

**BOARD OF REGENTS
MINUTES OF THE MEETING
October 6-7, 2021**

The South Dakota Board of Regents convened at 10:00 a.m. Mountain Time on October 6, 2021 at South Dakota School of Mines & Technology in Rapid City, South Dakota. Regent Bastian established a quorum with a roll call vote.

ROLL CALL:

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

*Regent Wink participated via Zoom.

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; Kayla Bastian, Director of Human Resources; Dr. Janice Minder, System Vice President for Academic Policy and Planning; Heather Forney, System Vice President of Finance & Administration; Dave Hansen, System Chief Information Officer; Dr. Janelle Toman, Director of Communications; Molly Weisgram, Executive Assistant to the CEO and Board; Dr. Barry Dunn, SDSU President; Dr. José-Marie Griffiths, DSU President; Dr. Laurie Nichols, BHSU President; Dr. Jim Rankin, SDSM&T President; Dr. Neal Schnoor, NSU President; Sheila Gestring, USD President; Kim Wadsworth, SDSD Superintendent; Dan Trefz, SDSBVI Superintendent; and other members of the Regental system, public and media.

WEDNESDAY, OCTOBER 6, 2021

Regent Bastian declared a quorum present and called the meeting to order at 10:00 a.m.

1-A Approval of the Agenda

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

1-B Declaration of Conflicts

There were no declared conflicts.

1-C Approval of the Minutes – Meeting on August 3-5, 2021

IT WAS MOVED by Regent Rave, seconded by Regent Venhuizen, to approve the minutes of the Board of Regents meetings on August 3-5, 2021.

Regent Partridge asked for clarification on page 2 of the August 2021 meeting minutes where a budget proposal regarding end point detection was referenced. In order to have the appropriate staff available to answer the question, it was decided that the vote to approve the August 2021 minutes would be deferred to later in the meeting.

The item was deferred to later in the meeting.

Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to dissolve into Executive Session at 10:15 a.m. on Wednesday, October 6th, 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 at 3:00 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 10:10 a.m.

The Board reconvened in public session at 3:30 p.m.

3-A Report and Actions of Executive Session

Regent Thares reported that the Board dissolved into Executive Session at 10:15 a.m. on Wednesday, October 6th, 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 at 3:30 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 Thares, seconded by Regent Rave, 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.

1-C Approval of the Minutes – Meeting on August 3-5, 2021 – CONTINUED

Continuing the earlier discussion, Regent Partridge asked for clarification about a budget proposal for end point detection as mentioned on page 2 of the August 2021 minutes.

Heather Forney, System Vice President of Finance & Administration, explained that this was an ARPA budget proposal for a total of roughly \$4.5 million approved at the August retreat.

SUBSTITUTE MOTION: IT WAS MOVED by Regent Partridge, seconded by Regent Roberts, to approve an amendment to the minutes to include the amount of the budget proposal by inserting words on page 2 after "proposal" to say "in the amount of \$4.472 million from ARPA funds". Motion passed.

IT WAS MOVED by Regent Rave, seconded by Regent Partridge, to approve the minutes of the Board of Regents meeting on August 3-5, 2021, as amended. Motion passed.

3-B Welcome and Presentation by SDSMT President Jim Rankin

President Jim Rankin welcomed meeting attendees to SDSMT and provided an update on the efforts and accomplishments of the university.

3-C (1) Student Organization Awards – South Dakota School of Mines & Technology

Dr. Joseph Dlugos, SDSMT Associate Vice President for Student Development and Dean of Students, and Cory Headley, SDSMT Director of Student Engagement, presented the SDSMT student organization award winners for 2020. Study Dakota accepted the award for academic excellence. Lambda Chi Alpha accepted the award for community service. Society of Physics Students accepted the award for organizational leadership.

A copy of the Student Organization Awards – South Dakota School of Mines & Technology can be found on pages _____ to _____ of the official minutes.

3-C (2) Student Organization Awards – Black Hills State University

Dr. Pam Carriveau, BHSU Interim Vice President of Academic Affairs, presented the BHSU student organization award winners for 2020. Health Sciences Student Organization accepted the award for academic excellence. KBHU TV accepted the award for community service. Student Government Association accepted the award for organizational leadership.

A copy of the Student Organization Awards – Back Hills State University can be found on pages _____ to _____ of the official minutes.

3-D Reports from Individual Presidents and Superintendents

President Griffiths introduced Amy Crissinger as the new Vice President of Student Affairs at DSU.

President Rankin introduced Dr. Joseph Dlugos as the new Associate Vice President of Student Development at SDSMT.

3-E Reports on Individual Regent Activities

Regent Venhuizen said he was very happy to attend the ribbon cutting for the Precision Ag building at SDSU recently. Additionally, he attended the ribbon cutting at the newly renovated National Music Museum at USD and encouraged all to take the opportunity to visit.

3-F Report from the Student Federation

Zebadiah Johnson, Student Federation Executive Director, provided an update on Student Federation activity.

3-G (1) Report of the Executive Director – Senate Bill 55 Outreach Sessions

Dr. Brian Maher, South Dakota Board of Regents Executive Director & CEO, explained that outreach sessions to describe the work of the Senate Bill 55 Task Force over the past year are underway and will conclude next week. These meetings are an opportunity to update campus communities and local legislators about the Senate Bill 55 Task Force process and recommendations in advance of a final report that will be issued prior to the statutory deadline of November 15, 2021.

A copy of the Report of the Executive Director – Senate Bill 55 Outreach Sessions can be found on pages _____ to _____ of the official minutes.

