

**BOARD OF REGENTS
MINUTES OF THE MEETING
October 2-3, 2024**

The South Dakota Board of Regents met on October 2-3, 2024, at South Dakota State University in Brookings, South Dakota at 9:30 a.m. Central Time and via Zoom* with the following members present:

ROLL CALL:

Brock Brown – PRESENT
Judy Dittman – PRESENT
Randy Frederick – PRESENT
James Lochner – PRESENT
Randy Rasmussen – PRESENT*
Pam Roberts – PRESENT
Douglas Morrison, Secretary – PRESENT
Jeff Partridge, Vice President – ABSENT
Tim Rave, President – PRESENT

Also present during all or part of the meeting were Nathan Lukkes, Board of Regents Executive Director and CEO; Liza Clark, Chief of Staff; Dr. Janice Minder, System Vice President for Academic Policy and Planning; Heather Forney, System Vice President of Finance and Administration; Kayla Bastian, Chief Human Resources Officer; Shuree Mortenson, Director of Communications; Dr. Pamela Carriveau, System Associate Vice President for Academic Programming; Katie Maley, Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Steve Elliott, BHSU President; Lance Roberts, SDSMT Interim President; Dr. Neal Schnoor, NSU President; Sheila Gestring, USD President; Kami VanSickle, SDSD Director; and other members of the Regental system and public and media.

WEDNESDAY, OCTOBER 2, 2024

Regent Rave declared a quorum present and called the meeting to order at 9:30 a.m.

1-B Approval of the Agenda

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

1-C Declaration of Conflicts

There were no declared conflicts.

1-D Approval of the Minutes – Meeting on July 31 – August 1, 2024

IT WAS MOVED by Regent Morison, seconded by Regent Rasmussen, to approve the minutes of the Board of Regents meeting on July 31-August 1, 2024. Motion passed.

1-E Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Morrison, seconded by Regent Roberts, that the Board dissolve into Executive Session at 9:40 a.m. on Wednesday, October 2nd, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or pricing strategies by a board of a business owned by the State when public discussion may be harmful to the competitive position of the business.

That it rise from Executive Session at 5:00 p.m., and reconvene in public session, to resume the regular order of business, and that the Board report its deliberations while in executive session and take any action it deems prudent as a result thereof in public session on Thursday, October 3rd. Motion passed.

THURSDAY, OCTOBER 3, 2024

The Board reconvened in public session at 9:30 a.m.

3-A Report and Actions of Executive Session

The Board Dissolved into Executive Session at 9:40 a.m. on Wednesday, October 2nd, 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 4:00 p.m.

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 Morrison, seconded by Regent Roberts, that the Board approve the recommended actions as set forth in the secretary's report and publish said reports and official actions in the formal minutes of this meeting. Motion passed.

3-B Welcome Presentation by SDSU President Barry Dunn

President Barry Dunn welcomed the Board of Regents to South Dakota State University Campus and played a video that presented SDSU's achievements, including record-breaking enrollment, state-of-the-art facilities and a vibrant community that's buzzing with energy. President Dunn also introduced Jody Own, SDSU Senior Director of Student Success and Opportunity Center, and Shawn Helmbolt, SDSU Assistant Vice President for Enrollment Management, as they both have been integral in the overall success of the Student Success Center at SDSU.

3-C SDSU Student Organization Awards

Kimberly Grieve, SDSU Interim Associate Vice President for Student Affairs and Special Assistant to the VP, presented the SDSU student organization award winners for 2023. The Chemistry Club accepted the award for academic excellence. The University Program Council accepted the award for community service. The Student Nurses Association accepted the award for organizational leadership.

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

3-D Reports from Individual Presidents and Superintendents

No reports.

3-E Reports on Individual Regent Activities

Regent Lochner highlighted that he and Regent Partridge have been involved in the SDSMT Presidential Search and hoping to finalize that process in mid-November. He is also looking forward to later this afternoon following the conclusion of today's meeting as he and Regent Frederick will be taking a tour of the agriculture facilities while on campus.

Regent Frederick noted that he has been fairly active since the last board meeting attending SDSU's convocation. The energy was palpable and fantastic to watch sitting in on the green and seeing the record freshmen class. He had also been to NSU and visited with the campus student association there who were a wonderful young group of individuals to speak with.

Regent Roberts noted that she was able to sit in on the BOR budget hearing with the Governor when the BOR staff presented our requests for the next fiscal year. She wanted to pass on that Commissioner Terwilliger did share that the sales tax and excise tax revenues were down and that a word of caution that the economic outlook and the look for additional funds for the BOR is not looking great at this point.

Regent Dittman attended the opening of DSU's athletic center and concert event, same as several other members of the board and BOR staff.

Regent Rasmussen met with SDSU Student Government Association (SGA) and had a very productive meeting with them.

