

**BOARD OF REGENTS
MINUTES OF THE MEETING
June 24, 2020**

The South Dakota Board of Regents met on June 24, 2020, via teleconference, with the following members present:

John Bastian, President
Jim Morgan, Vice President
Pam Roberts, Secretary
Brock Brown, Regent
Randy Schaefer, Regent
Kevin Schieffer, Regent
Barb Stork, Regent
Jim Thares, Regent
Joan Wink, Regent

Also present during all or part of the meeting were Jay Perry, System Vice President of Academic Affairs; Nathan Lukkes, Board of Regents General Counsel; Kayla Bastian, System Director of Human Resources; Heather Forney, System Vice President of Finance & Administration; Janelle Toman, System Director of Communications; Joelle Lien, System Associate Vice President of Academic Affairs; Molly Weisgram; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Laurie Nichols, BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Claudean Hluchy, SDSBVI Interim Superintendent; Kim Wadsworth, SDSD Superintendent; and other members of the Regental system, public and media.

WEDNESDAY, JUNE 24, 2020

Regent Bastian called the meeting to order at 9:00 a.m. and declared a quorum through roll call.

He welcomed new Regent Brock Brown and invited him to make his introduction. Regent Brown said he is originally from Lake Norden and is a rising junior at South Dakota State University, where he is majoring in History with a Teaching Specialization and minoring in Political Science.

1-A Approval of the Agenda

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

ROLL CALL:

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

Motion passed.

1-B Declaration of Conflicts

There were no declared conflicts.

1-C Approval of the Minutes – Meeting on May 21, 2020; June 3, 2020; and June 12, 2020

IT WAS MOVED by Regent Thares, seconded by Regent Schaefer, to approve the minutes of the meetings on May 21, 2020; June 3, 2020; and June 12, 2020.

ROLL CALL:

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

Morgan – AYE
Bastian – AYE

Motion passed.

1-D Reports of Individual Regent Activities

No reports

1-E Reports of Individual Presidents and Superintendents

No reports

1-F Report from Student Federation

Student Federation Chair, Hannah Neumiller, explained that the universities each have a COVID-19 task force and student governments are participating in university campaigns encouraging safe behaviors.

A copy of the Student Federation report can be found pages ____ to ____ of the official minutes.

1-G Appointment of the SDBOR Executive Director

IT WAS MOVED by Regent Schieffer, seconded by Regent Stork, to appoint Dr. Brian Maher as the Executive Director and Chief Executive Officer of the South Dakota Board of Regents effective July 6, 2020.

ROLL CALL:

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

Motion passed.

Dr. Maher expressed his appreciation for the appointment and welcomed Regent Brown to the Board of Regents as well. He explained that he will get started on July 6 and will be visiting the campuses and meeting with each individual regent in the coming weeks. He very much looks forward to the work ahead and feels that together we can do very good and important things for the state of South Dakota.

Informal Budget Hearings

2-A SDSU/CES/AES

President Barry Dunn provided a summary of the SDSU's priorities, which include remodeling of Berg Hall for the precision agriculture project, academic recovery and regeneration post COVID-19 programming, programming around extension of broadband and rural technology (SDSU Extension), and equipment for precision ranching (SDSU Ag Experiment Station).

The regents discussed the COVID-19 recovery programming and considered whether it could be a system-wide request that could fit within the Cares Act money that was allocated to South Dakota.

2- B SDSBVI & SDSD

Interim SDSBVI Superintendent Claudean Hluchy said there are no requests from the SDSBVI at this time, but she gave some updates about the school. The school has successfully provided remote learning for its typical in-person summer programming. Although they've been successful at providing remote opportunity, she said everyone is very much looking forward to on-campus instruction in the fall. She said the students have had a very difficult year as they had a shortened on-campus fall due to the move to the new school and then shortened on-campus time this spring due to COVID. She said that a new superintendent, Dan Trefz, will begin his position on July 1.

SDSD Superintendent Kim Wadsworth said SDSD has also had an interesting year since it moved into its new location in the fall and then had to deal with early release in spring due to COVID. She noted that the school was able to pivot effectively because it had already been using some remote learning through Zoom for a few years. She said the campus and audiology clinics will be opening next week. Lastly, she noted that the school does not have a budget request for this budget cycle.

2-C USD/Law School/SSOM

President Sheila Gestring shared information about efficiency measures and other efforts implemented by USD in recent years.

She provided a summary of USD's priorities, which included a request to upgrade equipment and software in its Animal Resource Center to allow cGLP studies of candidate compounds and to acquire and validate cGMP-compliant equipment for the production of vaccines.

As for the Sanford School of Medicine's request, Dr. Mary Nettleman, dean of the medical school, explained that the medical school does not have any requests for this budget cycle. She provided an update on medical school instruction since the COVID-19 pandemic. She shared information about admittance rates, tuition, workforce contribution, board scores, and graduation rates of the medical school.