3-G (2) Report of the Executive Director – Fall 2021 Semester and Covid Update

Dr. Brian Maher, South Dakota Board of Regents Executive Director & CEO, explained that university leadership has continually provided the Board office updates on major topics or highlights from their COVID response this Fall 2021 semester. Dr. Maher said these updates have

been important in determining best course of action. The COVID-19 infection rates within higher education have been low and seem to be trending in the right direction. He thanked the presidents for their hard work to ensure safety while also supporting a good student experience on campus.

A copy of the Report of the Executive Director – Fall 2021 Semester and Covid Update can be found on pages _____ to _____ of the official minutes.

3-G (3) Report of the Executive Director – SDBOR Enrollment Update

Dr. Brian Maher, South Dakota Board of Regents Executive Director & CEO, explained that system headcount was down slightly this semester, but that is not surprising considering the issues surrounding the pandemic. He said campuses are already gearing up for next year's enrollment and recruitment efforts. He said the needs-based scholarship will be important to both enrollment and retention in future years.

A copy of the Report of the Executive Director – SDBOR Enrollment Update can be found on pages _____ to _____ of the official minutes.

3-H By-Laws Amendments

Nathan Lukkes, Board of Regents General Counsel, explained that two primary changes are being proposed to the By-Laws of the Board. The first change adjusts the structure of the Audit Committee, which is currently a separate standing committee of the Board. The proposed changes maintain the Audit Committee and its current functions, but rather than have it operate as a separate standing committee, the Audit Committee would operate as a sub-committee of the Budget and Finance Committee. This structure better aligns the standing committees to capitalize on the shared subject matter and expertise that spans these two committees, without detracting from the role of either. The second change creates a Legislative Committee, which is not a standing committee, but rather a special committee, which exists to be called upon when needed, similar to the Search Committee. The Legislative Committee would exist to provide input and advice to the Executive Director and/or Board on legislation and legislative matters. Several activities were also added to the list under the Committee on Academic and Student Affairs. He said these lists of activities are meant to be a general scope of activities and not exhaustive.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final readings of the amendments to the By-Laws, as shown in Attachment I. Motion passed.

A copy of the By-Laws Amendments can be found on pages _____ to _____ of the official minutes.

3-I Final Senate Bill 55 Report and Recommendations

Dr. Janice Minder, System Vice President for Academic Policy and Planning, and Heather Forney, System Vice President of Finance and Administration, provided the final SB 55 Task Force Report and Recommendations to the Board of Regents. They said the Board is not being asked to accept the recommendations of the Task Force at this time. Instead, Board action is meant to acknowledge

the report as submitted by the Task Force before it is shared with the Governor and the Legislature's Joint Committee on Appropriations.

The Task Force recommendations will be considered separately and will come to the Board in various ways, i.e. through Board meeting agenda items, the Executive Director, the Board of Regents Committee on Academic and Students Affairs as well as the Board of Regents Committee on Budget and Finance.

Regent Rave asked about the outreach/feedback sessions. Specifically, he asked about the positive and negative comments received at each.

Dr. Maher said one common theme from attendees has been caution not to think of efficiency only, but rather to consider growth as well.

Dr. Minder responded by saying these sessions have been a dialog and each have taken a life of its own. For instance, the session in Rapid City the previous evening focused on leveraging the power of the in-progress economic impact study.

Regent Venhuizen said that he has attended three of the four sessions that have taken place thus far. He has noticed concern from attendees that the universities will lose their sense of identity. He said that is not the intention and specializing identity and mission is actually what makes the universities strong. He reinforced that the appropriations of state tax funds for post-secondary education in South Dakota is much less than the surrounding states. He said we are running a system with less funds and doing many things well and efficiently and that can't be said enough.

Regent Roberts referenced the letter to the Governor and Legislature that goes along with the final SB55 Task Force Report. She asked that a paragraph be included that highlights the many good things the system is already doing well with much less funding than surrounding states.

Regent Partridge provided some background on the inception of SB55 and reinforced that this work is a major effort and just a beginning.

Both Regents Brown and Bastian said this is a continuing, living document and much of the work will be incorporated into the strategic plan.

Regent Stork thanked the staff members for their intensive work on this project.

IT WAS MOVED by Regent Roberts, seconded by Regent Rave, to accept the SB55 Task Force report in Attachment I and direct the executive director to submit it to the Governor and Legislature in its final form. Motion passed.

A copy of the Final Senate Bill 55 Report and Recommendations can be found on pages _____ to _____ of the official minutes.

4. Public Comment Period

There were no public comments.

CONSENT AGENDA

IT WAS MOVED by Regent Venhuizen, seconded by Regent Partridge, to approve consent agenda items 5-A through 5-N. Motion passed.

Academic and Student Affairs – Consent

5-A New Program Request – NSU – Minor in Adapted Physical Education

Authorize Northern State University to offer a minor in Adapted Physical Activities, as presented.

A copy of the New Program Request – NSU – Minor in Adapted Physical Education can be found on pages _____ to _____ of the official minutes.

5-B Program Reactivation Request – USD – MM in Music with a specialization in the History of Musical Instruments

Approve the University of South Dakota's request to reactivate the Master of Music degree in Music with a specialization in the History of Musical Instruments.

A copy of the Program Reactivation Request – USD – MM in Music with a specialization in the History of Musical Instruments can be found on pages _____ to _____ of the official minutes.

5-C (1) Articulation Agreements – South Dakota State University

Approve South Dakota State University's articulation agreement with Riverland Community College.

