liège (ULiège), HEC-Management School.

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

### **5-J Inactive Status and Program Termination Requests – NSU & USD**

Approve NSU's request to terminate the BA in German program; and USD's requests to inactivate the BFA in Art Education (plus 6 specializations), Bachelor of Music in Music Performance, Bachelor of Music in Music Education, Bachelor of Musical Arts in Musical Arts, and the Lakota Teaching Minor as presented in Attachments I and II.

A copy of the Inactive Status and Program Termination Requests – NSU & USD can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-K COVID-19 Resolution Extension**

Approve the resolution set forth in Attachment I.

A copy of the COVID-19 Resolution Extension can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-L Memorandum of Understanding – SDSU – Concrete Industry Management**

Approve the Memorandum of Understanding between South Dakota State University and the National Steering Committee for Concrete Industry Management and the North Central Region for Patrons Group, as presented.

A copy of the Memorandum of Understanding – SDSU – Concrete Industry Management can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **Budget and Finance – Consent**

#### **5-M FY22 HEFF M&R Projects**

Approve the FY22 HEFF M&R projects as presented in Attachment II.

A copy of the FY22 HEFF M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-N FY22 Auxiliary System M&R Projects**

Approve the FY22 Auxiliary System M&R projects as presented in Attachment I.

A copy of the FY22 Auxiliary System M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-O FY22 AES M&R Projects**

Approve the FY22 Auxiliary System M&R projects as presented in Attachment I.

A copy of the FY22 AES M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-P SDSU Football Stadium FY20 Financials**

The Board received SDSU's FY20 football stadium financials. The actual FY20 SDSU stadium financials show less revenue and higher expenditures compared to the FY20 budget, however the debt service coverage ratio is above 1.00. SDSU is projecting a higher debt service coverage ratio moving forward.

A copy of the SDSU Football Stadium FY20 Financials can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-Q SDSA Easement**

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

A copy of the SDSA Easement can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.



#### **5-R Affiliated Entity – Early Learning Center of Brookings, Inc. Transfer to Benefit SDSU**

Approve SDSU's request for approval of the transition of the Early Learning Center of Brookings, Inc. for the benefit of South Dakota State University, as set forth in Attachment I, subject to adoption of revised governing documents acceptable to the SDBOR Executive Director and General Counsel.

A copy of the Affiliated Entity – Early Learning Center of Brookings, Inc. Transfer to Benefit SDSU can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **5-S DSU Naming Request – The Paulson Cyber Incubator and Entrepreneurial Center (PCIEC)**

Approve the request from Dakota State University to name the newly established cyber incubator and entrepreneurial center as The Paulson Cyber Incubator and Entrepreneurial Center, effective for a period of five years.

A copy of the DSU Naming Request – The Paulson Cyber Incubator and Entrepreneurial Center (PCIEC) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **5-T SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation**

Approve proceeding with the Joint Powers Agreement in substantially similar form to that set forth in Attachment I.

A copy of the SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **5-U SDSU Airport Hanger Update**

The purpose of this item is to make the Board aware of SDSU's intent to explore additional options for the airport hangar, as was recommended at the August 2020 BOR meeting.

A copy of the SDSU Airport Hanger Update can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **5-V (1) BOR Policy Revisions – BOR Policy 2:29 and 5:6 – FICA/Re-Employment Exemptions (Second Reading)**

Approve the second and final reading of the proposed BOR Policies 2:29 – Definitions of Credits and Related Institutional Requirement and 5:6 – Student FICA and RA Exemption, as presented.

A copy of the BOR Policy Revisions – BOR Policy 2:29 and 5:6 – FICA/Re-Employment Exemptions (Second Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-V (2) BOR Policy Revisions – BOR Policy 5:5:4 – Tuition and Fees: Fees (Second Reading)**

Approve the second and final reading of the proposed revisions to BOR Policy 5:5:4, as presented in Attachment I.