USD Law School Dean Neil Fulton shared information about the law school's increasing bar passage and explained that bar preparation will become a continuous process (i.e. includes early warning system, directing to supplemental coursework if necessary, and bolstering pre-orientation programming). He also said it is the goal of the school to populate the legal structure of South Dakota communities and, to that end, is working with the state bar for strategic planning regarding the geographic needs of graduates. He shared other opportunities they have created for their law students to get real-world experience in the legal community and legislative process.

In response to a question by Regent Morgan, Dean Fulton said the school saw a slightly lower number of applications due to COVID and that the applicants' credentials fell slightly as well. He anticipates an incrementally larger pool next school year, and he feels that USD may look more favorable to potential students because they can stay closer to home and the placement rate is so positive.

2-D SDSMT

President Jim Rankin explained the rationale for SDSMT's number one request: the mineral industries building. He described some creative funding approach for how to get this building built sooner than later. The second request was for renovation funds for the Ascent building on campus as well as possible funds to add a classified facility for additional research capabilities into the building.

2-E DSU

President José-Marie Griffiths thanked President Nettleman for her epidemiology expertise shared with the presidents as the universities have made plans for the fall in light of the COVID-19 pandemic.

She described DSU's budget proposals, which included accelerating pathways to cybersecurity careers (i.e. expand to a South Dakota Cyber Academy throughout the state) and expand DSU's capacity to supply the cyber workforce by hiring additional faculty. In both requests, the additional recruited students as a result would be anticipated to pay for the on-going expenses after two years.

In response to Regent Stork's question about technical college and industry contributions, President Griffiths said that there is proven interest from industry. Provost Moran said that DSU has done a lot of work to establish articulation agreements with the technical colleges and then it depends on instructor expertise at both the technical colleges and within the high schools.

Regent Stork said if the true need is to hire faculty to expand capacity, then we need an examination of where the additional fifty students (those needed to cover the cost of two additional faculty members) will come from.

Regent Thares said it would be helpful to find an industry partner to help fund part of this, DSU will strengthen its case.

Regent Morgan asked about competition for this kind of faculty. President Griffiths said that it would take roughly a year to hire the qualified candidates.

2-F NSU

President Tim Downs provided a summary of NSU's budget priorities, which included money to enhance the institution's Native American Education Center as well as the Center for Statewide E-learning to support the upgrade and expansion of its university course delivery infrastructure.

President Downs provided history on the creation of the E-Learning Center, which really serves as its own high school, co-located at NSU, aimed at providing qualified teachers for rural high schools that might not otherwise be able to attract them in certain subject areas. He stated that the E-Learning Center was a critical part of transitioning the high schools to remote learning this spring due to the pandemic.

2-G BHSU

President Laurie Nichols described the planning process involved in creating and growing the West River Health Science Center in order to meet the need of a dire workforce shortage of nurses and other healthcare providers. This includes a request of one-time dollars to help with signage, marketing and recruitment, technology infrastructure enhancements, and student support and tutoring.

In response to questions about the West River Health Science Center, President Nichols said it is anticipated to take a year and a half (i.e. three classes of nurses) to hit stride and grow to capacity.

Additionally, she described a budget request for a cohort pilot Paraeducation Program to bring the paraprofessionals on Pine Ridge and Cheyenne River Reservations. It would provide an opportunity for them to bring up their teacher credentials up. This program would build upon past programs as well as addresses some of the shortcoming of those past programs. This cohort would be completed within 2-3 years.

3. Public Comment Period

Tiffany Sanderson, Governor's Policy Advisor, shared information about the Hunt Institute Conference that she and Regent Roberts attend this winter. She said the meeting focused on how to bring education, workforce, and government together. She said the call to action in Senate Bill 55 is a good opportunity to pull these all together. She said groups involved were America Achieves, Bill and Melinda Gates, Lumina, Governor's office representatives, state departments, and several mayors from large metropolitan areas. The key take aways are connected to the Governor's vision of South Dakota being open for business and her focus on strong families and the next generation: education and workforce are the bridge to those visions. The information focused on building strong systems, making sure we have the best and brightest leading us forward, and workforce-related ideas. The thread that ties these all together are shared goals and measures, defining what we are aiming for and how are we going to measure success, and information sharing. Progress has been made because states have found ways to take massive data and take

true analysis from that data to (1) make good decisions going forward and then (2) help tell their stories. This is an opportunity to come together, refocus, and determine what's going to happen next.

Nicole Kerkenbush, chief nursing and performance officer at Monument Health, thanked President Nichols and the steering group working to create the West River Health Science Center. She said they are excited to see the efforts and quick progress made by this group. She said Monument Health are fully in support and ready to assist in any way possible.

Jennifer Anderson, SDSU Faculty Senate President, said she has received feedback from faculty members on several proposed policies. Regarding the leave policy (i.e. agenda item 6-2 *BOR Policy 4:15*), she shared a list of faculty. Kayla Bastian, System Director of Human Resources, responded to leave related to the birth of a child.

