

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
December 8-9, 2021**

The South Dakota Board of Regents convened at 10:45 a.m. Central Time on December 8, 2021 at South Dakota State University in Brookings, South Dakota, with the following members present\*:

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

\*Regent Barb Stork was present on December 8 only.

\*\*Regent Tim Rave was present on December 9 only.

Note: Jeff Partridge is on a temporary Leave of Absence so was not present at the meeting.

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; Dr. Rebecca Hoey, Associate Vice President for Academic Programming; 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, DECEMBER 8, 2021**

Regent Bastian declared a quorum present and called the meeting to order at 10:45 a.m.

### **1-A Approval of the Agenda**

IT WAS MOVED by Regent Venhuizen, 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 October 6-7, 2021**

IT WAS MOVED by Regent Thares, seconded by Regent Brown, to approve the minutes of the Board of Regents meetings on October 6-7, 2021. Motion passed.

### **Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to dissolve into Executive Session at 11:00 a.m. on Wednesday, December 8th, 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 2:45 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 11:00 a.m.

The Board reconvened in public session at 3:25 p.m.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, to amend the agenda and reconvene into executive session at 4:30 p.m. to continue discussing the previously referenced matters. Motion passed.

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

Delayed until later in the meeting.

### **3-B Welcome and Presentation by SDSU President Barry Dunn**

President Barry Dunn welcomed meeting attendees to SDSU and provided an update on the efforts and accomplishments of the university.

### **3-C (1) Student Organization Awards – SDSU**

Dr. Michaela Willis, SDSU Vice President for Student Affairs & Enrollment Management, presented the SDSU student organization award winners for 2020. Pre-Law Society accepted the award for academic excellence. Exercise Science Club accepted the award for community service. Robotics Club accepted the award for organizational leadership.

A copy of the Student Organization Awards – SDSU can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **3-C (2) Student Organization Awards – USD**

Dr. Kim Grieve, USD Vice President for Student Services/Dean of Students, presented the USD student organization award winners for 2020. Alpha Eta Honor Society: Sigma Delta accepted the award for academic excellence. Alpha Phi Psi Chapter Sorority accepted the award for community service. Asian American Student Association accepted the award for organizational leadership.

A copy of the Student Organization Awards – USD can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **3-D Reports from Individual Presidents and Superintendents**

No reports.

### **3-E Reports on Individual Regent Activities**

No reports.

### **3-F Report from the Student Federation**

Carson Sehr, USD student, introduced himself as the new executive director of the Student Federation. He explained that the Student Federation had a meeting the previous evening, when the group acknowledged Governor Noem's recent budget recommendation for a six percent salary increase for state employees. He said the students are supportive of their faculty and staff but said the Student Federation is also very aware of what this means for tuition increases in the spring. He said the Student Federation has discussed cost savings initiatives, such as Open Educational Resources, and is currently discussing its support for potential policy changes allowing alcohol sales in athletic and performing arts venues. He recognized the ongoing system discussions about a single system-wide food service contract and asked that whatever firm is selected from the current RFP process that it work with students in the transition into our system. Lastly, he said Students in Higher Education Days (SHED) is coming up on January 30-31, 2022.

### **3-G Report of the Executive Director**

Dr. Brian Maher, Board of Regents Executive Director, said the Senate Bill 55 outreach presentations have been completed and the work is ongoing to incorporate the recommendations

and resulting tasks into the next iteration of the South Dakota Board of Regents' Strategic Plan, which will be reviewed by the Board at its March meeting. He said we are prepared for the upcoming legislative session and look forward to continuing to build on the relationships with legislators and the Governor's office.

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

### **3-H Resolution Endorsing and Adopting Executive Order 2021-14**

Nathan Lukkes, Board of Regents General Counsel, explained that in response to President Biden's Executive Order issued on September 9, 2021 regarding COVID-19 vaccine mandates for certain public and private sector employees, Governor Noem issued Executive Order 2021-14 on October 27, 2021, to protect and solidify the full extent of the legally recognized religious accommodation afforded to certain public sector employees in South Dakota, which includes moral, ethical, and philosophical beliefs or principles. A Board Resolution to endorse and adopting Executive Order 2021-14 is included as Attachment I of the agenda item to solidify the interpretation and protections afforded to system employees in the executive order.