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

5-C (2) Articulation Agreements – University of South Dakota

Approve the University of South Dakota's articulation agreement with Mitchell Technical College.

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

5-D Agreement on Academic Cooperation – NSU

Approve Northern State University's agreement on academic cooperation with Pukyong National University, as presented.

A copy of the Agreement on Academic Cooperation – NSU can be found on pages _____ to _____ of the official minutes.

5-E Memorandum of Understanding – NSU & South Dakota Educational Access Foundation

Approve the Memorandums of Understanding between Northern State University and the South Dakota Education Access Foundation, as presented.

A copy of the Memorandum of Understanding – NSU & South Dakota Educational Access Foundation can be found on pages _____ to _____ of the official minutes.

5-F Request to Seek Accreditation – SDSMT

Approve South Dakota School of Mines & Technology’s request to seek accreditation from the Engineering Accreditation Commission (EAC) of ABET, Inc. for its BS in Biomedical Engineering.

A copy of the Request to Seek Accreditation – SDSMT can be found on pages _____ to _____ of the official minutes.

5-G SDSU & SD Department of Agriculture & Natural Resources Joint Powers Agreement – Ash Tree Herd Immunity Investigation

Approve the Joint Powers Agreement set forth in Attachment I.

A copy of the SDSU & SD Department of Agriculture & Natural Resources Joint Powers Agreement – Ash Tree Herd Immunity Investigation can be found on pages _____ to _____ of the official minutes.

5-H Digital Forensics Center Joint Powers Agreement – DSU & Attorney General’s Office

Approve the Joint Powers Agreement in substantively similar form to that set forth in Attachment I.

A copy of the Digital Forensics Center Joint Powers Agreement – DSU & Attorney General’s Office can be found on pages _____ to _____ of the official minutes.

Budget and Finance – Consent

5-I BOR Policies 6:1 – Facilities Planning & 6:10 – Legislative Authorization of Private or Grant Funded Facilities Revisions (First & Final Reading)

Move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final readings of BOR Policy 6:1 – Facilities Planning, as shown in Attachment I and BOR Policy 6:10 – Legislative Authorization of Private or Grant Funded Facilities, as shown in Attachment II.

A copy of the BOR Policies 6:1 – Facilities Planning & 6:10 – Legislative Authorization of Private or Grant Funded Facilities Revisions (First & Final Reading) can be found on pages _____ to _____ of the official minute.

5-J DSU Resolution – Public Sidewalk

Move to 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, to draft and execute any necessary document(s) resulting therefrom, and to authorize staff to take any action(s) necessary to effectuate the intentions thereof.

A copy of the DSU Resolution – Public Sidewalk can be found on pages _____ to _____ of the official minute.

5-K South Dakota State University Plat Resolution and Greek Village Lease

Move to approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and public Lands proceed with the plat as stated therein; and to further approve the Fourth Amendment to Master Ground Lease between the Board and South Dakota State College Development Association, included as Attachment II; and authorize the Board’s Executive Director to execute any additional documents necessary to effectuate the foregoing.

A copy of the South Dakota State University Plat Resolution and Greek Village Lease can be found on pages _____ to _____ of the official minute.

5-L M&R Projects (Projects Greater Than \$250,000)

Move to approve the requested maintenance and repair projects as described in this item.

A copy of the M&R Projects (Projects Greater Than \$250,000) can be found on pages _____ to _____ of the official minute.

5-M SDSU Naming Request – First Bank & Trust Arena

Move to approve the request from SDSU to rename the Frost Arena within the Stanley J. Marshall Center, as presented in Attachment I.

A copy of the SDSU Naming Request – First Bank & Trust Arena can be found on pages _____ to _____ of the official minute.

5-N FY22 Operating Budgets

A copy of the FY22 Operating Budgets can be found on pages _____ to _____ of the official minute.

Informational Items – No Board Action Necessary

5-O 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-P Capital Project List

A copy of the Capital Project List can be found on pages _____ to _____ of the official minutes.

5-Q Building Committee Report

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

5-R Public Service Activity 2021 Report

A copy of the Public Service Activity 2021 Report can be found on pages _____ to _____ of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

6-A (1) Special Schools Update – SD School for the Deaf

Kim Wadsworth, Superintendent for the South Dakota School for Deaf, provided an update on the state of the school, including information about its mission, partners, and programs.

A copy of the Special Schools Update – SD School for the Deaf can be found on pages _____ to _____ of the official minutes.

6-A (2) Special Schools Update – SD School for the Blind and Visually Impaired

Dan Trefz, Superintendent for South Dakota School for the Blind and Visually Impaired, provided an update on the state of the school, including information about its budget, expenditures, and improvements to its learning environment.

A copy of the Special Schools Update – SD School for the Blind and Visually Impaired can be found on pages _____ to _____ of the official minutes.

6-B 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 is 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 in this capacity for SDSBVI, formal approval is required prior for submission.

IT WAS MOVED to Regent Brown, seconded by Regent Rave, to approve the South Dakota School for the Blind and Visually Impaired's Comprehensive Plan for Special Education as presented.

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

THURSDAY, OCTOBER 7, 2021

Breakfast Meeting with Area Legislators

Representative Trish Ladner (District 30), Representative Tim Goodwin (District 30), Representative Becky Drury (District 32), Representative Chris Johnson (District 32), Representative Mike Derby (District 34), Representative Tina Mulally (District 35), Representative Tony Randolph (District 35), Representative Mary Fitzgerald (District 31), Senator David Johnson (District 33), Senator Jessica Castleberry (District 35), Senator Helene Duhamel (District 32) met with Board members to informally discuss priorities in the public university system.