Ms. Anderson went on to express several questions regarding other policies, such as the Professor of Practice policies. Dr. Jay Perry, System Vice President of Academic Affairs, explained that the policy revisions in question are included in first readings and the feedback will be helpful in clarifying the necessary changes for the second and final readings.

CONSENT AGENDA

Regent Bastian asked Dr. Joelle Lien, System Associate Vice President of Academic Affairs, to comment on the trend concerning program proposals. Dr. Lien noted that the universities have brought forward many more new certificates, programs, and minors. In addition to these being innovative, they also are efficient in that they are leveraging their already great faculty in order to respond to workforce needs with their current resources as well as fill seats that might not have otherwise been filled.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to approve consent agenda items 4-A through 4-Q.

ROLL CALL:

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

Motion passed.

Academic and Student Affairs

4-A Resolution and Recognition – USD

Recognize Dr. Mary Nettleman for her service to South Dakota's system of public higher education.

A copy of the Resolution and Recognition – USD can be found on pages _____ to _____ of the official minutes.

4-B (1) New Program Request – NSU – BSEd in Social Science

Authorize NSU to offer the BSEd in Social Science, as presented.

A copy of the New Program Request – NSU – BSEd in Social Science can be found on pages _____ to _____ of the official minutes.

4-B (2) New Program Request – SDSU – Minor in Commodity Risk Management

Authorize SDSU to offer a minor in Commodity Risk Management, as presented.

A copy of the New Program Request – SDSU – Minor in Commodity Risk Management can be found on pages _____ to _____ of the official minutes.

4-B (3) New Program Request – SDSU – Professional Program in Veterinary Medicine

Authorize SDSU to offer a non-degree Professional Program in Veterinary Medicine, as presented.

A copy of the New Program Request – SDSU – Professional Program in Veterinary Medicine can be found on pages _____ to _____ of the official minutes.

4-B (4) New Program Request – SDSU – PhD in Mechanical Engineering

Authorize SDSU to offer a PhD in Mechanical Engineering, as presented.

A copy of the New Program Request – SDSU – PhD in Mechanical Engineering can be found on pages _____ to _____ of the official minutes.

4-B (5) New Program Request – SDSMT – PhD in Electrical Engineering

Authorize SDSM&T to offer a PhD in Electrical Engineering, as presented.

A copy of the New Program Requests – SDSMT – PhD in Electrical Engineering can be found on pages _____ to _____ of the official minutes.

4-C (1) New Certificate Request – BHSU – Human Resources (Undergrad)

Authorize BHSU to offer the new undergraduate certificate in Human Resources, on campus (Spearfish), at BHSU-Rapid City, and online.

A copy of the New Certificate Request – BHSU – Human Resources (Undergrad) can be found on pages _____ to _____ of the official minutes.

4-C (2) New Certificate Request – NSU – Trust and Financial Advising (Graduate)

Authorize NSU to offer a new graduate certificate in Trust and Financial Advising, both on campus and online.

A copy of the New Certificate Request – NSU – Trust and Financial Advising (Graduate) can be found on pages _____ to _____ of the official minutes.

4-C (3) New Certificate Request – SDSMT – Mining 360 (Graduate)

Authorize SD Mines to offer the new graduate certificate in Mining 360, on campus and through distance delivery.

A copy of the New Certificate Request – SDSMT – Mining 360 (Graduate) can be found on pages _____ to _____ of the official minutes.

4-C (4) New Certificate Request – SDSU – Academic Advising (Graduate)

Authorize SDSU to offer the new graduate certificate in Academic Advising, both on its Brookings campus and at BHSU-RC.

A copy of the New Certificate Request – SDSU – Academic Advising (Graduate) can be found on pages _____ to _____ of the official minutes.

4-C (5) New Certificate Request – SDSU – Phlebotomy (Undergrad)

Authorize SDSU to offer the new undergraduate certificate in Phlebotomy, on campus and through distance delivery.

A copy of the New Certificate Request – SDSU – Phlebotomy (Undergrad) can be found on pages _____ to _____ of the official minutes.

4-C (6) New Certificate Request – USD – Geospatial Analysis (Undergrad)

Authorize USD to offer the new undergraduate certificate in Geospatial Analysis.

A copy of the New Certificate Request – USD – Geospatial Analysis (Undergrad) can be found on pages _____ to _____ of the official minutes.

4-C (7) New Certificate Request – USD – Geospatial Analysis (Graduate)

Authorize USD to offer the new graduate certificate in Geospatial Analysis.

A copy of the New Certificate Request – USD – Geospatial Analysis (Graduate) can be found on pages _____ to _____ of the official minutes.

4-C (8) New Certificate Request – USD – Child & Adult Advocacy Studies (Graduate)

Authorize USD to offer the new graduate certificate in Child & Adult Advocacy Studies through distance delivery.