IT WAS MOVED by Regent Venhuizen, seconded by Regents Brown, to approve and adopt the Resolution set forth in Attachment I, endorsing and adopting Executive Order 2021-14 issued by Governor Noem on October 27, 2021. Motion passed.

A copy of the Resolution Endorsing and Adopting Executive Order 2021-14 can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **4. Public Comment Period**

SDSU students Brandon Frizzell, Jonathon Sundet, and Anna Shane requested that the Board consider revisions to Board of Regents Policy 6:14 in order to allow alcohol sales in all areas of athletic and performing arts centers on-campus. They presented rationale for this request and noted that all regental student associations have signed a resolution supporting this request.

Regent Thares asked how many other states allow these sales in similar venues at their public universities. The students responded that it is a growing trend. The neighboring states of North Dakota, Iowa, Minnesota, and Ohio allows alcohol sales in these venues, while Nebraska does not.

Regent Venhuizen asked Dr. Maher how the Board would approach this if it was interested in considering the policy change. Dr. Maher said staff could provide more information to the Board at its March meeting.

Regents thanked the students for their well-organized presentation.

Professor Mark Geary representing the Dakota State University faculty senate said the group has concerns on BOR policy revisions to 4:14. He read DSU's faculty senate resolution aloud, which outline its concerns with the proposed policy revisions.

Regent Bastian explained that there were some additional revisions to the policy based on feedback since the agenda item was posted, which would likely result in satisfying at least some of DSU faculty requests.

Professor Madhav Nepal representing the South Dakota State University faculty senate thanked the Board for listening to its feedback on faculty-related policy revisions and incorporating revisions as a result. He welcomed the Board of Regents to Brookings on behalf of the SDSU faculty.

Liam Slaven, SDSMT student, explained that a group of students at SD Mines has been petitioning for campus conceal carry. He said the group has received increased support and would like to see conceal carry allowed on campus.

Anthony Mirzayants, SDSMT student, asked the Board of Regents to allow President Rankin to implement campus carry at SD Mines.

Nathan Fischer, SDSMT student, asked the Board of Regents to allow conceal carry on campus.

Sam Elliot, SDSMT student, asked the Board of Regents to allow campus conceal carry.

Mary Kraljic, SDSU faculty member, shared her concerns on proposed revisions to BOR policies 4:14 and 4:7.

Logan Tunnissen, SDSMT student, asked the Board of Regents to allow conceal carry on campus.

Tyson Westendorf, SDSMT student, asked the Board of Regents to allow conceal carry on campus.

### **6-B Economic Impact Study Report**

Regent Bastian called for agenda item 6-B out of order due to time restraints of the presenters.

Heather Forney, System Vice President of Finance and Administration, introduced Nichole Parker and Kate Philips of Parker Philips, the firm that conducted the Economic Impact Study on behalf of the South Dakota Board of Regents. They presented their report that included results of the study and the methodology used.

A copy of the Economic Impact Study Report can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**THURSDAY, DECEMBER 9, 2021**

### **Breakfast Meeting with Area Legislators**

Representative Fred Deutsch (District 4), Representative Hugh Bartels (District 5), Representative Larry Tidemann (District 7), Representative Tim Reed (District 7), Representative Lynn Schneider

(District 22), and Senator VJ Smith (District 7) met with Board members to informally discuss priorities in the public university system.

The Board reconvened at 9:35 a.m.

### **Report and Actions of Executive Session**

Regent Thares reported that the Board dissolved into Executive Session at 11:00 a.m. on Wednesday, December 8th, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or price strategies by a board of a business owned by the State when public discussion may be harmful to the competitive position of the business, before recessing from Executive Session at 3:00 p.m. to resume the regular order of business.

The Board reconvened in Executive Session at 4:45 p.m. to continue discussing the earlier referenced matters, rising from Executive Session to resume the regular order of business at 9:30 a.m. on Thursday, December 9<sup>th</sup>.

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 Roberts, 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.

