

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
December 13-14, 2023**

The South Dakota Board of Regents met on December 13-14, 2023, at South Dakota State University in Brookings at 10:00 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 – PRESENT  
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; Laurie Nichols, BHSU President; Jim Rankin, SDSMT President; Dr. Neal Schnoor, NSU President; Sheila Gestring, USD President; Kami VanSickle, SDSD Director; Jessica Vogel, SDSBVI Superintendent; and other members of the Regental system and public and media.

## WEDNESDAY, DECEMBER 13, 2023

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

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

IT WAS MOVED by Regent Roberts, seconded by Regent Brown, 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 October 4-5, 2023; November 14, 2023**

IT WAS MOVED by Regent Roberts, seconded by Regent Partridge, to approve the minutes of the Board of Regents meeting on July 31-August 2, 2023. Motion passed.

### **1-E Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Morrison, seconded by Regent Partridge, that the Board dissolve into Executive Session at 10:15 a.m. on Wednesday, December 13<sup>th</sup>, 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, December 14<sup>th</sup>. Motion passed.

## THURSDAY, DECEMBER 14, 2023

The Board reconvened in public session at 9:00 a.m.

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

Regent Morrison reported the Board ran short on time yesterday, December 13<sup>th</sup>, and will need to reconvene in executive session at the conclusion of today's public agenda. The report will be deferred and take any necessary action in public session at the conclusion thereof.

### **3-B Resolution of Recognition**

IT WAS MOVED by Regent Morrison, seconded by Regent Partridge, to recognize Laurie Nichols for her service to South Dakota's system of public higher education. Motion passed.

A copy of the Resolutions of Recognition can be found on pages \_\_ to \_\_ of the official minutes.

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

SDSU President Barry Dunn welcomed the Board and other attendees to South Dakota State University. President Dunn then provided a video presentation highlighting the universities accomplishments setting them on the path to success.

### **3-D Student Organization Awards – SDSU**

Michaela Willis, SDSU Vice President for Student Affairs and Enrollment Management, presented the SDSU student organization award winners for 2022. Sigma Phi Epsilon Fraternity INC accepted the award for academic excellence. Exercise Science Club accepted the award for community service. Student Nurses' Association (SNA) 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-E Reports from Individual Presidents and Superintendents**

President Barry Dunn introduced the new Dean of the College of Education and Humanities, Dr. Evan Ortlieb, to the Board.

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

No reports.

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

Michael Garofalo, Student Federation President, provided the Board with an update regarding the recent activities of the Student Federation. Most recently and notably they have been working on preparing for the upcoming legislative session. Their main point of attention has been the General Activity Fee (GAF) and tuition freeze. Both DSU and SDSMT are in the beginning process of petitioning for a raise in GAF. They are seeing a surge of new clubs and renewing of clubs that had gone dormant during COVID that has put a stress on the budget.

Regent Rave asked if the Student Federation has a ballpark percentage in mind as they are working on their petition to raise GAF. Michael stated that the increase was minimal and would equate to about \$2.00 per student increase.

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

Nathan Lukkes, Executive Director and CEO, provided an update regarding a couple of changes to the agenda and that items 6-C and 7-F, which were posted as placeholders, have been removed from the agenda.

Representative Will Mortenson and Senator Casey Crabtree joined to provide comment regarding workforce and how the SDBOR is a great partner in addressing those issues. Representative Mortenson noted that he appreciates that the SDBOR has kept their focus on students and their needs

and keeping the political/social issues out of the conversations. They also appreciate that the SDBOR has kept their eye on affordability of postsecondary education.

Regent Rave thanked both legislators for their commentary and appreciation for the work that the Board has been doing. The Board is appreciative of the dialogue and positive working relationship that legislators have had with the Board and look forward to maintaining that positive partnership.

Executive Director Lukkes noted that students in South Dakota having one of the lowest debt rates upon graduation doesn't happen on accident; it is the result of the collaboration between the BOR, Tech Schools and legislators to keep the focus on students and affordability.

Senator Crabtree noted that when discussion tuition freeze it is important that we keep that in tandem with fees, keeping both of those froze together as another tuition freeze is discussed. Both he and Representative Mortenson are committed to working with the Board and their lines of communication are always open.

Regent Partridge noted that he is excited regarding the tuition cut for advancing state employees and provide more opportunities to continue their education, which is an item on today's agenda for approving BOR policy to accomplish that.