A copy of the New Certificate Request – USD – Child & Adult Advocacy Studies (Graduate) can be found on pages _____ to _____ of the official minutes.

4-D (1) New Specialization Request – SDSU – Food Animal Health Specialization (BS in Animal Science)

Authorize SDSU to offer Food Animal Health as a specialization in the B.S. in Animal Science, as presented.

A copy of the New Specialization Request – SDSU – Food Animal Health Specialization (BS in Animal Science) can be found on pages _____ to _____ of the official minutes.

4-D (2) New Specialization Request – SDSU – Veterinary Medicine Specialization (MS in Biological Sciences)

Authorize SDSU to offer Veterinary Medicine as a specialization in the M.S. in Biological Sciences, as presented.

A copy of the New Specialization Request – SDSU – Veterinary Medicine Specialization (MS in Biological Sciences) can be found on pages _____ to _____ of the official minutes.

4-D (3) New Specialization Request – USD – Mental Health (Occupational Therapy, OTD)

Authorize USD to offer the specialization in Mental Health in the Doctor of Occupational Therapy as presented.

A copy of the New Specialization Request – USD – Mental Health (Occupational Therapy, OTD) can be found on pages _____ to _____ of the official minutes.

4-D (4) New Specialization Request – USD – Neuroscience & Rehabilitation (Occupational Therapy, OTD)

Authorize USD to offer the specialization in Neuroscience & Rehabilitation in the Doctor of Occupational Therapy as presented.

A copy of the New Specialization Request – USD – Neuroscience & Rehabilitation (Occupational Therapy, OTD) can be found on pages _____ to _____ of the official minutes.

4-D (5) New Specialization Request – USD – Pediatrics (Occupational Therapy, OTD)

Authorize USD to offer the specialization in Pediatrics in the Doctor of Occupational Therapy as presented.

A copy of the New Specialization Request – USD – Pediatrics (Occupational Therapy, OTD) can be found on pages _____ to _____ of the official minutes.

4-D (6) New Specialization Request – USD – Rural/Underserved (Occupational Therapy, OTD)

Authorize USD to offer the specialization in Pediatrics in the Doctor of Occupational Therapy as presented.

A copy of the New Specialization Request – USD – Rural/Underserved (Occupational Therapy, OTD) can be found on pages _____ to _____ of the official minutes.

4-E (1) New Site Request – NSU – AS in Business Administration (Huron)

Approve NSU's new site proposal to offer the AS in Business Administration at the Huron Community Campus.

A copy of the New Site Request – NSU – AS in Business Administration (Huron) can be found on pages _____ to _____ of the official minutes.

4-E (2) New Site Request – SDSU – BA in Geography (online)

Approve SDSU's new site proposal to offer the BA in Geography online.

A copy of the New Site Request – SDSU – BA in Geography (online) can be found on pages _____ to _____ of the official minutes.

4-E (3) New Site Request – SDSU – BS in Geographical Information Sciences (online)

Approve SDSU's new site proposal to offer the BS in Geographic Information Sciences online.

A copy of the New Site Request – SDSU – BS in Geographical Information Sciences (online) can be found on pages _____ to _____ of the official minutes.

4-F (1) Accelerated Program Request – SDSU – Professional Program in Veterinary Medicine

Approve SDSU's proposal to offer an accelerated Bachelor of Science (BS) in Animal Science – Food Animal Health Specialization.

A copy of the SDSU's Accelerated Program Request can be found on pages _____ to _____ of the official minutes.

4-F (2) Accelerated Program Request – USD – BS in Biology – Human Dynamics Specialization

Approve USD's proposal to offer an accelerated Bachelor of Science (BS) in Biology – Human Dynamics Specialization.

A copy of the USD's Accelerated Program Request can be found on pages _____ to _____ of the official minutes.

4-G Intent to Plan Request – SDSU – MS in Professional Science Master's

Authorize SDSU to develop a program proposal for a Professional Science Master's, as presented.

A copy of the Intent to Plan Request – SDSU – MS in Professional Science Master's can be found on pages _____ to _____ of the official minutes.

4-H Site Termination Requests – SDSU

Approve SDSU's requests to terminate the CCSF delivery sites for their AA in General Studies, BGS in General Studies, and BS in Interdisciplinary Studies programs, as presented.

A copy of SDSU's Site Termination Requests can be found on pages _____ to _____ of the official minutes.