### **CONSENT AGENDA**

Regent Bastian called upon Nathan Lukkes, Board of Regents General Counsel, to address agenda item 5-H, which has garnered the interest and feedback from various faculty members.

Nathan Lukkes noted that he received faculty feedback since agenda 5-H was posted to the agenda and has since incorporated several aspects of the feedback into the proposed revisions. He said those items that were not incorporated were left out for good reasons, but he is open to continuing dialog in that regard.

Regent Venhuizen called the Board's attention to agenda item 5-F as it references a 3+3 program with an out-of-state university and the USD law school. He encouraged the other system universities to consider something similar with the USD law school.

IT WAS MOVED by Regent Roberts, seconded by Regent Rave, to approve consent agenda items 5-A through 5-Q(2). Motion passed.

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

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

Move to approve the Fall 2021 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 New Specialization Request – SDSMT – Environmental Engineering (BS in Civil and Environmental Engineering)**

Move to authorize SDSMT to offer a specialization in Environmental Engineering within the BS in Civil and Environmental Engineering, as presented.

A copy of the New Specialization Request – SDSMT – Environmental Engineering (BS in Civil and Environmental Engineering) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-C Intent to Plan Request – DSU – BS in Individualized Studies**

Move to authorize DSU to develop a program proposal for an BS in Individualized Studies, as presented.

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

### **5-D Agreement on Academic Cooperation – SDSMT**

Move to approve the South Dakota School of Mines and Technology's agreement on academic cooperation with Shoolini University, as presented.

A copy of the Agreement on Academic Cooperation – SDSMT can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-E Articulation Agreements – NSU**

Move to approve Northern State University's articulation agreements with Southeast Technical College, as presented in Attachment I.

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

### **5-F USD and Morningside University Admissions Policy MOU**

Move to approve the Memorandum of Understanding between the University of South Dakota and Morningside University, as presented.

A copy of the USD and Morningside University Admissions Policy MOU can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-G Dual Credit In-District Delivery Agreement – SDSU & Brookings High School**

Move to approve the Memorandum of Understanding between the Board of Regents and the Brookings School District for in-district delivery of High School Dual Credit courses, as presented in Attachment I.

A copy of the Dual Credit In-District Delivery Agreement – SDSU & Brookings High School can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **5-H 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 (Second Reading)**

Move to approve the second and final reading of the proposed revisions to BOR Policy 4:4, BOR Policy 4:7 and BOR Policy 4:14, as presented.

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 (Second Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **Budget and Finance – Consent**

#### **5-I BOR Policies 4:39 – Alternative Work Schedules and Remote Work (Second Reading)**

Move to approve the second and final reading of the proposed revisions to BOR Policy 4:39, as outlined in Attachment I.

A copy of the BOR Policies 4:39 – Alternative Work Schedules and Remote Work (Second Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minute.

#### **5-J M&R Projects**

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

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

#### **5-K FY23 HEFF M&R Projects**

Move to approve the FY23 HEFF M&R projects as presented in Attachment II.

A copy of the FY23 HEFF M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minute.



### **5-L FY23 Auxiliary M&R Projects**

Move to approve the FY23 Auxiliary System M&R projects as presented in Attachment I.

A copy of the FY23 Auxiliary M&R Projects can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minute.

### **5-M FY23 AES M&R Projects**

Move to approve the AES M&R projects for FY23 as requested.

A copy of the FY23 AES M&R Projects can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minute.

### **5-N SDSU Stadium FY21 Financials**

A copy of the SDSU Stadium FY21 Financials can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minute.

### **5-O Reduced Tuition Annual Report**

A copy of the Reduced Tuition Annual Report can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minute.

### **5-P FY21 Auxiliary AUP Report**

A copy of the FY21 Auxiliary AUP Report can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minute.

### **5-Q (1) Joint Powers Agreement – NSU Termination of Joint Powers Agreement**

Move to approve the Termination of Joint Powers Agreement set forth in Attachment I.