3-F Report of the Executive Director

Nathan Lukkes, Executive Director and CEO, thanked SDSU for the warm hospitality from Brookings and SDSU while hosting the BOR meeting this week. He enjoys this time of year in getting out to the campuses for various events whether it's campus move-in day or grand opening events such as DSU's athletic center; see the campuses full and vibrant is a wonderful success to see. There is a lot of hard work that goes on behind the scenes with all the staff on campus to make these successes happen and he wanted to take a moment to express his gratitude to everyone involved. He also had a great meeting with SDSU Faculty Senate last week and appreciated the hour and half they spent with him chatting the other week prior to the Board meeting.

Nathan also expressed his excitement for the Center for Civil Engagement out at BHSU and their first inaugural event coming up. Jeffery Rosen who is the CEO for the National Constitution Center is going to be on campus at BHSU on October 15th and here at SDSU on October 16th. It will be a great opportunity for community members, students, and faculty to attend especially with the timing is ideal in terms of ramping up for the election cycle.

Also the free college application period is up and running again for the year and is a good time for high school students to get their college applications in, save a little money, and explore their options at our great institutions.

3-G Report from the Student Federation

Blake Gibney (Executive Director), Ethan Gladue (President), and Madelyn Siekmann (Vice President) provided an update on activities within the Student Federation. Blake noted that his primary objective at the moment is organizing students for Students in Higher Education Days (SHED) for the upcoming legislative session. Their team member are very proactive in organizing this event and he is very happy with their progress as things are moving along as planned. SHED will be on January 26-27, 2025, in Pierre. They will be doing legislative committee assignments and hosting a meeting with the senior staff of the Board of Regents and by having Executive Director Lukkes come and speak with their group on the importance of higher education, leadership, etc.

Ethan noted that another big initiative that they are also working on is a survey for students about the awareness of tuition costs with the past few years having a tuition freeze. They plan to release the survey for a two-week timeline starting October 28th.

3-H Report from the SDSU Student Association

Trinity Peterson (SDSU SA President) and Hayden Bentz (SDSU SA Vice President) noted that their group has been doing a lot with the General Activity Fee there at SDSU. Last year they underwent a ten-month strategic planning process that involved a group of forty-four people, thirty of which were students. There were five different groups who looked into the wellness center, transportation, student life, mental health, and the general activity fee history there at SDSU. During that timeframe, they crafted a plan for how student dollars will be spent going into fiscal year 2030. The initial recommendation included a bond that is coming off their union. It is \$1.77 per credit hour and their recommendation is that be reallocated to support student organizations, student union wages, and

technology. They would also like it to support tele-mental health, an additional counselor, as well as supporting their office of student activities. In order to get that passed, they are conducting a student vote currently which they have been receiving a very enthusiastic response rate for thus far. Their goal was to get 3,000 responses (representing about a quarter of their student population) and that goal was hit just four days in. They are really excited to see the final results of that survey.

Hayden noted that a lot of construction on the First Bank & Trust Arena is wrapping up and he just attended an open house for the arena which was open to the community. He noted that they did a wonderful job on the design of the building, improving things behind the scenes as well as the overall game day experience, while also making sure that student athletes have a really positive experience in that building.

Trinity also stated that Student Association is working on other initiatives to get feminine hygiene products available as well as working with public transportation in Brookings to find more transport opportunities within city limits, as well as find a more student friendly system for scheduling/finding rides, such as an app.

Regent Roberts thanked the students for the excellent breakfast this morning and the meaningful conversations that were had.

4 Public Comment Period

There were no public comments.

CONSENT AGENDA

IT WAS MOVED by Regent Roberts, seconded by Regent Brown, to approve consent agenda items 5-A through 5-D as presented. Motion passed.

Academic and Student Affairs – Consent

5-A New BOR Admission Policy Series (Second Reading)

Approve the second and final reading of the new draft BOR Policy Admission Series 2.2.1.1 through 2.2.1.11, as presented.

A copy of the New BOR Admission Policy Series (Second Reading) can be found on pages __ to __ of the official minutes.

5-B New BOR Policy 2.7.3.1 – Learning Management System (Second Reading)

Approve the second and final reading of the new draft policy BOR Policy 2.7.3.1 – Learning Management System, as presented.

A copy of the New BOR Policy 2.7.3.1 – Learning Management System (Second Reading) can be found on pages __ to __ of the official minutes.

Budget and Finance – Consent

5-C Maintenance & Repair (M&R) Projects (Greater than \$250,000)

Approve the requested maintenance and repair projects as described in this item.

A copy of the Maintenance & Repair (M&R) Projects (Greater than \$250,000) can be found on pages ___ to ___ of the official minutes.

5-D Capital Asset Purchase Greater than \$500,000

Approve the requested maintenance and repair projects as described in this item.