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

Justin Schmidt, student of SDSU, spoke as a representative of Young Americans for Liberty. They have been working on a signature petition, which has also been joined by student groups from DSU, BHSU, and SDSMT to end the policy against having to live on campus and express their desire for student housing freedom. Justin also noted that the level of food provided by SODEXO, which he noted also provides food services for the state prison, is of poor quality that is reflected as such. This group would like the Board to immediately reevaluate BOR policy restricting students' housing choices.

#### **CONSENT AGENDA**

IT WAS MOVED by Regent Partridge, seconded by Regent Robert, to approve consent agenda items 5-A through 5-R as presented. Motion passed.

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

##### **5-A High School Dual Credit Joint Powers Agreement – SDDOE & SDBOR**

Approve the Joint Powers Agreement between the South Dakota Department of Education and the South Dakota Board of Regents, as presented.

A copy of the High School Dual Credit Joint Powers Agreement – SDDOE & SDBOR can be found on pages \_\_ to \_\_ of the official minutes.

##### **5-B New Program Request – NSU – Minor in Marketing and Digital Design**

Authorize NSU to offer a minor in Marketing and Digital Design, as presented.

A copy of the New Program Request – NSU – Minor in Marketing and Digital Design can be found on pages \_\_ to \_\_ of the official minutes.

**5-C (1) New Certificate Request – SDSMT – Quantum Communications (Undergraduate and Graduate)**

Authorize SDSMT to offer undergraduate and graduate certificates in Quantum Communications, as presented.

A copy of the New Certificate Request – SDSMT – Quantum Communications (Undergraduate and Graduate) can be found on pages \_\_ to \_\_ of the official minutes.

**5-C (2) New Certificate Request – USD – Artificial Intelligence for Business Analytics (Graduate)**

Authorize USD to offer a graduate certificate in Artificial Intelligence for Business Analytics, as presented.

A copy of the New Certificate Request – USD – Artificial Intelligence for Business Analytics (Graduate) can be found on pages \_\_ to \_\_ of the official minutes.

**5-D (1) New Specialization Request – USD – Artificial Intelligence for Business Analytics – Master of Business Administration (MBA)**

Authorize USD to offer a specialization in Artificial Intelligence for Business Analytics within the Master of Business Administration program, as presented

A copy of the New Specialization Request – USD – Artificial Intelligence for Business Analytics – Master of Business Administration (MBA) can be found on pages \_\_ to \_\_ of the official minutes.

**5-D (2) New Specialization Request – USD – Reading Specialist/Literacy Coach – MA in Secondary Education**

Authorize USD to offer a specialization in Reading Specialist/Literacy Coach within the MA in Secondary Education, as presented

A copy of the New Specialization Request – USD – Reading Specialist/Literacy Coach – MA in Secondary Education can be found on pages \_\_ to \_\_ of the official minutes.

**5-E New Site Request – SDSU – MS in Counseling and Human Resource Development – Specializations in College Counseling, Marriage and Family Counseling and Rehabilitation Counseling (Online)**

Approve SDSU’s new site proposal to offer the specializations in College Counseling, Marriage and Family Counseling, and Rehabilitation Counseling within the MS in Counseling and Human Resource Development online, as presented

A copy of the New Site Request – SDSU – MS in Counseling and Human Resource Development –

Specializations in College Counseling, Marriage and Family Counseling and Rehabilitation Counseling (Online) can be found on pages \_\_ to \_\_ of the official minutes.

#### **5-F Inactive Status and Program Terminations – DSU, NSU, SDSMT, SDSU & USD**

Approve the program termination and inactivation requests from DSU, NSU, SDSMT, SDSU & USD, as presented.

A copy of the Inactive Status and Program Terminations – DSU, NSU, SDSMT, SDSU & USD can be found on pages \_\_ to \_\_ of the official minutes.

#### **5-G (1) Articulation Agreements – South Dakota School of Mines & Technology**

Approve the articulation agreement from South Dakota School of Mines & Technology with Southeast Technical College (STC), as presented in Attachment I.

A copy of the Articulation Agreements – South Dakota School of Mines & Technology can be found on pages \_\_ to \_\_ of the official minutes.