A copy of the Joint Power Agreement – NSU Termination of Joint Power can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **5-Q (2) Joint Powers Agreement – SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation**

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

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

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

### **5-R 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-S Capital Projects List**

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

### **5-T Building Committee Report**

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

## **BUDGET AND FINANCE**

### **6-A FY23 Governor’s Recommended Budget**

Heather Forney, System Vice President of Finance and Administration, shared a summary of the Governor’s recommendations for the Board of Regents in her FY23 budget.

Regent Bastian asked about the Northern State University and Black Hills State University projects that request federal funds. Heather Forney said these will work through the process similarly to other projects.

A copy of the FY23 Governor’s Recommended Budget can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **6-B Economic Impact Study Report**

Addressed on Wednesday, December 8.

### **6-C BOR Policy 5:3 – Contracts and Agreements (First and Final Reading)**

Heather Forney, System Vice President of Finance and Administration, provided a summary of proposed revisions to BOR Policy 5:3 and requested a first and final reading of the policy changes.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5:3 – Agreements and Contracts as shown in Attachment I of the agenda item. Motion passed.

A copy of the BOR Policy 5:3 – Contracts and Agreements (First and Final Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

## **6-D HEFF Condition Statement and Cash Flow Statement**

Heather Forney, System Vice President of Finance and Administration, presented the Cash Flow Statement of the Higher Education Facilities Fund, which is used as the primary source of dollars to fund construction, maintenance, and renovation of university academic facilities. Vice President Forney noted that the data in the statement are actuals for years FY18-FY21, whereas the data for FY22-FY35 are projections.

A copy of the HEFF Condition Statement and Cash Flow Statement can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

## **6-E SDSMT Mineral Industries Building Facility Design Plan**

Jerilyn Roberts, SDSMT's Physical Plant Director, requested approval of the Facility Design Plan for the new Mineral Industries Building. She explained that the Preliminary Facility Statement was approved at the June 2014 Board meeting, and the Facility Program Plan was approved at the March 2021 Board meeting. The new Mineral Industries Building will provide classroom space for the entire university as well as laboratory and administrative space for the Geology and Geological Engineering, Mining Engineering and Management, and Materials and Metallurgical Engineering Departments. She described changes since the Preliminary Program Plan was approved in March.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to approve SDSMT's Facility Design Plan for the Mineral Industries Building at a cost not to exceed \$34,000,000 funded by a combination of General, Private, and University Funds. Motion passed.

A copy of the SDSMT Mineral Industries Building Facility Design Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

## **6-F SDSU Stanley J. Marshall Center and First Bank & Trust Arena Revised Facility Program Plan and Facility Design Plan**

Barry Meilke, SDSU Associate Vice President of Facilities and Services, requested approval of the revised Facility Program Plan and the Facility Design Plan for the Stanley J. Marshall Center and First Bank & Trust Arena Addition and Renovation. This project is the third phase of the Stanley J. Marshall Center Additions and Renovations and will address current maintenance and repair needs, improve ADA accessibility throughout, and will provide new and updated restrooms, concessions, seating options, and improved circulation and support spaces.

Regent Venhuizen asked about the use of the facility during construction. Vice President Meilke said most work would take place between sporting seasons, but they anticipate that the building will continue to be used.

Regent Thares suggested that the state's building process be reviewed as there are ways to save and continue to get these projects done effectively.

Regent Venhuizen agreed and suggested that there be a workgroup established to evaluate the building design process. He said there are sure to be efficiencies in that area.

Heather Forney, System Vice President of Finance and Administration, explained that they have already put together a small work group and from that review five revised policies are under consideration and will come to the Board at its March or May meeting.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve South Dakota State University's Revised Facility Program Plan and Revised Facility Design Plan for an addition of approximately 59,625 square feet and renovations to the Stanley J. Marshall Center and First Bank & Trust Arena at a cost not to exceed \$53,168,000. Legislation shall be drafted and the project shall be submitted to the 2022 South Dakota Legislative Session for consideration and approval. Funding for the project will consist of a combination of private donations, local funds, and HEFF M&R. Motion passed.