A copy of the BOR Policy Revisions – BOR Policy 5:5:4 – Tuition and Fees: Fees (Second Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**Routine Informational Items – No Board Action Necessary**

**5-W Interim Actions of the Executive Director**

A copy of the Interim Actions of the Executive Director can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-X Capital Projects List**

The Board received the Capital Project List.

A copy of the Capital Projects List can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-Y Building Committee Report**

The Board received the Building Committee Report.

A copy of the Building Committee Report can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**5-Z Student Debt Analysis**

A copy of the Student Debt Analysis can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**ACADEMIC AND STUDENT AFFAIRS**

**6-A SDSBVI Comprehensive Plan for Special Education**

Dan Trefz, Superintendent for South Dakota School for the Blind and Visually Impaired, explained that each year the Board of Regents are asked to approve the Comprehensive Plan developed by SDSBVI staff. Local school boards across the state are required to approve similar plans, and since the SDBOR serves this capacity for SDSBVI formal approval is required prior to submission. He described the minor modifications made to the plan.

IT WAS MOVED by Regent Wink, seconded by Regent Thares, to approve the SDSBVI Comprehensive Plan for Special Education as presented.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the SDSBVI Comprehensive Plan for Special Education can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-B (1) BOR Policy Revisions – BOR Policy 2:5 – Transfer of Credit (First Reading)**

Dr. Janice Minder, Interim System Vice President for Academic Affairs, stated that the Academic Affairs Council (AAC) recently discussed the transfer of dual credit course work from outside of the BOR system. Currently, BOR Policy 2:5 states that high school courses which have received college credit will only be accepted for transfer by BOR universities under one of three conditions.

In practice, BOR institutions accept credits earned from dual credit courses from regionally accredited institutions, regardless of their status with NACEP. Therefore, BOR Policy 2:5 has a recommended revision to include credits granted by regionally accredited institutions that have an equivalent course in the common course catalog. The Academic Affairs Council will also be updating their AAC Guideline 7.1 to comply with the approved BOR Policy changes.

IT WAS MOVED by Regent Wink, seconded by Regent Stork, to approve the first reading of the proposed revisions to BOR Policy 2:5, as presented in Attachment I.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 2:5 – Transfer of Credit (First Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-B (2) BOR Policy Revisions – BOR Policy 4:11 – Rank and Promotion (First Reading)**

Dr. Janice Minder, Interim System Vice President for Academic Affairs, explained that as a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:11 was updated at the August BOR meeting. Since the conclusion of that Board meeting, a few additional items were identified by the Academic Affairs Council as well as the System Librarian Council that needed to be revised/clarified.

In response to a question by Regent Bastian, Dr. Minder explained that the faculty dialog about professor of practice occurred resulting in the proposed policy.

IT WAS MOVED by Regent Wink, seconded by Regent Brown, to approve the first reading of the proposed revisions to BOR Policy 4:11, as presented in Attachment I.

**ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR Policy Revisions - BOR Policy 4:11– Rank and Promotion (First Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-B (3) BOR Policy Revisions – BOR Policy 4:12 – Role and Responsibility of Faculty (First Reading)**

Dr. Janice Minder, Interim System Vice President for Academic Affairs, stated that as a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:12 needs to be updated. The necessary changes include 1) updating the template to ensure consistent BOR Policy formatting, 2) updating of the definitions to clarify faculty roles, and those that are eligible or holding rank, and 3) clarifying eligible faculty recommendations.

IT WAS MOVED by Regent Wink, seconded by Regent Brown, to approve the first reading of the proposed revisions to BOR Policy 4:12, as presented in Attachment I.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 4:12 – Role and Responsibility of Faculty (First Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-C BOR & BOTE Data Sharing Agreement**

Nathan Lukkes, Board of Regents General Counsel, explained that the Board of Regents is currently in a Data Sharing Agreement with the state's four technical colleges, which was executed in December of 2015 and pertains to student directory information that school districts provide to the Board of Regents Executive Director and to each of the technical colleges per SDCL § 13-28-50.