4-I Inactive Status and Program Termination Requests – BHSU, NSU, DSU, SDSU, & USD

Approve BHSU, DSU, NSU, SDSU, and USD's respective requests to terminate the Digital Humanities Graduate Certificate (DSU), Curriculum & Instruction (M.Ed.) – Career & Technical Education Specialization (SDSU), Curriculum & Instruction (M.Ed.) (SDSU), Educational Administration (M.Ed.) (SDSU), Nutrition & Exercise Science (M.S.) (SDSU), Nursing (M.S.) (SDSU), Wildlife and Fisheries Sciences (M.S.) (SDSU), Experiential Learning Certificate (SDSU), Inclusion and Equity Minor (SDSU), Peace and Conflict Studies Minor (SDSU), and M.Ed. in Principal Preparation (BHSU, NSU, SDSU, USD) programs; and inactivate the MS in Sociology (SDSU), PhD in Sociology (SDSU), BSEd in Physical Education (USD), Latin Minor (USD), and PhD in Biological Sciences – Bioinformatics Specialization (USD) programs, as presented.

A copy of the Inactive Status and Program Termination Requests – BHSU, NSU, DSU, SDSU, & USD can be found on pages _____ to _____ of the official minutes.

4-J Agreement on Academic Cooperation – SDSMT

Approve the South Dakota School of Mines and Technology's agreement on academic cooperation with Escuela Técnica Superior de Ingenieros de Minas y Energía (Universidad Politécnica de Madrid).

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

4-K Articulation Agreements – SDSU

Approve South Dakota State University's articulation agreements with Lake Area Technical Institute and Southeast Community College, as presented.

A copy of SDSU's Articulation Agreements can be found on pages _____ to _____ of the official minutes.

4-L Guaranteed Admission Agreement – SDSU & NSU

Approve the Guaranteed Admission Agreement between South Dakota State University and Northern State University, as presented.

A copy of Guaranteed Admission Agreement – SDSU & NSU can be found on pages _____ to _____ of the official minutes.

4-M Dual Degree Program Agreement – SDSU & Presentation College

Approve South Dakota State University's dual program agreement with Presentation College, as presented.

A copy of Dual Degree Program Agreement – SDSU & Presentation College can be found on pages _____ to _____ of the official minutes.

4-N MOU Amendment – NSU and Huron Community Campus

Approve the Memorandum of Understanding Amendment between Northern State University and Huron Community Campus, as presented.

A copy of the MOU Amendment – NSU & Huron Community Campus can be found on pages _____ to _____ of the official minutes.

4-O BOR Policies 2:17 and 2:18 – Honorary Doctorate Degrees (Second Reading)

Approve the second and final reading of the proposed revisions to BOR Policy 2:17 and BOR Policy 2:18, as presented in Attachments I and II.

A copy of BOR Policies 2:17 and 2:18 can be found on pages _____ to _____ of the official minutes.

Budget and Finance

4-P FY21 Fee & M&R Projects

Approve the M&R Fee requested projects for FY21 as listed in Attachment I.

A copy of the FY21 Fee & M&R Projects can be found on pages _____ to _____ of the official minutes.

4-Q FY21 General Funds M&R Allocations and Projects

Approve the General Fund M&R requested projects for FY21 as listed in Attachment I.

A copy of the FY21 General Funds M&R Allocations and Projects can be found on pages _____ to _____ of the official minutes.

Informational Items – No Board Action Necessary

4-R BOR Meeting Calendar

A copy of the BOR Meeting Calendar can be found on pages _____ to _____ of the official minutes.

4-S Interim Actions

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

4-T Program Review Reports

A copy of the Program Review Reports can be found on pages _____ to _____ of the official minutes.

4-U Capital Projects List

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

4-V Reduced Tuition Annual Report

A copy of the Reduced Tuition Annual Report can be found on pages _____ to _____ of the official minutes.

4-W Building Committee Report

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

ACADEMIC AND STUDENT AFFAIRS

5-A (1) BOR Policy Revisions – BOR Policy 4:10 – Tenure and Continuing Appointments (First Reading)

Dr. Jay Perry, System Vice President for Academic Affairs, explained that as a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:10 is being revised to reflect changes needed once the university faculty collective bargaining agreement with the Council of Higher Education expires at the end of June. The proposed revisions are detailed in Attachment I of the item.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to approve the first reading of the proposed revisions to BOR Policy 4:10, as presented in Attachment I of the agenda item.

ROLL CALL:

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

Motion passed.

A copy of the revisions to BOR Policy 4:10 – Tenure and Continuing Appointments (First Reading) can be found on pages ____ to ____ of the official minutes.

5-A (2) BOR Policy Revisions – BOR Policy 4:11 – Rank and Promotion (First Reading)

As a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:11 is being revised to reflect changes needed once the university faculty collective bargaining agreement with the Council of Higher Education expires at the end of June. The proposed revisions are detailed in Attachment I of the item.

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

ROLL CALL:

Brown – AYE
Roberts – AYE
Schaefer – AYE

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

Motion passed.

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

5-A (3) BOR Policy Revisions – BOR Policy 4:13 – Faculty Evaluations (First Reading)

As a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:13 is being revised to reflect changes needed once the university faculty collective bargaining agreement with the Council of Higher Education expires at the end of June. The proposed revisions are detailed in Attachment I of the item.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to approve the first reading of the proposed revisions to BOR Policy 4:13, as presented in Attachment I of the agenda item.