A copy of the SDSU Stanley J. Marshall Center and First Bank & Trust Arena Revised Facility Program Plan and Facility Design Plan can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-G BOR Policy 1:6 – Appointment, Authority and Responsibilities of Presidents and Superintendents (First Reading)**

Kayla Bastian, System Director of Human Resources, provided a summary of proposed changes to BOR Policy 1:6, which included delegating authority to the executive director on approval of appointments of employees reporting directly to the superintendents. The changes will simplify the hiring processes for the special schools and would require the superintendents to get prior approval from the executive director, not the Board, when hiring direct reports.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the first reading of the proposed revisions to BOR Policy 1:6, as outlined in Attachment I. Motion passed.

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

**6-H BOR Policy 2:14 Repeal – Campus Organizational Structure (First Reading)**

Kayla Bastian, System Director of Human Resources, explained that BOR Policy 2:14 has been identified as a duplicative policy to requirements that are already set forth in BOR Policy 1:6. To remedy this, staff recommend minor adjustments to Section 2.7 of BOR Policy 1:6 to clarify that the presidents must present to the Board any requested changes to the administrative organization and the structure of institutional departments. The staff would then repeal of BOR Policy 2:14 to eliminate duplication and simplify the policy manual.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to approve the first reading to repeal BOR Policy 2:14, as outlined in Attachment I of the agenda item. Motion passed.

A copy of the BOR Policy 2:14 Repeal – Campus Organizational Structure (First Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **6-I South Dakota Building Authority Revenue Bonds, Series 2022**

Heather Forney, System Vice President of Finance and Administration, described South Dakota Building Authority Bonds, Series 2022, which will provide funding for Black Hills State University’s E.Y. Berry Library Renovations and University of South Dakota’s Health Science Facility.

IT WAS MOVED by Regent Thares, seconded by Regent Roberts, to adopt Special Resolution No. 05-2021 on a roll call vote, which will: 1) Request the Building Authority to proceed with the issuance of revenue bonds (“*Revenue Bonds*”) to finance costs of the constructing, renovating, furnishing, and equipping the Projects (as defined) in an aggregate principal amount not to exceed \$10,500,000. 2) Authorize the President of the Board and the Executive Director to execute an instrument of transfer so that jurisdiction over the affected real property for the Projects will be granted to the Building Authority. 3) Authorize the President of the Board and the Executive Director to execute a supplement to the existing lease between the Board and the Building Authority. Such lease shall establish the basis for the continued occupancy and use of the premises by the Board and outlines the conditions of payment to the Building Authority for such continued occupancy and use. 4) Authorize the officers of the Board and the Executive Director to take such other actions and to execute such other documents as may be required to carry out the actions approved pursuant to such special resolutions.

#### **ROLL CALL:**

Brown – AYE  
Rave – AYE  
Stork – ABSENT  
Venhuizen – AYE  
Wink – AYE  
Thares – AYE  
Roberts – AYE  
Bastian – AYE

Motion passed.

Note: Regent Jeff Partridge is on a temporary Leave of Absence from the Board of Regents so was not present at the meeting nor was he included in the roll call vote.

A copy of the South Dakota Building Authority Revenue Bonds, Series 2022 can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **6-J 2022 Board Sponsored Legislation**

Nathan Lukkes, Board of Regents General Counsel, gave a summary of the proposed legislation to be sponsored by the Board for the 2022 legislative session.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to authorize the Executive Director to (1) submit the proposed bills and make such modifications or amendments to the bills as 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. Motion passed.

A copy of the 2022 Board Sponsored Legislation can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-K BOR Policy 1:27 Revision – Naming of Institutional Facilities, Programmatic Units, or Funded Academic Honors (Second Reading)**

Nathan Lukkes, Board of Regents General Counsel, explained that the Board approved a first reading of BOR Policy 1:27 at its August meeting. The policy was revised to clarify that presidents may name buildings when the name is a generic descriptive name relating to its use, offering(s), and/or location, and is not in recognition of a person, family, and organization. One additional revision has been made since that time to clarify that any naming of new facilities within the discretion of the presidents and superintendents be included in the applicable facility approval(s) pursuant to BOR Policy 6:4 – Capital Improvements, ensuring the Board is informed in advanced. This is included in section C.1.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to approve the second and final reading of the proposed revisions to BOR Policy 1:27, as presented in Attachment I of the agenda item. Motion passed.