In addition, during the 2020 legislative session, the legislature passed SB 142, which made certain revisions to the state-sponsored High School Dual Credit Program (HSDC) set forth in SDCL § 13-28-37.1. The legislation includes provisions which bar students from further participation in the HSDC program if they fail or withdrawn from a HSDC course, absent a showing of good cause. The HSDC program is a Department of Education program, but is facilitated by both BOR & BOTE institutions. As such, students may take dual credit courses from any of the institutions involved in the program. Students are able to take courses from different institutions each semester, or may take courses from multiple institutions at the same time.

After the passage of SB 142, it quickly became apparent that enhanced collaboration between BOR & BOTE would need to share the requisite information regarding students receiving W & F grades. The sharing of this student data is necessary to ensure ineligible students are flagged and unable to continue in the program at any participating institution, as required by state law. In addition, BOR & BOTE will also share student information concerning those who show good cause and earn exemptions to continue in the HSDC program.

BOR and BOTE staff have worked to update the previous data sharing agreement provided in Attachment I to include provisions regarding the HSDC program.

IT WAS MOVED by Regent Wink, seconded by Regent Morgan, to approve the Data Sharing Agreement between the Board of Regents and the Board of Technical Education, in substantially similar form to that set forth in Attachment I.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR & BOTE Data Sharing Agreement can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**BUDGET AND FINANCE**

**7-A FY22 Governor’s Recommended Budget**

Heather Forney, System Vice President of Finance & Administration, provided a summary of the Governor’s recommended budget as presented at her December 8, 2020 address to the legislature and public.

Regent Roberts was very pleased with the recommendations that included the Board of Regents; however, she was concerned that the Board of Regents wasn’t mentioned in the address.

Regent Schaefer said this is a year with an unprecedented amount of money to allocate. He suggested we aggressively seek this money for important Board of Regents priorities.

For next fiscal year’s budget recommendation, Regent Roberts challenged the central staff to come up with out-of-the-box thinking for budget requests that would have great impact for years to come.

A copy of the FY22 Governor’s Recommended Budget can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**7-B 2021 Board Sponsored Legislation**

Nathan Lukkes, Board of Regents General Counsel, provided an overview of the legislation that the Board of Regents is proposing with Board Authorization, for the upcoming legislative session in 2021.

Regent Thares reinforced that as opportunities arise this legislative session, presidents need to work centrally through Dr. Maher at the Board of Regents office.

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, to authorize the Executive Director to (1) submit the proposed bill and make such modifications or amendments to the bill are necessary and appropriate, provided such modifications or amendments do not change the fundamental purpose of the legislation, and (2) submit such additional legislation as may be necessary and appropriate, upon concurrence of a majority of the executive committee.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the 2021 Board Sponsored Legislation can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-C 150 LSAT Resident Tuition USD Law School**

Neil Fulton, Dean of the USD Law School, explained that the USD School of Law requests that current policy allowing nonresident students with a Law School Admission Test score of 155 or above to pay resident tuition rates be expanded to students with an LSAT score of 150 and above. This will allow the School of Law to increase enrollment, overall class credentials, and admission standards; better leverage scholarship dollars; and attract students from adjacent states who may remain in South Dakota to begin their careers.

This proposal has been reviewed and vetted by the Academic Affairs Counsel and the Business Affairs Counsel and received a favorable recommendation from both. Approval of the resident tuition for students with an LSAT score of 150 and above at this meeting will allow for the School of Law to begin recruiting eligible students during this recruiting cycle for enrollment in fall of 2021.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve resident rates to new students with an LSAT score of 150 and above beginning in Fall 2021.

ROLL CALL:

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE

Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the LSAT Resident Tuition USD Law School can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-D (1) BOR Policy Revisions – BOR Policy 5:4 – Purchasing (First and Final Reading)**

Heather Forney, System Vice President of Finance & Administration, explained that at the June 2020 BAC meeting a request was made to the Purchasing Module Group to review and update Policy 5:4 as appropriate with a focus on making changes to bid levels that are consistent with SDCL. The policy has been reviewed by the appropriate councils and the proposed revisions are recommended for approval.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to (1) waive the two reading requirement of By-Laws Section 5.5.2, and (2) approve the first and final reading of BOR Policy 5:4 – Purchasing as outlined in Attachment I.

**ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 5:4 – Purchasing (First Reading and Final Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-D (2) BOR Policy Revisions – BOR Policy 4:16 – Military Service and Veterans Rights (First Reading)**

Kayla Bastian, System Director of Human Resources, explained that BOR Policy 4:16 is being revised to address recent SD Administrative Rules (ARSD) changes related to military training leave, and the elimination of personal leave. ARSD 55:09:04:08 has historically limited the use of 40 hours of sick or personal leave annually for employees called to active duty, the revised changes



will allow the use of that leave for any military-related service as a member of the military reserve or National Guard. After she described the substantive changes to BOR Policy 4:16, she explained that the Board office is working with the campuses to establish a document that outlines the procedure for the various leave options for those on military related leave to assist with implementation of the policy and administrative rules. The guidance will outline how the campuses should work with the state employee health plan and the South Dakota Retirement system on coordination of pay and benefits during these types of leaves of absence.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to approve the first reading of the proposed revisions to BOR Policy 4:16 – Military Service and Veterans Rights.

**ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 4:16 – Military Service and Veterans Rights (First Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-E SDSU Berg Agricultural Hall – Facility Design Plan**

Regent Roberts referenced the detailed document provided to the Board regarding this item and asked for questions. The Board members had no questions.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve SDSU’s Facility Design Plan for renovation of the 1st and 2nd floors of Berg Agricultural Hall at a cost not to exceed \$10,294,384.

**ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE

Bastian – AYE

Motion passed.

A copy of the SDSU Berg Agricultural Hall – Facility Design Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-F SDSU Stanley Marshal Center Addition – Sanford Jackrabbit Athletic Center Wrestling Addition – Revised Facility Program Plan**

Regent Roberts referenced the detailed document provided to the Board regarding this item and asked for questions. The Board members had no questions.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve SDSU’s revised Facility Program Plan for construction of a wrestling practice facility to the Sanford Jackrabbit Athletic Complex of approximately 15,446 square feet for a cost not to exceed \$3,950,000. Legislation shall be drafted and the project shall be submitted to the 2021 South Dakota Legislative Session for consideration and approval.

**ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the SDSU Stanley Marshal Center Addition – Sanford Jackrabbit Athletic Center Wrestling Addition – Revised Facility Program Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**7-G SDSU Lincoln Hall Renovation Facility Program Plan**

Regent Roberts referenced the detailed document provided to the Board regarding this item and asked for questions. The Board members had no questions.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve SDSU’s Facility Program Plan for renovation of Lincoln Hall at a cost not to exceed \$17,243,765.

**ROLL CALL:**

Roberts – AYE

Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the SDSU Lincoln Hall Renovation Facility Program Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **7-H SDSMT Devereaux Library Renovation – Facility Design Plan**

Regent Roberts referenced the detailed document provided to the Board regarding this item and asked for questions. The Board members had no questions.

IT WAS MOVED by Regent Roberts, seconded by Regent Brown, to approve SDSMT's Facility Design Plan for the Devereaux Library Renovation at a cost not to exceed \$6,595,000.

#### **ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the SDSMT Devereaux Library Renovation – Facility Design Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **ADJOURNMENT**

IT WAS MOVED by Regent Morgan, seconded by Regent Schieffer, to adjourn the meeting.

#### **ROLL CALL:**

Roberts – AYE  
Schaefer – AYE  
Schieffer – AYE

Stork – AYE  
Thares – AYE  
Wink – AYE  
Brown – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed. The meeting adjourned at 11:30 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 Wednesday, December 9, 2020, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, 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-A (1) – Approve the salary adjustments and appointments as outlined in Attachment I.*

*2-A (2) – Approve the leave requests for Kenneth C. Blachard, Jr. (NSU) and Jodie Ramsay (NSU).*

*2-E – Authorize the Executive Director to approve and ratify the 2021-2024 special schools collective bargaining agreement, with revisions from the current collective bargaining agreement consistent with the tentative agreements set forth in Attachment II of the agenda item.*