

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
July 22, 2020**

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**BOARD OF REGENTS  
MINUTES OF THE MEETING  
July 22, 2020**

The South Dakota Board of Regents met on July 22 via Zoom teleconference at 1:00 p.m. Central Time with the following members in attendance:

ROLL CALL:

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

Also present during all or part of the meeting were Dr. Brian Maher, Executive Director and CEO; 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; Dr. Janelle Toman, System Director of Communications; Molly Weisgram; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Laurie Nichols, BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Dan Trefz, SDSBVI Superintendent; Kim Wadsworth, SDSD Superintendent; and other members of the Regental system, public and media.

**WEDNESDAY, JULY 22, 2020**

Regent Bastian declared a quorum present and called the meeting to order at 1:00 p.m.

**1-A Approval of the Agenda**

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

**ROLL CALL:**

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

Motion passed.

**1-B Declaration of Conflicts**

Regent Brown noted that he submitted a disclosure and request for waiver regarding his student employment at SDSU.

IT WAS MOVED by Regent Schieffer, seconded by Regent Stork, to approve the request for authorization pertaining to Regent Brown's student employment at SDSU.

**ROLL CALL:**

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

Motion passed.

IT WAS MOVED by Regent Roberts, seconded by Regent Thares, that the Board dissolve into executive session at 1:06 p.m. on July 22, 2020, to consult with legal counsel and discuss personnel and contractual matters, and that it rise from Executive Session at 3:30 p.m. and reconvene in public session to resume the regular order of business and report its deliberations in executive session and take any action it deems prudent as a result thereof.

ROLL CALL:

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

Motion passed.

A copy of Regent Brown's declaration of conflict can be found on page 1741 of the official minutes.

The Board dissolved into executive session.

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

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

Regent Roberts said the Board dissolved into Executive Session at 1:06 p.m. on Wednesday, July 22 to consult with legal counsel and discuss personnel matters, pending and prospective litigation, and marketing or price strategies by a board of a business owned by the State when public discussion may be harmful to the competitive position of the business, before rising from Executive Session at 3:30 p.m. and reconvening to resume the regular order of business.

She said 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 – ABSENT  
Stork – AYE  
Thares – AYE  
Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

A copy of the Secretary's Report can be found on page 1740 of the official minutes.

### **3-B SDBOR FY22 Budget Recommendations**

Heather Forney, System Vice President of Finance & Administration, provided a summary of the Executive Director's recommendation for FY22 General Fund, one-time funding requests as follows:

- BHSU – West River Health Sciences Center - \$90,000
- BHSU – Paraprofessional Education Program - \$276,000
- NSU – Center for Statewide E-Learning - \$468,850
- SDSMT – Mineral Industries Building - \$19,000,000
- SDSU – Precision Ag – Berg Agricultural Hall Remodel - \$2,000,000
- SDSU AES – Precision Ranching - \$453,200
- SDSU Extension – Rural Prosperity and Workforce Development - \$100,000
- USD – Upgrade Equipment in Animal Resource Center - \$355,000

She explained that a request for the use of the Governor's COVID-19 Relief Funds (CRF) for the NSU E-Learning project and the USD equipment upgrade has been forwarded to the Bureau of Finance and Management for consideration. A determination on funding those projects with CRF has not yet been made.

The Board endorsed these recommendations for a final budget to be submitted to the Governor's budget office by the end of August.

Regent Roberts acknowledged the good work of the presidents and staff for putting together different scenarios for enrollment and what those would mean for budget. She also thanked the Governor's office, and specifically the Governor, for the CARES Act money that it has distributed to the regental system. Additionally, Regent Roberts thanked Vice President Forney for her good effort throughout the process.

Per Regent Roberts' request, Vice President Forney provided an overview of the CARES Act funds received by the regental system.

Regent Schaefer said this year has been an anomaly due to COVID-19 for the typical budget recommendation process. He said it is important that in the future the informal budget hearing is done over a two-day process. He is comfortable with the typical June time frames for the informal budget hearings, but he requests a two-day process in the future as it is critical to give a full look at the institutions' requests.

Regent Roberts agreed with the recommendation and noted that this year was most definitely an anomaly as the institutions were asked to advance projects that were tied to one-time money.

Regent Thares asked that in the future there be additional clarity on what truly are one-time funding projects in order to assist the campuses in developing their requests.

### **3-C COVID-19 Fall Semester Planning**

Nathan Lukkes, Board of Regents General Counsel, provided an overview of a proposed tiered approach to requiring face coverings due to COVID-19. He described the four tiers proposed and explained that this system would provide the universities the ability to move from tier to tier depending on community context. He clarified that this proposal is intended to apply to the universities and not special schools. The purpose of the tiered system involving face coverings is to ensure, to the extent possible, the health and safety of our constituents. He described the disciplinary process that would be implemented to enforce the requirements. Specifically, the discipline would apply only if the individual who is not in compliance refuses to comply with the informal correction.

Dr. Maher said he has had a considerable amount of conversation with the presidents. From these, he said there is a unanimous thought that the presidents want students on campus and that everything should be done to keep campuses open. From the discussion with presidents, he said it is clear that they would like to start with a Level 3 if the Board sees that as reasonable. From his perspective, that would be in conjunction with CDC guidelines as well as be in alignment with Governor's office priorities of personal responsibilities and public health. He said there isn't a lot of recourse if the pandemic gets out of control on the campuses, so he also recommends starting at Level 3.