#### **5-G (2) Articulation Agreements – South Dakota State University**

Approve the articulation agreements from South Dakota State University with Chadron State College, Iowa Lakes Community College, Lake Area Technical College, Mitchell Technical College, Mid-State Technical College, Northwest Iowa Community College, Northeast Community College, Riverland Community College, Western Iowa Tech Community College, and Nitte Meenakshi Institute of Technology, as presented in Attachment I.

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

#### **5-H Agreements on Academic Cooperation – South Dakota State University**

Approve South Dakota State University's agreements on academic cooperation with the University of Kinshasa and the University of the Philippines Los Baños, as presented.

A copy of the Agreements on Academic Cooperation – South Dakota State University can be found on pages \_\_ to \_\_ of the official minutes.

#### **5-I (1) Revised BOR Policy 2.2.2.1 – Seamless Transfer of Credit (Formerly Policy 2:5) and BOR Policy 2.2.2.5 – Prior Learning and Validated Transfer of Credit (Formerly Policy 2:5:4) (Second Reading)**

Approve the second and final reading of the proposed revisions to BOR Policy 2.2.2.1 and BOR Policy 2.2.2.5, as presented.

A copy of the Revised BOR Policy 2.2.2.1 – Seamless Transfer of Credit (Formerly Policy 2:5) and BOR Policy 2.2.2.5 – Prior Learning and Validated Transfer of Credit (Formerly Policy 2:5:4) (Second Reading) can be found on pages \_\_ to \_\_ of the official minutes.

**5-I (2) Revised BOR Policy 3.3.1 – Confidentiality of Student Records (Formerly Policy 3:5) (Second Reading)**

Approve the second and final reading of the proposed new draft of BOR Policy 3.3.1, as presented

A copy of the Revised BOR Policy 3.3.1 – Confidentiality of Student Records (Formerly Policy 3:5) (Second Reading) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**5-J Graduation Lists**

Approve the Fall 2023 graduation lists for BHSU, DSU, NSU, SDSMT, SDSU, and USD contingent upon the students' completion of all degree requirements.

A copy of the Graduation Lists can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**Budget and Finance – Consent**

**5-K 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-L FY25 HEFF M&R Projects**

Approve the FY25 HEFF M&R projects as presented in Attachment II.

A copy of the FY25 HEFF M&R Projects can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**5-M FY25 Auxiliary System M&R Projects**

Approve the FY25 Auxiliary System M&R projects as presented in Attachment I.

A copy of the FY25 Auxiliary System M&R Projects can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**5-N FY25 AES M&R Projects**

Approve the AES M&R projects for FY25 as requested.

A copy of the FY25 AES M&R Projects can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**5-O (1) Capital Asset Purchase Greater than \$500,000 – SDSMT – X-Ray Photoelectron Spectrometer**

Approve SDSMT's request to purchase an X-ray Photoelectron Spectroscopy (XPS) for research and development using \$1,097,251 of research funds.

A copy of the Capital Asset Purchase Greater than \$500,000 – SDSMT – X-Ray Photoelectron Spectrometer can be found on pages \_\_ to \_\_ of the official minutes.

**5-O (2) Capital Asset Purchase Greater than \$500,000 – SDSU – FBT Arena Daktronics Video and Audio**

Approve SDSU’s request to purchase the FBT Arena Daktronics Video and Audio digital displays using a total of \$5,136,930 of Foundation funding.

A copy of the Capital Asset Purchase Greater than \$500,000 – SDSU – FBT Arena Daktronics Video and Audio can be found on pages \_\_ to \_\_ of the official minutes.

**5-P Repeal BOR Policy 1.3.9 – Regental Civil Service Advisory Council (Formerly Policy 1:7:5) (First and Final Reading)**

Approve the first and final reading of the proposed repeal of BOR Policy 1:3:9 – Regental Civil Service Advisory Council.

A copy of the Repeal BOR Policy 1.3.9 – Regental Civil Service Advisory Council (Formerly Policy 1:7:5) (First and Final Reading) can be found on pages \_\_ to \_\_ of the official minutes.

**5-Q BHSU-Crazy Horse Memorial Foundation MOU**

Approve the Agreement between Black Hills State University and the Crazy Horse Memorial Foundation in substantially similar form to that set forth in Attachment I.