A copy of the Capital Asset Purchase Greater than \$500,000 can be found on pages ___ to ___ of the official minutes.

Routine Informational Items – No Board Action Necessary

5-E Interim Actions of the Executive Director

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

5-F Building Committee Report

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

5-G Capital Projects List

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

5-H Audit Committee Report

A copy of the Audit Committee Report can be found on pages ___ to ___ of the official minutes.

5-I HEFF Cash Flow Statement

A copy of the HEFF Cash Flow Statement can be found on pages ___ to ___ of the official minutes.

5-J Annual Curriculum/Program Modification Report

A copy of the Annual Curriculum/Program Modification Report can be found on pages ___ to ___ of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

6-A SDSD Strategic Plan 2024-2027

Kami Van Sickle, SDSD Director, provided an overview of their 2024-2027 Strategic Plan, which includes the outline of their values, Vision and Mission. Kami also presented some data provided in an infographic regarding their annual summary of activities from the past year.

Regent Rave asked if Pediatric Audiologists are incredibly hard to find; Kami noted that yes they are and she also believes that is because we do not dispense hearing aids or program hearing aids and cochlear implants and a lot of audiologists go to school to do just that.

Regent Brown inquired as to how many students/clients come into their Sioux Falls office and if that space is meeting their needs. Kami noted that they offer six appointments per day and they are currently booked out through February 2025. Both their Sioux Falls and Rapid City offices are incredibly busy, and there have been discussions regarding possibly adding another audiologist booth in Sioux Falls to meet the high need for appointments.

IT WAS MOVED by Regent Dittman, seconded by Regent Morrison, to approve the strategic plan for the South Dakota Services for the Deaf, as presented. Motion passed.

A copy of the SDSD Strategic Plan 2024-2027 can be found on pages ___ to ___ of the official minutes.

6-B Revised BOR Policy 2.3.8 – Distance Education (First and Final Reading)

Dr. Janice Minder, System VP for Academic Policy and Planning, stated that this policy has been updated to include references to the new professional licensure program federal regulations, as well as the proposed AAC Guideline 2.3.8.C – Programs Leading to Professional Licensure/Certification. Previously, there was general language about licensure programs, but this reference adds more specificity and allows us to tie the new AAC guideline to an existing BOR policy.

IT WAS MOVED by Regent Dittman, seconded by Regent Morrison, 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 2.3.8 – Distance Education, as presented. Motion passed.

A copy of the Revised BOR Policy 2.3.8 – Distance Education (First and Final Reading) can be found on pages ___ to ___ of the official minutes.

BUDGET AND FINANCE

7-A DARC Annual Meeting

Andrea Thompson, CEO of DARC, joined by Stacy Krusemark, DSU VP for Finance and Administration, provided an update regarding the operations of the Dakota State University Applied Research Corporation (DARC) and their annual meeting.

IT WAS MOVED by Regent Frederick, seconded by Regent Roberts, to reappoint Andrea Thompson to serve a three-year term on the Board of Directors of DARC. Motion passed.

A copy of the DARC Annual Meeting can be found on pages ___ to ___ of the official minutes.

7-B FY26 Dakota Advantage Rate Proposal for Capped Graduate Programs at USD and SDSU

Mike Holbeck, SDSU VP of Finance and Budget, and Julie Kriech, USD VP of Finance and Administration, explained that in December 2023, the BOR approved expanding its South Dakota Advantage and Child of Alumni rates to qualifying students pursuing non-capped graduate programs at SDBOR campuses. Qualifying students are those meeting both the following criteria: 1) from a South Dakota Advantage state or are a Child of Alumni; and 2) received an undergraduate degree from an SDBOR institution.

Campuses provided supporting information to demonstrate that anticipated revenues from graduate enrollment growth from SD Advantage states would offset (or exceed) reduced revenues from offering the lower resident tuition rates. Specific professional graduate programs having unique/higher non-resident tuition rates and class size caps were excluded from the initial expansion as the revenue losses from offering resident tuition rates were substantial and could not be made whole through increased program enrollments.

Mike noted that there was a typo on one of the numbers on page six; the updated item will be posted online following the conclusion of the meeting for the public record.

IT WAS MOVED by Regent Frederick, seconded by Regent Morrison, to approve expansion of the South Dakota Advantage Graduate Tuition Program to include 1) a USD graduate tuition rate set at 175% of the resident tuition for Occupational Therapy (OT), Physical Therapy (PT), Physician Assistant (PA), Medical Doctorate (MD) and Law graduate programs; 2) an SDSU Veterinary Medicine 2+2 rate at 154% of the resident rate with fees matching the non-resident Vet 2+2 rates; and 3) an SDSU PharmD rate at 165% of the resident rate.

These tuition and fee rates would be effective starting Summer 2025 and will apply to new, qualifying students from a South Dakota Advantage state or those who are Children of Alumni and have earned an undergraduate degree from an SDBOR institution. Motion passed.