In response to a question by Regent Stork, General Counsel Lukkes described the efforts of the universities to incorporate the necessary precautions and safeguards to support health and wellness as well as maintain continuity of operations.

Regent Schaefer noted that he recently took a tour of SDSU to see the enormous effort the institution is making to keep campus open in the fall. He said it is a monumental effort and the Board needs to determine the starting tier with the idea that we need to keep campus open.

Regent Morgan agreed and acknowledged all the unseen work such as scheduling efforts, outside of things that can be seen such as Plexiglas barriers.

Regent Schaefer acknowledged that the Board has received many letters from people on different ends of the spectrum on the issue of face coverings as well as in-person instruction. He said it is the Board's responsibility to consider the health of faculty in addition to students.

Regent Stork said the Governor's office representative she talked to has emphasized social responsibility and the CDC has suggested face coverings but has not required them.

Regent Bastian called on each president of the universities to describe the effort they have put forth to ready their institutions for the fall semester, what they think of the four tier system, and if so what tier they'd like to start the semester.

Regarding a question from Regent Schieffer about how the tiered system applies to sporting venues, General Counsel Lukkes said the wording of level 3 currently would cover all indoor areas on campus, including indoor sporting venues. Level 2 would require face coverings in indoor sporting venues only if distancing was not possible. Regent Schieffer asked for additional distinctions between Level 2 and 3. In response, General Counsel Lukkes provided information and said Level 3 would cover nonacademic buildings as well as hallways.

Within the presidents' reports, Regent Schaefer asked that the presidents comment on what potential problems they might anticipate at Level 2 versus Level 3. Regent Schieffer asked them to add why other measures wouldn't accommodate those potential problems.

President Dunn described the work done at SDSU to follow CDC and SD Department of Health guidelines, but more importantly, to allow students to finish the semester on campus. He said the students very much want the ability to finish the semester and, in the case of seniors, graduate. He asked for the Board's trust in the work and preparation of the institutions as it has been all-consuming. He said SDSU supports the tiered process, and said it would like to start at Level 3 by huge consensus. Given the dynamic nature of the virus and all we don't know, he explained that he believes this is the most prudent approach to getting the students to the end of the semester. He said from a clarity perspective, it is really important to make the requirement consistent across buildings.

President Gestring said the work done at USD very much mirrors that described by President Dunn. She supports the four tier approach and likes the flexibility and possibility to respond locally. She described the High School Association's tiered approach, whereas they went with the most restrictive and pulled back as possible. She said starting at Level 3 gives us the best opportunity to keep students on campus for the duration of the fall. Additionally, she noted that the new students to campus will need consistency as they will be confused otherwise, and Level 3 will make it easier to understand.

Regent Schieffer asked if there is an objective trigger to move from Level 3 to Level 2. President Gestring said the incubation period of 14 days is difficult because you cannot go backwards without overwhelming the isolation locations. She said after the first four weeks would seem to be a reasonable evaluation period.

Regent Thares asked about the anticipated student reaction to Level 2 versus Level 3. President Gestring said student association wants Level 3. Regent Brown responded to the question by explaining that students are more than prepared to wear masks in academic areas versus the residence halls, which is why he leans to Level 2.

Regent Stork asked if there is a way to simplify Level 2. In response General Counsel described how Level 2 came to be in current form. Depending on what is trying to be accomplished, Level 2 can be modified. Regent Stork said she would like to incorporate more social responsibility and suggested the requirement in the classroom but social responsibility in the hallways.

President Nichols said BHSU put together a task force which has produced a 30-page document that steers implementation. Some work being done includes BHSU setting new room capacities for classrooms (i.e. COVID-capacity) as well as two new classrooms online. They are incorporating Plexiglas shields in every teaching station and all faculty are getting a COVID kit, which includes individual lapel microphones, and faculty training for things such as how to record class, etc. The residence halls will be using every single dorm rooms, creating as many single rooms as possible. In addition, the cleaning standards has been increased exponentially. She said she likes the tiered approach. She said at a minimum, Level 2 is necessary, but she recommends Level 3 for simplicity.

Because President Griffiths' speaker wasn't working, Provost Moran described the work of DSU to accommodate fall semester considering COVID-19. He noted that many of the DSU classrooms are small, so they are very interested in requiring face coverings, especially since 35% of their faculty are over age 55. DSU recommends Level 3.

President Downs provided a brief overview of the work done at NSU to prepare for the fall semester. He talked about COVID capacity as well as what NSU calls the High Flex approach to teaching, which provides options for how students can provide instruction through three different methods. He likes the tiered system and thinks minimally it should start at Level 3 but would much prefer Level 4.

President Rankin said SDSMT has many labs and has every intention of doing what it can to keep campus safely open throughout the fall semester. He acknowledged the risk of losing a faculty member for even a few weeks would be very difficult as faculty's areas of expertise are specialized and difficult to replace. He said the system hasn't investigated the trigger points to move back and forth from different levels yet. He encouraged starting at Level 3 and re-evaluating after three to four weeks. He described efforts implemented at SDSMT to prepare for the fall semester.

Regent Bastian asked the Board to consider whether it would like to adopt the four tier system for face coverings and, if so, determine the correct course of action if a campus would like to move from one tier to another.

The regents discussed whether Level 2 and Level 4 could be reconsidered for additional discussion at its August Board meeting. The group agreed that it would readdress the tier system at the August Board meeting, specifically to determine if there are ways to simplify Level 2 since it seems to cause confusion. The re-evaluation would also examine Level 4 which currently mandates

coverings in all outdoor areas. Regent Brown explained that he hopes outdoor areas, and perhaps private residence hall rooms, where social distancing can be accomplished should be excluded from the mandate versus a blanket requirement.