A copy of the BOR Policy 1:27 Revision – Naming of Institutional Facilities, Programmatic Units, or Funded Academic Honors (Second Reading) can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**6-L DSU Donation Agreement Amendment**

Nathan Lukkes, Board of Regents General Counsel, presented a First Amendment to the current donation agreement between Dakota State University, the Dakota State University Foundation, and Sanford Medical Center. The agreement was initially approved at the Board's August 2018 meeting, through which Sanford Health would contribute \$5,000,000, payable in ten annual installments to the DSU Foundation. The Amendment includes an additional \$5,000,000, also payable in ten annual installments from September 15, 2028 to September 15, 2037. The additional contributions are intended to support the DSU Trojan United athletics facilities campaign.

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to authorize Dakota State University to proceed with finalizing the draft amendment to the donation agreement set forth in Attachment I of the agenda item, subject to approval of the final draft by the Executive Director. Motion passed.

A copy of the DSU Donation Agreement Amendment can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

## **ACADEMIC AND STUDENT AFFAIRS**

### **8-A Revision to BOR Policy 2:5 – Transfer of Credit (First and Final Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, described an in-progress review of Board of Regents transfer policies and recommended minor changes to BOR policy 2:5 in order to provide additional campus discretion in the review of both technical and academic course work at the undergraduate level.

Regent Venhuizen asked for an example of how this would work in practicality. Dr. Minder explained that the change creates consistency between in-state and out-of-state transfer credit criteria.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final readings of the proposed new BOR Policy 2:5, as presented. Motion passed.

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

### **8-B New Program/New Graduate Certificates – SDSU – MS in Professional Science Masters**

Dr. Rebecca Hoey, System Associate Vice President for Academic Programming, explained that South Dakota State University requests permission to offer a Master of Science (MS) program in Professional Science.

Provost Dennis Hedge, SDSU Vice President for Academic Affairs, described the proposed program and explained that the MS in Professional Science would be a collaboration between the Colleges of Natural Sciences and Agriculture, Food & Environmental Sciences, and the Ness School of Management & Economics. He said SDSU plans to offer the program both on campus and online. SDSU does not require new state resources. No new courses are required for the program.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize SDSU to offer the MS in Professional Science, as well as associated Graduate Certificates in: 1) Applied Physics, 2) Biotechnology, 3) Environmental Policy, 4) Food Technology, 5) Geographic Information Sciences, 6) Precision Agriculture, and 7) Professional Management, as presented. Motion passed.

A copy of the New Program/New Graduate Certificates – SDSU – MS in Professional Science Masters can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

### **8-C New Program Request – SDSU – MS in Nutrition and Dietetics**

Dr. Rebecca Hoey, System Associate Vice President for Academic Programming, explained that South Dakota State University (SDSU) requests permission to offer a Master of Science (MS) program in Nutrition and Dietetics.

Provost Dennis Hedge, SDSU Vice President for Academic Affairs, described the proposed program and explained that the MS in Nutrition and Dietetics would meet new credentialing requirements to become a Registered Dietitian Nutritionist. He asked that the current internship fee be applied to this program, which would be a net neutral change.

Regent Bastian said these programs are good examples of changes and adaptations to industry and student needs. This is something our system does well and people don't always appreciate this.

Regent Rave asked a question about a changing requirement of the Commission on Dietetic Registration to only recognize master's degrees in the future. Provost Hedge acknowledged this and agreed that this is similar to how a PharmD degree works. Regent Rave asked a question about the additional course that would be needed for the program. Provost Hedge said this course would utilize existing talent and would not require new resources.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to authorize SDSU to offer the MS in Nutrition and Dietetics and approve the requested internship fee, as presented. Motion passed.