ROLL CALL:

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

Motion passed.

A copy of the revisions to BOR Policy 4:13 – Faculty Evaluations (First Reading) can be found on pages ____ to ____ of the official minutes.

5-A (4) BOR Policy Revisions – BOR Policy 4:38 – Statement Concerning Faculty Expectations (First Reading)

As a result of the elimination of collective bargaining after the passage of Senate Bill 147 during the 2020 Legislative Session, BOR Policy 4:38 is being revised to reflect changes needed once the university faculty collective bargaining agreement with the Council of Higher Education expires at the end of June. The proposed revisions are detailed in Attachment I of the item.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to approve the first reading of the proposed revisions to BOR Policy 4:38, as presented in Attachment I of the agenda item.

ROLL CALL:

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

Motion passed.

A copy of the revisions to BOR Policy 4:38 – Statement Concerning Faculty Expectations (First Reading) can be found on pages ____ to ____ of the official minutes.

5-B Title IX Regulation Changes & Draft Board Policy

Nathan Lukkes, Board of Regents General Counsel, stated that on May 6, 2020, the Department of Education issued the long awaited final Title IX rules, which are set to go into effect on August 14, 2020. He said the final rules require an abundance of changes to BOR Policy, the most notable of which are revisions to the Title IX procedures currently covered by BOR Policies 3:4 and 1:18.

He provided an overview of the substantive changes, required by the final Title IX rules and explained that given the magnitude of the changes, adjusting the framework within the existing policies would prove problematic given the inter-related nature of the relevant policies with other content, which is subject to differing processes.

Consequently, he said the rough policy draft set forth in Attachment I represents a standalone policy that would be applicable to all Title IX matters falling under the new rules. Once the substance of that policy is solidified, the adjustments to BOR Policies 3:4 and 1:18 will be addressed accordingly, with the final package coming back to the Board for final approval in August.

IT WAS MOVED by Regent Wink, seconded by Regent Schaefer, to approve the first reading of the new Sexual Harassment policy set forth in Attachment I of the agenda item.

ROLL CALL:

Brown – AYE
Roberts – AYE
Schaefer – AYE

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

Motion passed.

A copy of the Title IX Regulation Changes Item & Draft Board Policy can be found on pages ____ to ____ of the official minutes.

5-C Program Productivity Review

Dr. Jay Perry, System Vice President for Academic Affairs, explained that Attachment I of the agenda item provides the list of those programs for FY19 that have fallen below the program productivity review thresholds that were set by the Board. Earlier this month, the Board's Committee on Academic and Student Affairs reviewed more detailed institutional recommendations, and the Committee has requested that each institution provide additional financial information for each program requesting Board approval of a continuation plan. This item along with the additional information requested will be brought back to the Board in August for formal review and action.

While examples were shared as to why some under-enrolled programs should remain, regents urged the universities to provide better justification for these in the review process going forward because those that have good reason to remain need to be separated from those that are draining the system.

A copy of the Program Productivity Review can be found on pages ____ to ____ of the official minutes.

5-D Center for the Prevention of Child Maltreatment Annual Report

Dr. Jay Perry, System Vice President for Academic Affairs, explained that the Center for the Prevention of Child Maltreatment (CPCM) at the University of South Dakota (USD) coordinates the 10-year strategic plan of the Jolene's Law Task Force, including but not limited to coordinating awareness and prevention of child maltreatment and sexual abuse in the state, engaging education partners in developing training and curriculum initiatives, and conducting research on prevention and treatment. In 2014, the Legislature created the Jolene's Law Task Force and tasked it with studying the impact of child sexual abuse in South Dakota as well as presenting policy recommendations; the CPCM grew out of the of Task Force's recommendations.

Carrie Sanderson, Director for the Center for the Prevention of Child Maltreatment, provided a summary of the activities that have occurred through the Center through 2019.

A copy of the Center for the Prevention of Child Maltreatment Annual Report can be found on pages ____ to ____ of the official minutes.

5-E Presentation on Hunt Institute Conference

Tiffany Sanderson, Policy Advisor to the Governor, shared this information during the public comment period of the agenda.

BUDGET AND FINANCE

6-A Revised USD FY21 HEFF M&R Projects

Adam Rosheim, USD's Vice President of Finance & Administration, explained that USD is seeking approval to update its FY21 list of M&R HEFF funded projects from the list submitted and approved at the December 2019 BOR meeting. He stated that the total HEFF allocation amount for USD has not changed from the December approval.

With the approval of Senate Bill 40 during the 2020 Legislative session, a portion of the HEFF M&R funds are needed to cover the M&R bond payment for the USD Health Sciences facility. In addition, a change in the M&R fund source designated to pay the remaining portion of the DakotaDome Renovation is necessary. At the time of the FY21 HEFF M&R submission, the remaining allocation amount for the DakotaDome Renovation project was tentatively included using funds from the FY21 General M&R project list. House Bill 1060 approved during the 2018 Legislative session granted expenditure authority from the Higher Education Facilities Fund (HEFF). For this reason, USD is submitting a revised list of projects to be funded from the FY21 HEFF M&R funds.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve the revised FY21 HEFF M&R project list for USD as shown in Attachment II of the agenda item.