IT WAS MOVED by Regent Morgan, seconded by Regent Wink, to adopt the four tier protocol for face coverings as presented and discussed.

ROLL CALL:

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

Motion passed.

Regarding the process of changing levels, Regent Bastian suggested the presidents should report to the executive director who can then affirm or deny, with defensible rationale, the movement from one tier to the other and then inform the Board.

Dr. Maher said the question of how that decision gets made needs to be ironed out. He said it's an evolving conversation and just recently it was suggested that the decision be made with the counsel of epidemiology, local health care capacity, etc. He said either way there will be criteria in place to either affirm or deny the request to change levels based on the circumstances of the particular locality. This change and its rationale would then be explained on our website.

IT WAS MOVED by Regent Schieffer, seconded by Regent Morgan, to approve the process of moving from one face covering level to another, which will include presidents' requests for local deviations in the protocol approved today based on local conditions and the executive director will have authority to affirm or deny any level change and then communicate that decision as soon as practical.

ROLL CALL:

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

Morgan – AYE  
Bastian – AYE

Motion passed.

Regarding a starting semester tier, regents suggested a motion and debate. However, they questioned whether or not the starting level needed to be declared in this meeting. Presidents explained that they'd like an answer at this meeting for the sake of creating a sense of certainty on campus. Regents had additional discussion about when to incorporate a first review period.

IT WAS MOVED by Regent Schieffer, seconded by Regent Wink, to adopt a starting Level 3 with initial review to occur thirty days after the start of classes, at which time if circumstances warrant the necessary change would be implemented.

ROLL CALL:

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

Motion passed.

Regent Thares said developing social skills is a critical part of learning and therefore face-to-face instruction is critical. He said no matter what the level, it is important that everyone buys into that idea.

A copy of the COVID-19 Fall Semester Planning can be found on pages 1757 to 1762 of the official minutes.

ADJOURMENT

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

ROLL CALL:

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

Wink – AYE  
Morgan – AYE  
Bastian – AYE

Motion passed.

The meeting adjourned at 5:38 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, July 22, 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:*

*None*

**STATE OF SOUTH DAKOTA**

**BOARD OF REGENTS**

**REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL CHAPTER 3-23**

**THIS IS A PUBLIC DOCUMENT**

Date: 7/16/2020

Name of Board Member or Former Board Member: Brock A. Brown

Name of Board, Authority or Commission: **South Dakota Board of Regents**

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract:

Brock Brown and South Dakota State University (SDSU)- Office of Admissions

b) Board Member's role in the contract:

Student employee at SDSU- Office of Admissions. Title: Admissions Ambassador

c) Purpose and objective of the contract:

Brock Brown entered this position to build his resume, have a flexible on-campus employment, and better his public speaking skills. SDSU- Office of Admissions entered this contract to receive student insight into academics and the application process as well as have a student representative contacting prospective students.

d) Consideration or benefit conferred or agreed to be conferred upon each party:

Pay is minimum wage as defined by the state. Clothing is provided but ownership is maintained by the SDSU Office of Admissions and some meals are provided during admissions programming.

e) Duration of the contract:

August 17, 2020 to August 15, 2021

Signature of Requesting Party:

Date: 7/16/2020



**SOUTH DAKOTA BOARD OF REGENTS**

**Full Board**

**REVISED  
AGENDA ITEM: 3 – B  
DATE: July 22, 2020**

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**SUBJECT**

**SDBOR FY22 Budget Recommendations**

**CONTROLLING STATUTE, RULE, OR POLICY**

[SDCL 4-7-7](#) – Annual Budget Estimates Submitted by Budget Unit

**BACKGROUND / DISCUSSION**

The Board met with campus leadership in June to discuss preliminary budget priorities for FY22. The Board will finalize their budget recommendations as part of the July special meeting.

**IMPACT AND RECOMMENDATIONS**

A summary of the Executive Director’s recommendation for FY22 General Fund, one-time funding requests is as follows:

- BHSU – West River Health Sciences Center - \$90,000
- BHSU – Paraprofessional Education Program - \$276,000
- NSU – Center for Statewide E-Learning - \$468,850
- SDSMT – Mineral Industries Building - \$19,000,000
- SDSU – Precision Ag – Berg Agricultural Hall Remodel - \$2,000,000
- SDSU AES – Precision Ranching - \$453,200
- SDSU Extension – Rural Prosperity and Workforce Development - \$100,000
- USD – Upgrade Equipment in Animal Resource Center - \$355,000

A request for the use of the Governor’s COVID-19 Relief Funds (CRF) for the NSU E-Learning project and the USD equipment upgrade has been forwarded to the Bureau of Finance and Management for consideration. A determination on funding those projects with CRF has not yet been made.

The Board should review the recommendations and develop a final budget to be submitted to the Governor’s budget office by the end of August. The Board will take final action on the budget during the special meeting on July 22, 2020.