A copy of the New Program Request – SDSU – MS in Nutrition and Dietetics can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**8-D Revisions to BOR Policies 1:11, 3:9 (new 1:34), and 3:18 (Second Reading) and Opportunity Center Plans**

Nathan Lukkes, Board of Regents General Counsel, brought forward BOR Policies 1:11, 3:9 (which will now be 1:34), and 3:18 for a second reading following the first reading at the October 2021 Board meeting. Changes were made to BOR Policy 1:34 – Guest Speakers (formerly policy 3:9) to minimize verbiage that could lend itself to improper (i.e., unconstitutional) discretion in the application of an otherwise well intended policy. Additionally, after receiving feedback from students, a sentence was added to the end of section 1.2 in BOR Policy 3:18 – Recognition and Funding of Student Organizations. This revision provides clarity as to the intent and application of the new section. He stated that Opportunity Center plans from each campuses were included as Attachments to the agenda item for review by the Board.

Regent Bastian said this is a good example of shared governance.

IT WAS MOVED by Regent Wink, seconded by Regent Brown, to approve the second and final reading of the proposed revisions to BOR Policies 1:11, 1:34 and 3:18, as presented. Motion passed.

A copy of the Revisions to BOR Policies 1:11, 3:9 (new 1:34), and 3:18 (Second Reading) and Opportunity Center Plans can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

**8-E BHSU & Crazy Horse Memorial Foundation Agreement**

Nathan Lukkes, Board of Regents General Counsel, explained that approval of the Agreement set forth in Attachment I of the agenda item will provide the opportunity for Black Hills State University (BHSU) and the Crazy Horse Memorial Foundation (CHMF) to partner on the two 7th GEN Summer Programs at the Indian University of North America of Crazy Horse Memorial



Foundation, with BHSU providing the instruction and credits for the desired curriculum, with the instructional and operating expenses provided by CHMF.

Regent Bastian asked President Nichols to comment on the program. President Nichols said this dialog started about a month ago, and it is a very special collaboration where BHSU provides the expertise and CHMF provides the students and funding. She said each program includes between 30-35 students, and includes an internship which has a lot of opportunity for expansion.

Regent Venhuizen asked if this is a new program offered by Crazy Horse. President Nichols said there are new aspects of the program and other parts are existing.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the Agreement between Black Hills State University and the Crazy Horse Memorial Foundation in substantially similar form to that set forth in Attachment I of the agenda item. Motion passed.

A copy of the BHSU & Crazy Horse Memorial Foundation Agreement can be found on pages \_\_\_\_\_ to \_\_\_\_\_ of the official minutes.

#### **ADJOURNMENT**

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

The meeting adjourned at 10:40 a.m.

## *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 8, 2021, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session on December 9<sup>th</sup>, 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-K – Approve the requests to establish the Office of Student Data, Analysis and Evaluation, and to create a director position to oversee the new office.*

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

*2-M – Approve the contract extension and terms of the addendum to the employment contract for SDSU Head Football Coach, John Stiegelmeier.*

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

*2-O – Award three (3) years of prior service credit toward tenure and three (3) years of prior service credit toward promotion for Dr. William Bendix (DSU).*

*2-P – Approve the leave requests for Guangwei Ding (NSU), Marla Fogderud (NSU), Jon Schaff (NSU), Timothy Woods (NSU), and Vladimir Sobolev (SDSMT).*

*2-Q – Approve the evaluation letters for Presidents Gestring and Griffiths.*

<b>BLACK HILLS STATE UNIVERSITY</b>						
<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Gregory Krajewski</b>	<b>Dir of Military &amp; Veteran Svc</b>	<b>8/22/2021</b>	<b>Reclassification</b>	<b>\$65,000.00</b>	<b>\$39,850.00</b>	<b>63.1%</b>

<b>DAKOTA STATE UNIVERSITY</b>						
<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Mark Ferber</b>	<b>Site Security Officer (SSO)</b>	<b>9/22/2021</b>	<b>Change Salary Rate/Pay Grade</b>	<b>\$60,000.00</b>	<b>\$49,323.00</b>	<b>21.6%</b>

<b>SOUTH DAKOTA SCHOOL OF MINES &amp; TECHNOLOGY</b>						
<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Forest Thompson</b>	<b>Research Scientist III</b>	<b>12/22/2021</b>	<b>Reclassification</b>	<b>\$76,000.00</b>	<b>\$61,740.00</b>	<b>23.1%</b>