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

**5-R SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation**

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

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

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

**5-S 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-T Building Committee Report**

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

### **5-U Capital Projects List**

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

### **5-V SDSU Football Stadium FY23 Financials**

A copy of the SDSU Football Stadium FY23 Financials can be found on pages \_\_\_ to \_\_\_ of the official minutes.

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

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

### **5-X Student Accounts Receivable Report**

A copy of the Student Accounts Receivable Report can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-Y General Education Assessment Report**

A copy of the General Education Assessment Report can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-Z Intent to Plan Requests**

A copy of the Intent to Plan Requests can be found on pages \_\_\_ to \_\_\_ of the official minutes.

## **ACADEMIC AND STUDENT AFFAIRS**

### **6-A Revised BOR Policy 3.6.1 – Scholarships, Grants, and Loans (Formerly Policy 3:15) (Second Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, joined by Heather Forney, System Vice President for Finance & Administration, stated that BOR academic staff have been evaluating BOR Policy 3.6.1 (formerly Policy 3:15). This policy requires substantial modifications due to historical and current changes in the management of the scholarships; therefore, the new draft presented in Attachment I will replace the old version. This is the second reading of the proposed new draft of this policy. A revision has been made since the first reading at the October 2023 BOR meeting and is highlighted yellow within Attachment I.

Regent Roberts noted that she is not in favor of this policy change. It is a hidden cost and when we are focusing as a Board on affordability, this seems to be counterproductive to that. Regent Partridge was also not in favor of the policy change.

Regent Brown suggested that, should the policy revision be approved, it would be beneficial for the Board to put together a report and review the number of housing scholarships have been

awarded at the end of the year to determine if additional conversations on these scholarships is warranted.

IT WAS MOVED by Regent Brown, seconded by Regent Frederick, to approve the second and final reading of the proposed new draft of BOR Policy 3.6.1, as presented. Motion passed.

A copy of the Revised BOR Policy 3.6.1 – Scholarships, Grants, and Loans (Formerly Policy 3:15) (Second Reading) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **6-B 2022 Academic Degree Program Productivity Report**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, joined by Dr. Pamela Carriveau, System Associate Vice President for Academic Programming, stated the Board of Regents approved BOR Policy 2.3.4 (Academic Program Evaluation and Review Policy) at their March and May meeting in 2021. The program evaluation requires campuses to evaluate their portfolio of programs and if the program is flagged, then that program must be evaluated, and an action plan developed.

As outlined in BOR Policy 2.3.4, a program will be flagged if the program does not meet the degree conferral and both the student enrollment and financial formula evaluation.

The campuses have been working on the evaluation of these program reviews since March of 2023. Working with academic leadership and board academic staff has been an iterative process. Academic leadership worked directly with their campuses per internal institutional processes. As policy and guidelines are new, the work developed during this initial cycle will help continue to enhance the procedures for the next cycle. Attachment I is the annual report that has been developed for the Regents which provides supportive documentation and history of the discontinued and approved programs since 2010.

It is recommended that the Board approve the action recommendations as presented in Tables 1 and 2.

IT WAS MOVED by Regent Brown, seconded by Regent Partridge, to approve the recommendations as outlined in this item. Motion passed.

A copy of the 2022 Academic Degree Program Productivity Report can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **6-C Civics Initiative (Placeholder)**

*This item was pulled from the agenda.*

## **BUDGET AND FINANCE**

### **7-A FY25 Governor's Recommended Budget**

Heather Forney, System Vice President for Finance & Administration, stated that on the first Tuesday of every December, the Governor presents the recommended budget for the next fiscal year to the State Legislature and the public. Her FY25 recommended budget includes an additional

\$115.6 million in on-going revenues, while the FY24 revenues have been revised to include an additional \$79.4 million in one-time revenues. The Governor is recommending a 4% market adjustment for state employees and a small increase for state employee health insurance for FY25. Additional details are outlined with in the item presented.

Regents Brown and Partridge expressed their thanks to the Governor in including these requests in her recommended budget.

A copy of the FY25 Governor's Recommended Budget can be found on pages \_\_ to \_\_ of the official minutes.