**ATTACHMENTS**

Attachment I – FY22 BOR Budget Proposal



# SD BOARD OF REGENTS

## FY22 BUDGET PRIORITIES



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# FY22 BUDGET PRIORITIES SUMMARY

## All One-Time Funding Requests

Description	Amount
BHSU – West River Health Sciences Center	\$90,000
BHSU – Paraprofessional Education Program	\$276,000
NSU – Center for Statewide E-Learning	\$468,850
SDSMT – Mineral Industries Building	\$19,000,000
SDSU – Precision Ag – Berg Agricultural Hall Remodel	\$2,000,000
SDSU AES – Precision Ranching	\$453,200
SDSU Extension – Rural Prosperity and Workforce Development	\$100,000
USD – Upgrade Equipment in Animal Resource Center	\$355,000

West River Health Sciences Center  
\$90,000

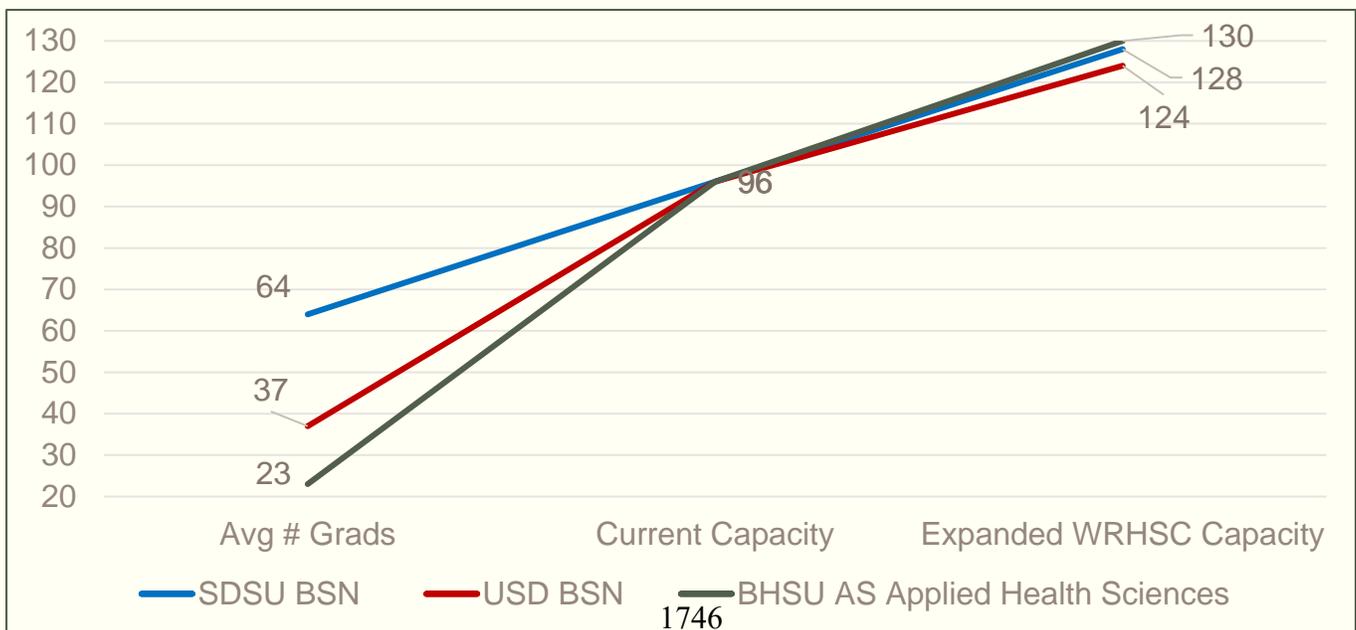


Black Hills State University has been working very closely with the local health care industry, legislators, and other interested parties to develop the West River Health Sciences Center (WRHSC) at the current Black Hills State University – Rapid City campus. The mission/purpose of the Center is:

- Visibility and exposure of nursing education options in Rapid City and the Black Hills Region.
- Coordinated recruitment and marketing – creating a pipeline.
- Recruit local and regional students into nursing programs.
- Increased enrollment capacity in West River nursing program.
- Assist recruitment into other health science programs as needed (OT, PT, dental hygiene, social work, medical lab science, pharmacy, respiratory therapy, etc.)
- Greater success in filling a dire workforce need
- One-stop center for students interested in enrollment in nursing/health science

Anticipated outcomes from the WRHSC:

- Create a pathway of applicants who are qualified to enter a Regental BSN nursing program in Rapid City.
- Leverage student support systems to ensure student retention and success
- Create a pipeline of nursing graduates who meet the workforce needs in the Black Hills region.



West River Health Sciences Center  
\$90,000



### One-Time Budget Request FY22

Description	Amount
Facility enhancements to create the WRHSC and signage	\$4,000
Marketing and recruitment	\$40,000
Technology infrastructure enhancements	\$26,000
Student support and tutoring	\$20,000
<b>TOTAL</b>	<b>\$90,000</b>

### In-Kind Contributions

Description	Amount
Academic Coordinator	\$79,509
Operating Funds	\$8,000
Marketing	\$10,000
Academic advisors (SDSU, USD, BHSU)	\$79,727
Tutoring and testing services	\$24,520
Classroom Technology	\$40,175
Office Space	\$7,200
<b>TOTAL</b>	<b>\$249,131</b>

Paraprofessional Education Program  
\$276,000



Black Hills State University is proposing the implementation of a cohort pilot paraeducation program for West River reservation schools. Schools on reservations have ongoing difficulty filling teaching positions with certified educators, the intent is that program would both increase the number of teachers on our reservations, but also increase the number of Native American instructors.