<b>BOARD OF REGENTS</b>						
<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Previous Salary</b>	<b>Current Salary</b>	<b>% Increase</b>
<b>Dawn Kennedy</b>	<b>Assistant Director</b>	<b>8/22/2021</b>	<b>Permanent Additional Duties</b>	<b>\$60,515.40</b>	<b>\$55,014.00</b>	<b>10.0%</b>

<b>UNIVERSITY OF SOUTH DAKOTA</b>						
<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Current Salary</b>	<b>% Increase</b>
<b>Michelle Weideman</b>	<b>Head Start Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$31,333.00</b>	<b>\$29,840.95</b>	<b>5.0%</b>
<b>Kristin Marquardt,</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$31,609.07</b>	<b>\$30,103.88</b>	<b>5.0%</b>
<b>Christina VanDenHoek</b>	<b>Head Start Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$31,668.00</b>	<b>\$30,160.00</b>	<b>5.0%</b>
<b>Cindy Knutson,</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$35,883.67</b>	<b>\$34,174.92</b>	<b>5.0%</b>
<b>Heidi Olson</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$20,153.49</b>	<b>\$19,193.80</b>	<b>5.0%</b>
<b>Ardis Semple</b>	<b>HS Center-Base Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$32,401.50</b>	<b>\$30,858.57</b>	<b>5.0%</b>
<b>Katrina Hauger</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$37,583.67</b>	<b>\$35,793.97</b>	<b>5.0%</b>
<b>Courtney Rentschler</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$32,787.59</b>	<b>\$31,226.28</b>	<b>5.0%</b>
<b>Amanda Wharton</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$33,050.56</b>	<b>\$31,476.72</b>	<b>5.0%</b>
<b>Elizabeth Duffy</b>	<b>Center Teacher</b>	<b>12/22/2021</b>	<b>Market Adjustmnet</b>	<b>\$23,471.70</b>	<b>\$22,354.00</b>	<b>5.0%</b>

Connor Peterson	Assoc. Director Admissions	12/22/2021	Promotion/Reclassification	\$60,000.00	\$51,700.00	16.1%
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**SOUTH DAKOTA STATE UNIVERSITY**

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Kristen Almen	Research & Outreach Asst.	9/22/2021	Reclassification	\$47,062.00	\$42,784.78	10.0%
Zachary Boyle	Asst Chief Aircraft Mechanic	8/22/2021	Change Rate/Pay Grade	\$56,450.11	\$51,312.61	10.0%
Kim Lutz	Grant Accounting Analyst	9/22/2021	Reclassification	\$54,825.00	\$49,841.00	10.0%
Hilary Risner	Program Manager-Reg Yth Ed	9/22/2021	Reclassification	\$47,771.00	\$43,428.00	10.0%
Jonathan Shaeffer	Director-Football Operations	8/22/2021	Change Rate/Pay Grade	\$40,315.00	\$37,815.00	6.6%
Cibele Teixeira Pinto	Imaging Engineer II	8/22/2021	Reclassification	\$66,601.00	\$60,546.00	10.0%
Kristi Villar	Assistant Coach-Softball	8/22/2021	Change Rate/Pay Grade	\$48,000.00	\$42,611.00	12.6%
Carissa Thielbar	Assistant WBB Coach	11/22/2021	Internal Equity Adjustment	\$78,000.00	\$68,909.00	13.2%
Ashley Plueger	Shared Payroll Center Super.	11/22/2021	Permanent Additional Duties	\$70,888.00	\$64,444.00	10.0%
Ryan Vanderleest	Coord. Software Development	1/22/2021	Permanent Additional Duties	\$70,000.00	\$46,778.30	49.6%
Nathan Edwards	Mesonet Operations Manager	1/22/2021	Permanent Additional Duties	\$75,000.00	\$53,538.00	40.1%

**APPOINTMENTS REPORTING TO THE PRESIDENT, SUPERINTENDENT or EXECUTIVE DIRECTOR**

NAME	TITLE	EFFECTIVE DATE	SALARY	INSTITUTION
Peter Koester	Executive Administrative Assistant	1/3/2022	\$50,000.00	DSU