A copy of the FY26 Dakota Advantage Rate Proposal for Capped Graduate Programs at USD and SDSU can be found on pages ___ to ___ of the official minutes.

ADJOURNMENT

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

The meeting adjourned at 10:40 a.m.

Secretary's Executive Session Report

The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, October 2nd, in accordance with SDCL § 1-25-2 to discuss matters authorized therein. Following executive session, on October 3rd, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL § 1-25-2, but no official action on them is being proposed at this time.

Recommended Actions:

- 2-I. Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.*
- 2-K(1). Approve the request from South Dakota School of Mines & Technology to name the Department of Mechanical Engineering to the "Leslie A. Rose Department of Mechanical Engineering."*
- 2-K(2). Award one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Dr. Matthew Pawlus (BHSU); award sixteen (16) years of prior service credit toward tenure for Dr. John Hastings (DSU); award eighteen (18) years of prior service credit toward tenure and eighteen (18) years of prior service credit toward promotion for Dr. Jihene Kaabi EP Harrath (DSU); award twenty (20) years of prior service credit toward tenure and twenty (20) years of prior service credit toward promotion for Dr. Youssef Harrath (DSU); and award one (1) year of prior service credit toward tenure for Dr. Weibing Xing (SDSMT).*
- 2-K(3). Award an honorary an honorary Doctor of Public Service to Whitney Rencountre II (BHSU), Tammy Miller (DSU), and Ms. Jeane Hull (SDSMT).*
- 2-K(4). Approve the request to grant tenure as an Associate Professor to Dr. Ho Yeong (Julian) Kang (SDSU).*

**BOARD OF REGENTS
MINUTES OF THE MEETING
November 14, 2024**

The South Dakota Board of Regents met on November 14, 2024, at South Dakota School of Mines and Technology in Rapid City at 8:30 a.m. Mountain Time with the following members present:

ROLL CALL:

Brock Brown – ABSENT
Judy Dittman – PRESENT
Randy Frederick – PRESENT
James Lochner – PRESENT
Randy Rasmussen – PRESENT
Pam Roberts – PRESENT
Douglas Morrison, Secretary – PRESENT
Jeff Partridge, Vice President – PRESENT
Tim Rave, President – PRESENT

Also present during all or part of the meeting were Nathan Lukkes, Board of Regents Executive Director and CEO; Kayla Bastian, Chief Human Resources Officer; Katie Maley, Executive Assistant to the CEO and Board; and other members of the Regental system and public.

Regent Rave declared a quorum present and called the meeting to order at 8:30 a.m.

1-B Public Comment

Julie Godbe stated that she is a resident of Rapid City and wanted to make the Board aware of uneven parallel road grades and the dangerous hazard they present to pedestrians and cyclists. Previously there had been a total of eight of these hazards on campus but are now down to four. Julie stated that she had also sent in correspondence in the past to the Board as well as campus personnel to make them aware that these uneven parallel road grades are very dangerous and that she had suffered an accident seven years ago due to one while she was cycling. As a result of her injuries from that accident she is now paralyzed from the chest down. She has been working with the city to get those that are in their jurisdiction fixed, also noting that these proceedings did involve a lawsuit she had filed against the city; unfortunately, her suit was eventually dismissed after several years due to a lack of being able to prove that certain evidence wasn't presented to the city.

The Board noted that they appreciated her coming in today to voice her concerns; they take campus safety very seriously for everyone on campus or visiting.

1-C Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Morrison, seconded by Regent Partridge, that the Board dissolve into Executive Session at 8:40 a.m. on Thursday, November 14, to discuss personnel matters, and that it rise from Executive Session and reconvene in public session at 5:30 p.m. to resume the regular

order of business and report its deliberations while in executive session and take any action it deems prudent as a result thereof. Motion passed.

The Board reconvened in public session at 5:30 p.m.

3-A Report and Actions of Executive Session

Regent Morrison reported the Board dissolved into Executive Session at 8:40 a.m. on Thursday, November 14, to discuss personnel matters, before rising from Executive Session at 5:30 p.m. to reconvene in public session 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 Morrison, seconded by Regent Partridge, to approve the recommended actions as set forth in the Secretary's Report and that it publish said Report and official actions in the formal minutes of this meeting. Motion passed.

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

ADJOURNMENT

IT WAS MOVED by Regent Lochner, seconded by Regent Roberts, to adjourn the meeting. 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 Thursday, November 14, 2024, 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:

A – Approve settlement authority for Green Thumb Commodities mediation, subject to final review and approval of the Executive Director and the General Counsel, and to authorize any action(s) necessary and appropriate to effectuate the same.

B – Authorize the Executive Director to proceed with offering the employment contract for the President at SDSMT within the parameters discussed.