- The program is modeled after previous successful paraeducator programs:
  - 2016 legislation to create paraprofessional tuition scholarship program through BHSU & Sinte Gleska.
  - 2005-2008 SD Dept. of Education training of site bound rural paraeducators with BHSU, Montana State- Billings, and Casper College.
- Would provide a tuition assistance scholarship program to working paraprofessionals in schools primarily on Pine Ridge and Cheyenne River reservations.
- Participants will enroll in BHSU for up to three consecutive years or until attainment of a bachelor’s degree in Elementary/Special Education with teacher licensure.
- Prior learning credit assessment; course work offered via zoom or on-line; field experiences and student teaching occurs at the student’s school district.
- Expecting 20-25 graduates through this program who will continue to work while they learn.

One-Time Budget Request FY22

Description	Amount
Instructional Support	\$160,000
Tuition for 20 students	\$96,000
Computer Technology	\$20,000
<b>1748</b>	<b>TOTAL</b> <b>\$276,000</b>

Center for Statewide E-Learning and  
University Course Delivery Infrastructure  
\$468,850



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Northern State University provides the delivery of online courses, hybrid courses, and full synchronous videoconference courses through the Dakota Digital Network to high school students all across South Dakota, including Native American students on reservations. Every videoconference session is securely live streamed and recorded for later viewing by students.

To allow for efficiencies, ensure infrastructure is robust enough to handle the delivery of courses and improve retention of general education courses, NSU is proposing to upgrade the video recording and livestream system while also combining the live monitoring system into one, state-of-the-art location. They also intend to incorporate the same technologies into fifteen existing general education classrooms. These technologies will allow students to review classroom instruction at their leisure or participate remotely should the need arise, including any future needs to vacate campus due to a defined emergency.

The ability to livestream and record general education courses is expected to enhance student academic success and improve retention and graduation rates. As higher education moves in the direction of more flexible teaching modalities to students, this support will allow NSU to stay at the forefront of the trend. The improvement of our options for flexible instruction is especially critical during the COVID-19 pandemic.

The new system will be migrated to a new platform to reduce maintenance of the system and increase the overall scalability of the system. This change will also allow NSU to move to Audio-Visual over Internet, a more current solution for connecting E-learning studios back to livestream systems. This network change will require NSU to upgrade network equipment to ensure there is a 10Gb signal path between E-learning studios and university classrooms to the recording and livestream systems.

The monitoring system will be expanded to allow technicians to monitor all live sessions and ensure sessions are trouble-free. The project will also require renovation of existing space to accommodate the video recording, livestream, and monitoring systems. Currently these systems are in different locations, resulting in inefficiencies of staff time.

A request for the Governor's COVID Relief Funds (CRF) has been made for this project. At the time of this writing, the status of such funding had not been determined.

Center for Statewide E-Learning and  
 University Course Delivery Infrastructure  
 \$468,850



One-Time Budget Request FY22

Description	Amount
Two video walls (consisting of six televisions each)	\$18,000
Encoders and decoders (31)	\$62,000
Matrox remote recorders (23)	\$48,300
48-port 10G switch with multicast and license	\$25,000
Video stream multiviewer appliance	\$5,000
Monitoring station PC	\$1,500
Shure Ceiling Microphone Array (15)	\$48,000
DSP (15)	\$34,500
PoE Camera (15)	\$42,750
Network lines	\$18,300
Transceivers	\$6,500
Fiber	\$5,000
Network consulting	\$4,000
Multimedia consulting	\$5,000
Room renovations	\$140,000
Furniture	\$5,000
<b>TOTAL</b>	<b>\$468,850</b>

Mineral Industries Building  
\$19,000,000 General Funds  
\$15,000,000 Private & Other Funds



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South Dakota School of Mines & Technology is one of only five US universities offering ABET-accredited undergraduate majors in geology and geological engineering, mining engineering, and metallurgical engineering. Demand for SDSMT mineral industries (MI) is very high, with placement rates typically at or near 100% for the last several years.

The three MI departments have long recognized their interdependence in teaching and research. The close physical proximity of the MI departments has encouraged collaborative educational and research projects over the last 50 years. The MI facility, however, has never had a major renovation and the current 1960s-era layout of classrooms, laboratories, student work areas, and offices is “functionally obsolete,” dampening efforts to provide science and engineering education of the highest possible quality while advancing knowledge through research. The HVAC system has only been updated on one floor of one wing, and thus does not provide even basic temperature control. Additionally, the building needs improved ventilation for safe working with the materials for these disciplines.

SDSMT is requesting financial support to advance its MI programs. This funding will provide for the construction of a new MI building on campus. The total estimated cost for a new facility is \$34M. The university has been actively fundraising for this project and anticipates \$12M in private dollars will be available, as will \$3M from SDSMT’s share of the Higher Education Facilities Fund (HEFF).

The ultimate goal of the MI project is to create an environment that supports the delivery of a multi-discipline curriculum and research program. The following are the expected outcomes achieved by this goal:

- Improved learning experiences that incorporate the latest tools and technologies both within the classroom and in the laboratory, thereby ensuring a consistent pipeline of high-quality graduates;
- More effective recruitment of prospective students and faculty, as a modern facility will be a significant attraction to study and work at SDSMT;

Mineral Industries Building  
 \$19,000,000 General Funds  
 \$15,000,000 Private & Other Funds



- Ability to adapt quickly to growth in both student and faculty numbers through more efficient use of space;
- Increased interaction and cooperation of the MI programs, within the classroom and the laboratory, to provide graduates with a greater respect and knowledge of all MI disciplines;
- Increased opportunities for student collaboration with MI companies through interactive classrooms, student and faculty team areas, and laboratory facilities; and enhanced ability to collaborate with other MI universities across the country and internationally and to share education and research resources between these institutions.