The Board reconvened at 9:05 a.m.

6-C Opportunity for All

Nathan Lukkes, Board of Regents General Counsel, explained that at its August meeting the Board approved a statement and action plan in regard to Opportunity for All, which directed Board staff and presidents to take certain actions and report back at the October Board meeting. He introduced three proposed revisions to policies related to the Opportunity for All efforts, including 1:11 (academic freedom), 3:9 (guest speakers), and 3:18 (student organizations).

Regent Venhuizen commended Nathan Lukkes for thinking through how the principles approved by the Board at its August meeting translate into policy.

Regent Wink also expressed her appreciation for Mr. Lukkes' work. She then shared a prepared statement on her thoughts related to Diversity Centers or Opportunity Centers as well as recent discussions of diversity, inclusion, and equity.

She said she whole-heartedly believes in the value of diversity and sees its value everywhere including on the prairie where there is a multitude of diverse grasses. She said it has been explained to her that the greater the diversity, the heavier the calves in the fall. She said on the prairies: The greater the diversity, the healthier the environment. On perspectives: The greater the diversity, the broader the thought. On people: The greater the diversity, the better the democracy. Further, she explained that she has spent years in classrooms and believes in the value of inclusion because she has seen how it benefits us all. Additionally, the struggle for equity is one of her bedrock principles.

She said she sees no ill will in any of her colleagues, as we talk about diversity, inclusion, and equity. And, it would please her greatly, if she could support her colleagues' vote for Opportunity Centers, but she indicated that she cannot. She explained that she believes opportunity for all is good, not bad. The language used to describe the new, proposed Opportunity Centers is good, not bad. She said she shares the values as stated in the BOR documents.

The reason for her concern is two-fold. First, she feels the primary job of regents is to lead, not to react. When we slip into reaction, we are no longer leaders. Watch any playground at any school, and you will see this play out again and again. She believes Opportunity Centers to be a reaction, and probably an unnecessary reaction. In addition, reaction begets reaction. When we react, others will react. She said she believes this has already started, and it is a slippery slope which leads to her second concern. She fears the unintended consequences of this reaction will have a chilling effect on free thought; will lead to low morale among students, faculty, and staff; will hurt faculty recruitment; will have a very negative impact on accreditation; will stifle research and grant writing; and will hurt student enrollment.

Because of this she explained that she will vote no on Opportunity for All Centers as a vote of conscience.

Regent Partridge clarified that the motion is on the approval of policy revisions, not Opportunity Centers. He thinks policies 3:9 and 3:18 are interconnected and important to vote on together. He would encourage the passage of the policies as all three work well together.

Regent Roberts responded to Regent Wink's statement. She agrees with much of Regent Wink's sentiment but is disappointed with the latter part as she feels it is a political negative when opportunity for all students is a very important element of what the universities do.

IT WAS MOVED by Regent Brown, seconded by Regent Rave, to approve the first reading of the proposed revisions to BOR Policies 1:11, 3:9 and 3:18, as presented.

ROLL CALL:

Brown – AYE

Partridge – AYE

Rave – AYE

Stork – AYE

Venhuizen – AYE

Wink – AYE

Thares – AYE

Roberts – AYE

Bastian – AYE

Motion passed.

The presidents of the universities were invited to share examples of how they are operationalizing the statement of values approved by the Board in August.

After each president addressed the Board, Regent Venhuizen recognized the work of the universities and their plans to operationalize the intent of the Board regarding opportunity for all. He made comments on good leadership, which includes the need to both react to challenges and create opportunities. He submitted that the Board of Regents is doing both, reacting to challenges and creating opportunities. He said student success is extremely important to this system and the work of universities generally. Finally, he thanked Regent Wink for her statement because she shared diversity of thought, which makes this Board and its work better.

Regent Wink shared a story about data collected recently from Mines students, who appear to be asking for professional development around diversity.

Regent Rave and Brown, who both served on the subcommittee that helped to develop the guiding principles, recognized the good work of both the Board office and presidents.

Regent Partridge said this has been a well thought out exercise and supports the mission of the Board of Regents as articulated in the strategic plan.

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

8. Senate Bill 55 Recommendation on Missions

Dr. Janice Minder, System Vice President for Academic Policy and Planning, introduced Charles Ansell from Complete College America and explained that he and his organization is an entity that aims to promote strategies to enhance Purpose (student goals), Momentum (completion), Structure (career path) and Support (academic success) for student-centered higher education systems. She said Complete College America has much experience and expertise in working with other Boards on mission strategies and mission review. Because of that, he has been invited to present information to the Board that will be valuable prior to considering formal adoption of the Senate Bill 55 (SB55) Task Force recommendation on missions.

Mr. Ansell shared information on Complete College America and its efforts already completed in South Dakota; the power of common policies, transferable courses within a system, and common technology platforms; as well as consideration for updating university mission statements.

Regent Partridge asked if there is a recommendation regarding how the Board of Regents should act with technical institutes for transferability. Mr. Ansell provided insight on reverse transfer, shared metrics, articulation agreements, and data.

Dr. Minder noted that the Board of Regents is beginning conversations with the Board of Technical Education on enhanced partnerships, and she is excited for what the future holds.

Regent Wink said all three subcommittees of the SB55 Task Force strongly recommended review of missions.

Dr. Minder concluded by saying there is much to understand still before the Board can determine whether it wishes to commit to a review and update of missions. She will bring a Board item to the December meeting on the issue.