ROLL CALL:

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

Motion passed.

A copy of Revised USD FY21 HEFF M&R Projects can be found on pages _____ to _____ of the official minutes.

6-B SDSU Barn Renovations Preliminary Facility Statement

Dean Kattelman, SDSU's Associate Vice President of Facilities & Services, explained that SDSU requests approval of this Preliminary Facility Statement (PFS) to complete planning and construction of future renovations of The Barn. He said SDSU requests that this project replace the Visual Arts Project in the Board of Regents 2012 Capital Project Plan.

Assuming reuse of the Barn, this project would reallocate existing space within the facility that is currently unoccupied. Space occupied by Health & Nutritional Sciences and Extension Services would be vacated. Health & Nutritional Sciences and associated Extension Services would be consolidated into Wagner Hall and backfill space currently occupied by the Interior Design program. Vacated space in McFadden Biostress would be repurposed to accommodate space needs within the Plant Science, Biology & Microbiology, and Natural Resource Management Departments. The vacated First Year Studio space would be returned to general university storage space. Program requirements moved out of Grove Hall would alleviate existing overcrowding in the building.

He said the full project costs have been estimated at \$10-\$15M. The project would be funded with a combination of HEFF, other funds, and private donations. There is \$7.5 million in bonded HEFF funds that would become available in FY26 or FY27 when bonds are issued. The university requests the funding be redirected from the previously identified SDSU Visual Arts Project identified in the 2012 BOR Capital Project Plan to The Barn Renovation project.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve SDSU's Preliminary Facility Statement for the renovation of The Barn at an estimated cost of \$10-\$15M.

ROLL CALL:

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

Motion passed.

A copy of SDSU Barn Renovations Preliminary Facility Statement can be found on pages _____ to _____ of the official minutes.

6-C (1) BOR Policy Revisions – BOR Policy 4:1 – General Terms and Appointments (First Reading)

Kayla Bastian, Director of Human Resources, explained that due to the elimination of collective bargaining for university faculty, effective July 1, 2020, there are certain elements of the COHE agreement that now need to be implemented into BOR policy. She provided an overview of the substantive changes included in the proposed policy revisions that now address faculty contracts, whereas previously they were addressed in the COHE agreement.

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, to approve the first reading of the proposed revisions to BOR Policy 4:1.

ROLL CALL:

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

Motion passed.

A copy of BOR Policy Revisions – BOR Policy 4:1 – General Terms and Appointments can be found on pages _____ to _____ of the official minutes.

6-C (2) BOR Policy Revisions – BOR Policy 4:15 – Medical Leaves and Leaves of Absence (Second Reading)

Kayla Bastian, Director of Human Resources, explained that BOR Policy 4:15 is being revised to align with the Family and Medical Leave Act (FMLA), SD Codified Law (SDCL), and SD Administrative Rules (ARSD) changes related to a new paid family leave administrative rule that will take effect on July 1, 2020. In addition, there were changes made to add clarification and remove unnecessary language. The only revisions made to this policy since the December 2019 meeting are to address the new paid family leave which were approved by the Interim Rules Review Committee on June 9, 2020. She provided an overview of the substantive proposed revisions.

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, to approve the second and final reading of the proposed revisions to BOR Policy 4:15, to be effective June 22, 2020, as outlined in Attachment I of the agenda item.

ROLL CALL:

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

Motion passed.

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

6-C (3) BOR Policy Revisions – BOR Policy 4:25 – Time and Leave Reporting (First and Final Reading)

Kayla Bastian, Director of Human Resources, explained that BOR Policy 4:25 is being revised to align with newly adopted Administrative Rules (ARSD) and SD Codified Law (SDCL) changes that were passed during the 2020 legislative session that become effective for Fiscal Year 2021. In addition, the policy was updated to clarify how administrative leave is authorized and paid. She noted that there were no other changes to the policy except to remove the references to personal leave and replace with the appropriate new leave types.

IT WAS MOVED by Regent Roberts, seconded by Regent Stork, to (1) waive the two reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of the proposed revisions to BOR Policy 4:25, effective June 22, 2020, as outlined in Attachment I of the agenda item.

ROLL CALL:

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

Motion passed.

A copy of BOR Policy Revisions – BOR Policy 4:25 – Time and Leave Reporting (First and Final Reading) can be found on pages ____ to ____ of the official minutes.

Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Roberts, seconded by Regent Brown, that the Board dissolve into executive session at 3:00 p.m. on Wednesday, June 24, 2020, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, 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 to consult with legal counsel; that it rise from executive session at 4:30 p.m. to report its deliberations while in executive session.