One-Time Budget Request FY22

Description	Amount
New Building – General Funds	\$19,000,000
New Building – Private Funds	\$12,000,000
New Building – Other Funds	\$3,000,000
<b>TOTAL</b>	<b>\$34,000,000</b>

Precision Ag – Berg Agricultural Hall Remodel  
\$2,000,000



As the nation’s first university to offer both a major and a minor in precision agriculture, South Dakota State University leads the way in the field. This expertise and experience helps South Dakota’s industries lead the way in the use of precision technology and data.

SDSU graduates will be the leading innovators for optimizing production across highly variable lands. They are requesting \$2M toward completing funding to renovate Berg Agricultural Hall in conjunction with the construction of the Raven Precision Agriculture Center.

Berg Agricultural hall dates from 1953. Its advanced age presents challenges for employee environmental health and safety, research integrity and overall productivity. Completing the remodel will strongly position SDSU to continue growing its leadership position in precision agriculture research and innovation.

Total project cost for the renovation of Berg Agricultural Hall is \$10.5M. SDSU has identified \$6.5M in M&R to be allocated to the project and raised \$2M via fundraising. This \$2M request will complete the project.

One-Time Budget Request FY22

Description	Amount
Building Renovation – General Funds	\$2,000,000
<b>TOTAL</b>	<b>\$2,000,000</b>

Agriculture Experiment Station  
Precision Ranching  
\$453,200



South Dakota State University is positioned to be a global leader in precision ranching by developing grazing technologies while adding value and improving work-life balance for South Dakota's 12,000 beef producers. SDSU will create techniques that will fine-tune the role of beef cattle in a natural range ecosystem.

The South Dakota Agriculture Experiment Station will lead research and technology development to help measure cattle nutrient intake on an individual animal basis, monitor greenhouse gas emissions and remotely monitor and predict forage quantity and quality. Precision ranching research can help augment range beef cattle production through improving efficiency, welfare and range management, while providing ecosystem benefits and enhancing range sustainability.

The SDSU Precision Ranching Initiative would integrate technology into the SDSU Cottonwood Field Station to serve as a hub for precision ranching research. It will use precision livestock technologies such as monitoring devices to measure animal intake and movement, virtual fencing to better enable rotational grazing strategies, and drones to help manage forage quality. Mobile technologies would enable integration of precision ranching methods at additional sites, such as the West River Research Farm near Sturgis, for added livestock cover crop grazing work.. Given the increasingly changing environmental conditions in the Northern Great Plains, SDSU is positioned to be at the forefront of precision ranching by generating new knowledge and enabling producers and land owners to nimbly respond and adapt to changing conditions.

### One-Time Budget Request FY22

Description	Amount
Virtual fencing	\$65,000
Animal intake monitoring systems	\$222,000
Methane and carbon dioxide measuring systems	\$165,000
Range/forage condition monitoring drone equip	\$1,200
<b>TOTAL</b>	<b>\$453,200</b>

Extension  
 Rural Prosperity and Workforce Development  
 \$100,000



While explaining the Connect South Dakota Initiative to expand broadband connectivity infrastructure in the state, Governor Kristi Noem said the internet holds the potential to connect South Dakotans to their neighbors locally and to their businesses globally. In 2017, the USDA Task Force on Agriculture and Rural Prosperity highlighted e-Connectivity as the first of five key indicators of rural prosperity.

During the 2019 legislative session, Governor Noem highlighted her intent to expand broadband access to rural sectors of the state, a critical need to support workforce development and economic prosperity for rural areas of the state.

While installing broadband technology infrastructure to rural places across the state is a challenge, the ability to understand and use the technology in strategic way is another. In anticipation, SDSU Extension proposes the Extension Broadband and Rural Technology program. This program will educate rural communities and its citizens about e-connectivity while providing innovative strategies for engaging the technology to build rural capacity. This program emphasizes workforce development and the engagement of broadband technologies through a remote work certification program entitled the Rural Online Initiative. Training modules lead to either a master remote work professional (employee) certificate or a master remote work leader (employer) certificate.

Funding will be used to establish training modules and certificate programs and then train identified SDSU Extension personnel in the program.

### One-Time Budget Request FY22

Description	Amount
Program development	\$70,000
Training & travel expenses	\$15,000
Curriculum supplies	\$15,000
<b>TOTAL</b>	<b>\$100,000</b>



Upgrade Equipment in Animal Resource Center  
\$355,000

The COVID-19 pandemic has revealed critical weaknesses in the United States' ability to discover and develop treatments and vaccines rapidly. Candidate treatments and vaccines are first proven in pre-clinical animal trials conducted under current Good Laboratory Practices (cGLP). Those that pass this first bar move into Phase 1 clinical trials to demonstrate their safety in humans and must be manufactured following current Good Laboratory Practices (cGLP).

The University of South Dakota is requesting \$355,000 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.

This one-time investment will support \$3M in USD-proposed infectious disease research. Additionally, it will partner with local businesses in their efforts to develop COVID-19 treatments. Finally, it will provide a long-lasting training ground for both undergraduate and graduate students as they prepare for careers in biotechnology and medical product development.

A request for the Governor's COVID Relief Funds (CRF) has been made for this project. At the time of this writing, the status of such funding had not been determined.