6-D (1) Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:23 – New Program, Program Modification, Curriculum, Inactivation/Termination (First Reading)

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that specifically related to New Program Requests, the SB55 Task Force recommended that:

- The Board of Regents use the data provided in the degree and workforce gap analysis to inform decisions on academic program duplication within the system (i.e., academic programs offered at more than one institution).
- The degree and workforce gap analysis should be used by the Board of Regents and state universities to identify high demand occupations and related academic fields that may require expansion or development to meet anticipated workforce needs.
- The Board of Regents should explore additional opportunities for collaboration between institutions in the delivery of online coursework.
- The Board of Regents should review new programs as part of the overall program productivity evaluations (see proposed BOR Policy 2:34).

As a result, the BOR academic staff in collaboration with the Academic Affairs Council (AAC) has developed a revised BOR Policy 2:23 provided in Attachment I of the agenda item. The draft revisions consider other external Regental policies, academic policies, and various research tools. The draft policy is designed to move all curriculum planning into one succinct policy.

Regent Venhuizen asked for clarification on the current processes versus the proposed process, especially related to the Intent to Plan. Dr. Minder said the proposed process has the Intent to Plan go directly to the Committee on Academic and Student Affairs.

Both Regents Roberts and Bastian asked that it also go to the full Board, even if just through a comment in the Executive Directors' report.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the proposed new BOR Policy 2:23, as presented. Motion passed.

A copy of the Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:23 – New Program, Program Modification, Curriculum, Inactivation/Termination (First Reading) can be found on pages ____ to ____ of the official minutes.

6-D (2) Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:34 – Academic Program Evaluation (New Policy) (First Reading)

Dr. Janice Minder, System Vice President for Academic Policy and Planning, explained that the SB55 Academic Subcommittee arrived at its common recommendations after review of several articles, research on best practices, and evaluation of data within the Regental system. One of its

recommendations, which was incorporated into the full task force report, focuses on program productivity.

The Task Force recommended that the Board of Regents revise policies related to “program productivity,” the common name given to the existing system policy addressing academic programs with a low number of graduates. The revised policies should include new metrics analyzing whether failure to meet enrollment or graduation requirements results in the program as retained, terminated, consolidated, or other outcomes. The new metrics and policies should also include information that better reflects the actual cost of offering the program, program alignment with strategic plans and state workforce needs, alignment with the new academic program approval process, consideration of academic quality, and options for input from faculty and students. The Task Force further recommends that the central office work with the Board of Regents to standardize and define the quantitative data provided in support of the new program productivity metrics.

In addition to this task force recommendation, guiding principles were also provided to BOR academic senior staff by the SB55 Academic Subcommittee. As a result, the BOR academic staff in cooperation with the Academic Affairs Council (AAC) developed a new BOR Policy 2:34 shown in Attachment I of the agenda item. The purpose of this new policy is twofold: 1) to establish a process providing optimal solutions for evidence-based metrics in academic program evaluation and review, and 2) to incorporate a review process encompassing program outlays, enrollment pressures, strategies for interventions, and financial health.

Regent Roberts thanked Dr. Minder for spearheading this project as it satisfies the desires expressed by regents over the years.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the proposed new BOR Policy 2:34, as presented. Motion passed.

A copy of the Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:34 – Academic Program Evaluation (New Policy) (First Reading) can be found on pages ____ to ____ of the official minutes.

6-D (3) Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:35 – Course Enrollment Management (New Policy) (First Reading)

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that Academic programming and curricular offerings are essential aspects of that which the Board of Regents governs. The newly attached BOR Policy is designed to respond to enrollment management including low enrolled sections. The need to manage section size includes the need to manage enrollment overall, including section enrollment, course/section rotation, and academic class capacity.

The changes to this policy require changes to existing BOR Policies 2:21 and 5:17, and these will be addressed in meeting agenda items 6-D(4) and 6-D(5). Essentially, though, this policy as shown in Attachment I of the agenda item will replace both policies. The objective to streamline one

policy will be to ensure that course enrollment is monitored by understanding section size, scheduling or rotation of sections, academic class capacity, and canceling of sections. All course enrollment methodologies are tightly coupled academic functions. Maximizing the strategies necessary for advising and continual enrollment management will mark success for the campus.

Regent Venhuizen asked for clarification on the 7/10 rule, which he thought included a percentage. Dr. Minder said it does allow for a certain percentage, but it was difficult to make reporting accurate because of the many allowed exemptions. In the proposed policy, there would be no exemptions, she explained. She said in the proposed pilot, success would be to limit small classes to 18 percent, but if that is not possible she would work to understand why and then determine whether a higher percentage is necessary.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the proposed new BOR Policy 2:35, as presented. Motion passed.

A copy of the Senate Bill 55 Recommended Policy Revisions – BOR Policy 2:35 – Course Enrollment Management (New Policy) (First Reading) can be found on pages _____ to _____ of the official minutes.

6-D (4) Senate Bill 55 Recommended Policy Revisions – Repeal BOR Policy 2:21 – Summer Term (First Reading)

Dr. Janice Minder, System Vice President for Academic Policy and Planning, explained that along with the proposed new BOR Policy 2:35 Enrollment Course Management found in Board agenda item 6 – D(3), it is recommended that BOR Policy 2:21 Summer Term be repealed. The objective of moving this policy language to BOR Policy 2:35 is to ensure that all aspects of course enrollment, including summer term, is in one policy location.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, approve the first reading to repeal BOR Policy 2:21 – Summer Term, as presented. Motion passed.