ROLL CALL:

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

Motion passed.

The Board dissolved into Executive Session at 3:00 p.m.

The Board reconvened in Public Session at 5:30 p.m.

8-A Report and Actions of Executive Session

Regent Roberts explained that the Board dissolved into executive session at 3:00 p.m. on Wednesday, June 24th, 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 5:30 p.m. when the Board reconvened to resume the regular order of business.

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

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, 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.

ROLL CALL:

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

Motion passed.

The Secretary's Report can be found on pages ____ to ____ of the official minutes.

ADJOURMENT

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

ROLL CALL:

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

Motion passed.

The meeting adjourned at 5:35 p.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, June 24, 2020, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.

Recommended Actions:

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

7-G (1) – Approve the salary adjustments and appointments as outlined in Attachment I.

7-G (2) – Accept the System Scholarship Committee's recommended recipients and alternates for the 2020-21 Fowler, Bjugstad, and Scarborough scholarships.

7-G (3) – Award two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Nicholas Drummond (BHSU); and award one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Anthony Krus (USD).

7-G (4) – Accept the findings, conclusions, and order set forth in the proposed decision of the Office of Hearing Examiners, issue the Final Decision of the Board, and direct the General Counsel to proceed with noticing and/or taking any action necessary and appropriate to effectuate the same.

NORTHERN STATE UNIVERSITY

Name	Title	Effective Date	Job Change Reason	Salary	Previous Salary	% Increase
Jodi Casanova	Deputy CIO	3/22/2020	Reclassification	\$90,030.00	\$82,131.00	9.6%

CAMPUS JUSTIFICATION: Reclassified as the Deputy CIO to assist our CIO with the daily management of the Net Services department. Jodi took on the management of an additional department within net services. She has also increased responsibility for security of all NSU computer systems.

SD SCHOOL OF MINES & TECHNOLOGY

Name	Title	Effective Date	Job Change Reason	Salary	Previous Salary	% Increase
Douglas Parrow	Chief of CP & Dir Cmps Safety	3/22/2020	Reclassification	\$60,000.00	\$47,729.00	25.7%

CAMPUS JUSTIFICATION: Position reclassified as Chief of Public Safety. This is the result of planned transition of our safety officers to law enforcement officers. Doug is the first employee that has been reclassified to law enforcement thus far. Doug's increase and reclassification is in line with other SDBOR and market salary data.

SOUTH DAKOTA STATE UNIVERSITY

Name	Title	Effective Date	Job Change Reason	Salary	Previous Salary	% Increase
David Clay	Distinguished Professor	3/22/2020	Sal Adj-Unusual Circumstance	\$124,910.00	\$114,910.00	8.7%

CAMPUS JUSTIFICATION: Increase was provided for retention purposes.

Seth Conley	Coordinator-Stoux Falls Recruit	4/22/2020	Reclassification	\$45,000.00	\$38,598.00	16.6%
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CAMPUS JUSTIFICATION: Position was reclassified to a new pay grade and an internal equity adjustment was provided.

Donna Dunn	Prof'l Acad Adv & Curiclm Mngr	4/22/2020	Change Salary Rate/Pay Grade	\$51,348.00	\$46,848.00	9.6%
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CAMPUS JUSTIFICATION: Position has taken on permanent additional duties and was reclassified into a higher pay grade.

Janine Haaland	Associate Registrar	4/22/2020	Reclassification	\$54,536.55	\$49,586.25	10.0%
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CAMPUS JUSTIFICATION: Position was reclassified from a CSA position to NFE.

Hanna Holmquist	Advisor/Coordinator Student Sv	4/22/2020	Change Salary Rate/Pay Grade	\$51,373.00	\$48,465.00	6.0%
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CAMPUS JUSTIFICATION: Internal equity adjustment.

Brock Thompson	Head Coach-Women's Soccer	3/22/2020	Change Salary Rate/Pay Grade	\$75,000.00	\$65,000.00	15.4%
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CAMPUS JUSTIFICATION: Increase was provided for retention purposes.

Holly Buetler	Financial & Data Specialist	3/22/2020	Permanent Additional Duties	\$73,810.00	\$67,100.00	10.0%
CAMPUS JUSTIFICATION: Increase was provided for permanent additional duties.						

UNIVERSITY OF SOUTH DAKOTA

Name	Title	Effective Date	Job Change Reason	Salary	Previous Salary	% Increase
Hailie Warren	Public Relations Officer	4/22/2020	Permanent Additional Duties	\$75,000.00	\$65,000.00	15.4%

CAMPUS JUSTIFICATION: Restructuring of position resulting in additional duties.

Wenzhao Wei	Research Assistant Professor	4/22/2020	Change in Appointment Type	\$51,584.00	\$46,637.85	10.6%
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CAMPUS JUSTIFICATION: Transitioned from NFE employee to a member of the faculty.

DRAFT