One-Time Budget Request FY22

<b>Description</b>	<b>Amount</b>
Equipment and software upgrades	\$355,000
<b>TOTAL</b>	<b>\$355,000</b>

**SOUTH DAKOTA BOARD OF REGENTS**

**Full Board**

**REVISED  
AGENDA ITEM: 3 – C  
DATE: July 22, 2020**

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**SUBJECT**

**COVID-19 Fall Semester Planning (Placeholder)**

**CONTROLLING STATUTE, RULE, OR POLICY**

None

**BACKGROUND / DISCUSSION**

This item shall serve as a placeholder in the event Board discussion and/or action is necessary to accommodate any fall semester planning/considerations related to the COVID-19 pandemic.

**IMPACT AND RECOMMENDATIONS**

To be determined.

**ATTACHMENTS**

Attachment I – COVID-19 Face Covering Protocol

## COVID-19 Face Covering Protocol

The face covering protocol contained herein is intended to serve as the framework under which the Board of Regents (“BOR”) may adjust operations in a timely and tempered fashion to accommodate the changing COVID-19 landscape on its campuses and their respective communities. Significant community spread and/or other extenuating circumstances may result in campuses/locations operating at differing levels. The variables informing the face covering level in effect on a campus/location will be continuously monitored and the face covering level adjusted, as necessary and appropriate, to align with the current campus/community COVID-19 environment.

The requirement to wear face coverings in any given setting is just one of many measures taken by the campuses to promote and maintain healthy environments and operations on campus. In settings in which achieving the Centers for Disease Control and Prevention (“CDC”) recommended social distancing is difficult, campuses are utilizing modified layout, physical barriers, guides, etc. to maximize distancing and limit contact, to the extent reasonably practical. During the implementation of any face covering requirement level contained herein, institutions will assess, post and enforce revised occupancy limits for classrooms, conference rooms and other public areas on campus to account for the reduced capacity necessary to accommodate adequate social distancing (“COVID Capacity”). While the implementation of the levels contained herein may only require face coverings in certain settings on campus, the BOR encourages individuals to take personal responsibility to care for themselves and those around them, and in doing so, highly encourages the wearing of face coverings in all public areas on campus.

The protocol contained herein applies to all students, staff, faculty and visitors on campus. Institutions shall provide training, which may include the provision of training aids or other informational materials, to students, faculty and staff on the appropriate wearing of face coverings, in addition to providing face coverings for students, faculty and staff required to wear face coverings pursuant to this protocol. In settings in which face coverings are required, individuals shall properly wear a cloth or other face covering recognized by the CDC as being effective in reducing the spread of COVID-19. Failure to adhere to the face covering protocol in effect may result in adverse action under applicable BOR and/or institutional policy. Nothing contained herein should be construed to limit or otherwise infringe upon an individual's right to request an accommodation in accordance with the Americans with Disabilities Act (“ADA”) or other applicable law.

**Level 1:** Face coverings required in all classroom/lab settings in which the course delivery/experience necessitates close proximity and/or physical contact, leaving CDC recommended social distancing inherently impractical. Courses impacted at this level are those which require individuals to be in close proximity for hands-on teaching and learning, equipment use, practical experiences, etc., and would include, but aren't limited to:

- Instructional laboratories (e.g. science laboratories, engineering laboratories)
- Clinical training courses and environments (e.g. simulation centers)
- Gross anatomy courses and environments
- Art studios
- Design studios
- Digital arts studios (e.g. digital sound and animation)
- Performing Arts courses and environments (e.g. individual lessons)
- Animal science and care courses

The Provosts, or other designated vice president(s) on campus, are responsible for reviewing and approving classroom/lab settings in which the course delivery/experience warrants requiring face coverings pursuant to the Level 1 parameters. Students enrolled in any course/lab subject to the Level 1 face covering requirement shall be notified in advance of the start of class, or as soon as practical after implementation of the Level 1 protocol, informing the students of the face covering requirement, in addition to any alternative delivery methods available and the process for requesting an accommodation in accordance with the ADA or other applicable law.

**Level 2:** Face coverings required in all public areas of buildings on campus in which courses/labs are held (e.g., classrooms, hallways and common areas). In addition to the classroom/lab buildings, Level 2 also requires the wearing of face coverings in other indoor campus settings in which 30 or more individuals congregate/interact and maintaining CDC recommended social distancing is difficult (e.g., grab and go in the dining facility, large indoor meetings/events, hallways which are congested during certain time periods, etc.). If in effect, each institution shall identify and post on its webpage the common areas on campus subject to, and the requirements of, the Level 2 protocol, to include the process for requesting an accommodation in accordance with the ADA or other applicable law.

**Level 3:** Face coverings required in all public indoor spaces on campus. If in effect, each institution shall post on its webpage the areas on campus subject to, and the requirements of, the Level 3 protocol, to include the process for requesting an accommodation in accordance with the ADA or other applicable law.

**Level 4:** Face coverings required all public indoor and outdoor areas on campus. If in effect, each institution shall post on its webpage the areas of campus subject to, and the requirements of, the Level 4 protocol, to include the process for requesting an accommodation in accordance with the ADA or other applicable law.

## **Enforcement Protocol**

Maintaining a healthy and safe educational environment for students, faculty, staff and visitors on our campuses is paramount. The measures contained herein are in furtherance of that objective, leaving compliance with the same of the utmost importance. The initial response by an Institution or any of its employees to an individual found in non-compliance with the COVID-19 Face Covering Protocol in effect on campus is to inform the individual of their deficiency, and if they fail to immediately correct the deficiency, the individual will be asked to leave the area. Students, faculty, staff and visitors who fail to comply with the COVID-19 Face Covering Protocol may be subject to discipline or other adverse action in accordance with applicable BOR and/or Institutional policy.