A copy of the Senate Bill 55 Recommended Policy Revisions – Repeal BOR Policy 2:21 – Summer Term (First Reading) can be found on pages _____ to _____ of the official minutes.

6-D (5) Senate Bill 55 Recommended Policy Revisions – BOR Policy 5:17 – Instructional Funding (First Reading)

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that along with the proposed new BOR Policy 2:35 Enrollment Course Management found in BOR Agenda Item 6 – D(3), it is being recommended that the policy language regarding section size in BOR Policy 5:17 Instructional Funding be relocated to the proposed new BOR Policy 2:35.

The objective of moving this policy language to BOR Policy 2:35 is to ensure that all aspects of course enrollment is located within one policy. The goal is to monitor course enrollment management holistically, including section size, scheduling or rotation of sections, academic class capacity, and overall adding/canceling of sections.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the proposed revisions to BOR Policy 5:17, as presented. Motion passed.

A copy of the Senate Bill 55 Recommended Policy Revisions – BOR Policy 5:17 – Instructional Funding (First Reading) can be found on pages ____ to ____ of the official minutes.

6-E BOR Policy Revisions – BOR Policy 4:4 – Non-Faculty Exempt Employment Provisions, BOR Policy 4:7 – Grievance – Faculty, & BOR Policy 4:14 – Faculty Discipline and Disciplinary Procedures (First Reading)

Nathan Lukkes, Board of Regents General Counsel, explained that the current language in BOR Policies 4:4, 4:7 and 4:14 fails to bifurcate discipline from corrective action, which has the effect of attaching the extensive process associated with employee discipline to corrective actions (i.e., non-discipline) as well. The proposed revisions set forth in BOR Policies 4:4, 4:7 and 4:14 ensure employees maintain the appropriate due process (i.e., grievance rights) for discipline, while allowing supervisors to implement corrective action in a timely and prudent fashion, without unnecessarily elevating the same to the realm of discipline.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the proposed revisions to BOR Policy 4:4, BOR Policy 4:7 and BOR Policy 4:14, as presented. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 4:4 – Non-Faculty Exempt Employment Provisions, BOR Policy 4:7 – Grievance – Faculty, & BOR Policy 4:14 – Faculty Discipline and Disciplinary Procedures (First Reading) can be found on pages ____ to ____ of the official minutes.

6-F New Program Request – NSU – MEd in Art Education

Dr. Erin Fouberg, NSU Associate Vice President for Academic Affairs, explained NSU requests permission to offer a Master of Science in Education (MS.Ed.) program in Art Education. The MS.Ed. in Art Education will enhance the content knowledge and pedagogical skills of K-12 art teachers in South Dakota and across the country. The academic field of Art Education combines a deeper understanding of art history, theory, and methods with a broader knowledge of art techniques and processes. The program would primarily be an online degree program, with a practice-oriented summer residency taking place on campus. The program will advance knowledge and skills of professional, working art educators.

Regent Partridge asked questions about when the program would breakeven. Dr. Fouberg explained that it would cash flow in year two as there would only be one faculty member needed for the program.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize Northern State University to offer the MS.Ed. in Art Education, as presented. Motion passed.

A copy of the New Program Request – NSU – MEd in Art Education can be found on pages _____ to _____ of the official minutes.

BUDGET AND FINANCE

9-A (1) RESERVED

9-A (2) RESERVED

9-A (3) BOR Policy Revisions – BOR Policy 4:39 – Alternative Work Schedules (First Reading)

Kayla Bastian, System Director of Human Resources, described a revision to policy 4:39. She said in the midst of the last several months, remote work is a relevant issue for every work environment. She said this policy gives the campuses curbs and gutters in this regard.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the first reading of the proposed revisions to BOR Policy 4:39, as outlined in Attachment I. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 4:39 – Alternative Work Schedules (First Reading) can be found on pages _____ to _____ of the official minutes.

9-B BHSU-RC Renovation & Addition for West River Nursing Education Facility Design Plan

BHSU President Nichols provided background on the SB55 recommendation to revamp and refocus Black Hills State University – Rapid City (BHSU-RC), which has had less and less use over the years. In response to the shortage of nurses in South Dakota as well as the need to better use the facility, she described the opportunity to address many needs through re-envisioning the center to a West River Nursing Education Facility.

Kathy Johnson, BHSU Vice President for Academic Affairs, explained that BHSU and SDSU request approval for the renovation and addition for the West River Nursing Education Facility. The Preliminary Facility Statement for this project was approved by the Board of Regents at its May 2021 meeting. This renovation and addition allow for the most efficient teaching of BHSU and SDSU nursing classes, which will help increase the number of nursing graduates needed in Rapid City to address the severe nursing shortage in the region.

Regent Partridge asked if the building addition and expansion of square footage is maximizing the footprint or would it possible to build more. Kathy Johnson said there is more room to build, if necessary.

In response to a question by Regent Thares, Mary Ann Krogh, SDSU Dean of the College of Nursing, said in the current space they have been limited to a class size of 48 students because there was no expansion room. However, by moving to the BHSU-RC site, they have been able to expand to 72 students because they have classroom capacity, though there are some challenges considering they are spread over three buildings.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to approve the Facility Program Plan for BHSU-Rapid City's Renovation & Addition for West River Nursing Education with initial cost estimates of \$15,114,644 using a request of \$8 million from the State of South Dakota, HEEF Funds, and private donations. Motion passed.

A copy of the BHSU-RC Renovation & Addition for West River Nursing Education Facility Design Plan can be found on pages _____ to _____ of the official minutes.