Students observed to be out of compliance with the applicable COVID-19 Face Covering Protocol shall be addressed as follows.

1. Informal Correction:
  - a. Institutional Official informs student of options to address the non-compliance such as, but not limited to, providing resources to obtain a cloth face covering, vacating the area, scheduling a virtual meeting, or information regarding available virtual educational options.
  - b. Should the student request a reasonable accommodation regarding the use of a face covering, they will be immediately directed to the Disability Services office at their respective Institution to complete the request for an accommodation, and if approved, such approval will be communicated to the student and student's faculty members through the normal accommodation process.
  - c. Should student promptly comply with the warning of the alleged non-compliance, the Institution shall determine the alleged violation no longer credible.
2. Formal Correction:
  - a. If a student fails to promptly comply, the Institutional Official will direct the student to leave the area immediately.
  - b. If the student does not leave the area immediately, the Institutional Official will utilize the appropriate protocol defined by each Institution to receive assistance in addressing the non-compliance.
  - c. The Institutional Official will report the alleged violation through the appropriate protocol defined by each Institution regarding the Student Conduct Process as defined in SDBOR Policy 3.4 and other appropriate policies. The report shall include the nature of the disruption, non-compliance and/or action(s) required to remove the student from the area.

3. The student conduct office will review the incident report, determine whether the allegations are credible, and if so, begin the appropriate conduct process for that student. The following student conduct violations may be charged based upon the facts:
  - a. 2.2: *Disruption, Obstruction, or Interference with Institutional Activities* to include 2.2.1, 2.2.2, and/or 2.2.3;
  - b. 2.4: *Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety* to include 2.4.1;
  - c. 2.8: *Violation of Policy or Laws* to include 2.8.1.
  - d. Other policy violations as determined by the student conduct officer.
  - e. Informal resolutions may occur and any discipline, including but not limited to education, will align with severity as outlined in the code after due process.
4. In extreme cases, interim measures detailed in section 3.2 of the SDBOR Policy 3:4 may be put in place to restrict the student from University property or specific spaces until the student conduct process concludes and an outcome is rendered and appeals are afforded in accordance with SDBOR Policy 3:4. If interim measures are invoked, faculty members may be required to provide virtual options for the student to continue to participate in the course until an outcome is rendered and appeals are afforded.
5. The student will be afforded due process in accordance with SDBOR Policy 3:4.

Faculty and staff observed out of compliance with the applicable COVID-19 Face Covering Protocol shall be addressed as follows:

1. Informal Correction:
  - a. Institutional Official informs employee of their non-compliance with the protocol in effect.
  - b. An employee should request a reasonable accommodation in accordance with their applicable campus Human Resources process as soon as reasonably practical to minimize any disruption to their assigned job duties, however, in the event any employee needs to request a reasonable accommodation regarding the use of a cloth face covering when informed of their non-compliance, the employee will be immediately directed to the Human Resources Office at their respective Institution to complete the request for an accommodation.
  - c. If an employee fails to comply, the Institutional Official shall utilize the appropriate protocol defined by each Institution to report the employee non-compliance.
2. Formal Correction:
  - a. If an employee fails to promptly comply, and their non-compliance interferes with the performance of their assigned job duties and/or they refuse to immediately

leave the area, the situation will be reported via the protocol defined by each Institution to report employee non-compliance issues.

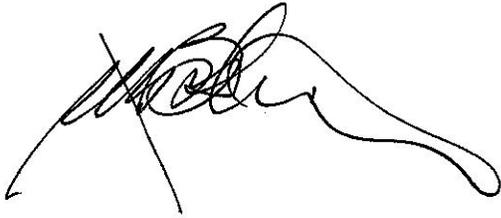
- b. Situations of employee non-compliance reported per (a) above may subject the employee to discipline or other adverse action in accordance with applicable BOR and/or Institutional policy.
- c. Employees subject to discipline or other adverse action will be afforded due process in accordance with applicable BOR and/or Institutional policy.

Visitors observed to be out of compliance with the applicable COVID-19 Face Covering Protocol shall be addressed as follows.

1. Informal Correction:
  - a. Institutional Official informs the visitor of their noncompliance with the protocol in effect.
  - b. Should the visitor promptly comply by wearing a face covering and/or leaving the area in which a face covering is required, no further action will be taken.
2. Formal Correction:
  - a. If a visitor fails to promptly comply, the Institutional Official shall utilize the appropriate protocol defined by each Institution to report the matter and receive assistance in removing the visitor from campus.
  - b. In extreme cases, additional measures may be taken pursuant to applicable BOR and/or Institutional policy to further restrict the visitor from returning to campus if the circumstances regarding their non-compliance and subsequent removal from campus so warrant.

The South Dakota Board of Regents adjourned its special business meeting on July 22, 2020 and will meet again for its annual retreat and business meeting on August 4-5, 2020 in Pierre and via teleconference.

I, Regent John Bastian, President of the South Dakota Board of Regents, declare that the above is a true, complete and correct copy of the minutes of the Board of Regents meeting held on July 22, 2020.

A handwritten signature in black ink, appearing to read 'John W. Bastian', with a long, sweeping tail extending to the right.

John W. Bastian  
President  
South Dakota Board of Regents