9-C DSU Athletics Event Center Facility Program Plan (FPP)

Stacy Krusemark, DSU Vice President for Finance, explained that DSU is requesting approval of the Facility Program Plan for its proposed new Athletics Event Center. The Preliminary Facility Statement for this project was approved at the December 2016 Board of Regents meeting. The new facility would provide much needed space to accommodate DSU's growing sports and Esports programs, including competition, practice, academic, and support space.

Regent Partridge asked if the construction and M&R is 100 percent privately funded. Stacy Krusemark confirmed that that is correct. He also noted that there is no plan to increase the General Activity Fee because of this project.

Regent Thares said he is concerned that the construction estimate is light. Stacy Krusemark understood the concern and is interested in the bidding climate once they are ready. He said there may need to be changes to the design to accommodate the actual costs.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the Facility Program Plan for Dakota State University's Athletics Event Center with initial cost estimates of \$28,047,000 using private donations. Motion passed.

A copy of the DSU Athletics Event Center Facility Program Plan (FPP) can be found on pages _____ to _____ of the official minutes.

9-D NSU Replace Lincoln Hall Combined Preliminary Facility Statement (PFS) and Facility Program Plan (FPP)

NSU President Schnoor provided background on the impetus for the building project, which will provide modern classrooms and office space for NSU's School of Business, Office of Admissions, and the SDSU Accelerated Nursing Program. He said NUS is asking for \$29.5 million of support for the project. He shared information about the demolition and replacement of space as part of the project.

Veronica Paulson, NSU Vice President for Academic Affairs, requested NSU's Preliminary Facility Statement and Facility Program Plan for the demolition of Lincoln Hall and the construction of a new facility on the site. She provided additional details on the current conceptual design, projected operational costs, M&R costs, space allocations, and projected budget and funding needs.

Regent Venhuizen said we cannot repeat enough times how many private donations have gone to NSU in the last several years. The support has been phenomenal.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to approve the combined Preliminary Facility Statement and Facility Program Plan to replace Lincoln Hall at Northern State University with a cost not to exceed \$29.5 million from State of South Dakota General Funds, to establish a building committee, and to submit this project for legislative approval. Motion passed.

A copy of the NSU Lincoln Hall Preliminary Facility Statement and Facility Program Plan can be found on pages _____ to _____ of the official minutes.

9-E SDSU SJAC Wrestling Revised Facility Design Plan (FDP)

Barry Mielke, SDSU Associate Vice President of Facilities and Services, explained that SDSU requests approval of the revised Facility Design Plan to increase the total project cost to \$4,900,000 to account for the recent inflation of metal materials costs, which are the driving factors of the cost increases. He said there the original Facility Design Plan was approved by the Board in May 2021.

IT WAS MOVED by Regent Thares, seconded by Regent Brown, to approve South Dakota State University's Revised Facility Design Plan with an increased budget of \$4,900,000 for design and construction of the Sanford Jackrabbit Athletic Center Wrestling Addition using private donations. Motion passed.

A copy of the SDSU SJAC Wrestling Revised Facility Design Plan (FDP) can be found on pages _____ to _____ of the official minutes.

9-F SDSU Lincoln Hall Facility Design Plan (FDP)

Barry Mielke, SDSU Associate Vice President of Facilities and Services, explained that SDSU requests approval of the Facility Design Plan for the second phase of renovation of Lincoln Hall. Funding for this project was approved by the South Dakota Legislature via SB43, and the Facility Program Plan was approved by the Board of Regents at its December 2020 meeting.

IT WAS MOVED by Regent Thares, seconded by Regent Venhuizen, to approve SDSU's Facility Design Plan for renovation of Lincoln Hall at a cost not to exceed \$17,243,765 utilizing a combination of HEFF, grant, and donated funds. Motion passed.

A copy of the SDSU Lincoln Hall Facility Design Plan (FDP) can be found on pages _____ to _____ of the official minutes.

9-G USD Wellness Center Expansion Facility Design Plan (FDP)

President Gestring explained that USD requests approval of the Facility Design Plan for the USD Wellness Center Expansion. The 45,800 square foot expansion will better accommodate use by students, athletes, faculty, staff, and community members as well as include a 50-meter

competition pool, a second pool for wellness and recreation activities, hot tub, steam room, restrooms, locker rooms, and mechanical/HVAC systems for the new square footage.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to approve USD's Facility Program Plan for the Wellness Center Addition at an amount not to exceed \$25,000,000 utilizing a combination of private donations, and Auxiliary, Bond, and Local funds. Motion passed.

A copy of the USD Wellness Center Expansion Facility Design Plan (FDP) can be found on pages _____ to _____ of the official minutes.

9-H USD Health Sciences Building Revised Facility Design Plan (FDP)

President Gestring explained that USD requests approval of the revision to the Facility Design Plan for USD's Health Sciences Building, which was approved by the Board of Regents in October 2020. The revision of the FDP is due to an increase in project costs, specifically in the areas of technology, furnishing, and equipment costs.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the University of South Dakota's updated Facility Design Plan for the new Health Sciences Building at a cost not to exceed \$22,875,000. Motion passed.

A copy of the USD Health Sciences Building Revised Facility Design Plan (FDP) can be found on pages _____ to _____ of the official minutes.

9-I RESERVED

9-J Dakota Bioproducts Innovation Institute

Nathan Lukkes, Board of Regents General Counsel, explained that the Dakota Bioproducts Innovation Institute will serve as the primary tenant in Bioproducts Facility being constructed at the Research Park at SDSU, serving as the conduit for the public/private partnership and research and economic development activities envisioned for the facility, with the Research Park at SDSU (Growth Partnership) being the owner/landlord of the facility.

Regent Partridge asked if there will be additional tenants along with Dakota Bioproducts Innovation Institute. Nathan Lukkes said there will most certainly be more activity in addition to this group.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to authorize the incorporation of the Dakota Bioproducts Innovation Institute by filing Articles of Incorporation in substantially similar form to those set forth in Attachment I, to adopt the by-laws for the corporation in substantially similar form to those set forth in Attachment II, and to authorize staff to take any actions necessary to effectuate the foregoing, which includes inserting the relevant information upon conclusion of related negotiations and approval of the Executive Director. Motion passed.

A copy of the Dakota Bioproducts Innovation Institute can be found on pages _____ to _____ of the official minutes.

ADJOURNMENT

IT WAS MOVED by Regent Roberts, seconded by Regent Partridge, to adjourn the meeting. Motion passed.

The meeting adjourned at 12:15 p.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, October 6, 2021, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session on June 23rd, 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-C – Award one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Dr. Mark Spanier (DSU).

2-D – Approve the request to grant tenure as a Professor to Dr. Syed Ahmed (SDSU).

2-E – Award an honorary Doctorate of Public Service to James L. Scull (SDSMT).

2-H – Approve the agreements as presented, which are conditioned upon securing any necessary legislative approval(s) associated therewith.

2-J – Approve the terms of the employment contract addendum.

2-K – Approve the partial waiver of sabbatical repayment for Todd Menkhaus as requested by President Rankin.

2-L – Approve the employment contract as outlined in Attachment I for USD women's volleyball coach, Leanne Williamson.

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

2-O – Authorize settlement with Discount Seeds, Inc. upon terms and conditions substantively similar to those presented, subject to final review and approval of the Executive Director and the General Counsel, and to authorize any action(s) necessary and appropriate to effectuate the same.

2-P – Approve the gift agreement in substantively similar form to that presented, subject to final editing and approval of the same by the SDSU President and Executive Director, and authorize staff to take any actions necessary carryout the provisions and intent thereof.

BLACK HILLS STATE UNIVERSITY						
Name	Title	Effective Date	Job Change Reason	New Salary	Prior Salary	% Increase
Connie Feist	Head Women's Triathlon Coach	7/22/2021	Permanent Additional Duties	\$40,000.00	\$30,901.00	29.4%
SOUTH DAKOTA STATE UNIVERSITY						
Name	Title	Effective Date	Job Change Reason	New Salary or Rate	Prior Salary or Rate	% Increase
Cibele Teiera Pinto	Imaging Engineer II	7/22/2021	Reclassification	\$66,601.00	\$60,546.00	10.0%
Kristi Villar	Assistant Softball Coach	7/22/2021	Retention	\$48,000.00	\$42,611.00	12.6%
Zachary Boyle	Assistant Chief Aircraft Mechanic	7/22/2021	Market/Equity Increase	\$27.14	\$24.67	10.0%
Charles Miller	Associate Athletic Trainer	7/22/2021	Retention	\$57,000.00	\$53,266.00	7.0%
Rachel Runge	Laboratory Coordinator	7/22/2021	Reclassification	\$38,334.00	\$34,381.74	11.5%
Beth Walstrom	Population Health Specialist	6/22/2021	Reclassification	\$58,086.00	\$44,434.00	30.7%
Dalitso Yabwalo	Research Associate I	6/22/2021	Retention	\$63,354.00	\$49,130.00	29.0%
UNIVERSITY OF SOUTH DAKOTA						
Name	Title	Effective Date	Job Change Reason	New Salary	Prior Salary	% Increase
Neil Fulton	Dean, School of Law	6/22/2021	FY Salary Increase/Tenure	\$282,750.00	\$250,000.00	13.1%
Sonja Kraus	Assistant Professor	7/22/2021	Sal Adj.-Unusual Circumstance	\$55,766.00	\$49,810.00	12.0%
Michael McCrone	Athletic Trainer	6/22/2021	Sal Adj.-Unusual Circumstance	\$42,000.63	\$37,444.00	12.2%
Anjaneyulu Putta	NMR Specialist	6/22/2021	Sal Adj.-Unusual Circumstance	\$64,646.00	\$57,484.78	12.5%
Ann Waterbury	Director, Human Subjects	6/22/2021	FY Salary Increase/Additional Duties	\$73,431.20	\$67,099.16	9.4%

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SOUTH DAKOTA SCHOOL FOR THE DEAF						
Name	Title	Effective Date	Job Change Reason	New Salary	Prior Salary	% Increase
Sharon Jones	Outreach Consultant	7/22/2021	Sal Adj.-Unusual Circumstance	\$46,555.00	\$43,755.00	
Julie Luke	Outreach Consultant	7/22/2021	Sal Adj.-Unusual Circumstance			

APPOINTMENTS REPORTING TO THE PRESIDENT, SUPERINTENDENT or EXECUTIVE DIRECTOR					
NAME	TITLE	EFFECTIVE DATE	SALARY	INSTITUTION	
Jade Herman	Chief of Staff	8/22/2021	\$84,000.00	SDSM&T	
Adrianna Heinert	Outreach Vision Consultant	8/26/2021	\$42,630.00	SDSBVI	
Katie Kirchgasser	Teacher	8/26/2021	\$43,260.00	SDSBVI	
Rachel Lynch	Teacher	8/23/2021	\$42,630.00	SDSBVI	