### **7-B 2024 Board Sponsored Legislation**

Liza Clark, BOR Chief of Staff, and Holly Farris, System General Counsel, stated that they have three items for legislation that they would like to get the Board's approval on. The first two are provided in attachments. The third item regarding Quantum Computing is still being drafted with legislative staff so we do not have the draft for review at this time but ask that the Board allow any modifications or amendments be made by the Executive Director as needed.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to authorize the Executive Director to (1) submit the proposed bills and make such modifications or amendments to the bills as are necessary and appropriate, provided such modifications or amendments do not change the fundamental purpose of the legislation, and (2) submit such additional legislation as may be necessary and appropriate, upon concurrence of a majority of the legislative committee. Motion passed.

A copy of the 2024 Board Sponsored Legislation can be found on pages \_\_ to \_\_ of the official minutes.

### **7-C FY25 Tuition Rate Proposals**

Heather Forney, System VP of Finance and Administration, stated that while the system traditionally addresses any tuition rate approvals be approved at the March/April Board meeting, we are introducing this edit a little early to make revisions for Dakota Advantage.

Regent Morrison stated as a personal testimony that he grew up in California and had a lot of choices when he graduated high school. He wound up at the University of South Dakota's business school, which created a stickiness which allowed him to stay in this state. He was able to overcome that issue of out-of-state tuition costs, but not every kid can. If we are going to expand the workforce in South Dakota, he believes this is a great way to get students to come to school here. He is in full support of this as a former student who could have benefited from this had it been available when he was still in school.

Executive Director Lukkes urged any students/individuals listening to this meeting to not be misled by other states' marketing of "free tuition". If you really look into those you will see that is not really the case, and for many this Dakota Advantage rates with South Dakota institutions is often the better deal.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve an expansion of the South Dakota Advantage tuition program offering new incoming and new transfer students from

Minnesota, Kansas, and Missouri a tuition rate equivalent to the resident tuition rate set for each university starting summer 2024. For new graduate students, this expansion will apply only to non-capped graduate programs. Minnesota students currently enrolled in Regental institutions will continue to receive the equivalent of the Minnesota reciprocity rate until their graduation. Motion passed.

A copy of the FY25 Tuition Rate Proposals can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **7-D Revised BOR Policy 5.4 – Purchasing (First and Final Reading)**

Heather Forney, System VP of Finance and Administration, stated that this policy has been updated to include changes related to SDCL § 5-18A-11, which raised the threshold for RFPs on supplies to \$50,000. Attachment I shows the proposed changes. This is a first and final reading of what is essentially a cleanup of BOR Policy 5.4.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5.4 – Purchasing with the revisions as shown in Attachment I. Motion passed.

A copy of the Revised BOR Policy 5.4 – Purchasing (First and Final Reading) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **7-E SDSU Transient Animal Preliminary Facility Statement (PFS)**

Heather Forney, System VP of Finance and Administration, joined by Barry Meilke, SDSU Associate Vice President for Facilities, stated that South Dakota State University requests approval of this Preliminary Facility Statement to engage a design-build team to complete planning and construction of a new Transient Animal Facility. The Transient Animal Facility will be used for teaching and extension/outreach purposes. Numerous Animal Science courses utilize livestock for their labs, and while some of this need can be met using the university's livestock units, it also requires outside sources to provide an adequate quantity and variety of animal stock for instruction. This maximizes teaching opportunities, especially for terminal livestock. Due to the transient use of external livestock, it is not feasible to house them in the university's permanent units. Even if adequate space were available at permanent livestock units, transient animals present biosecurity risks that could compromise the university's herds.

IT WAS MOVED by Regent Frederick, seconded by Regent Brown, to approve SDSU's Preliminary Facility Statement to complete planning and construction of a new Transient Animal Facility using insurance proceeds and other funds, and to exempt the project from the remainder of the Board's Capital Improvements Policy. Motion passed.

A copy of the SDSU Transient Animal Preliminary Facility Statement (PFS) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **7-F SDSU Cottonwood Range and Livestock Field Station Facility Design Plan (FDP)**

*This item was pulled from the agenda.*

#### **7-G SDSU Soccer Competition Venue Preliminary Facility Statement**

Heather Forney, System VP of Finance and Administration, joined by Barry Meilke, SDSU Associate Vice President for Facilities, stated that South Dakota State University requests approval of this Preliminary Facility Statement for planning of a new Soccer Competition Venue on the Main Campus of South Dakota State University. A new facility would provide the University and the women's soccer team with a more connected, inviting, and active place for hosting competitive events. Furthermore, the new facility would enhance opportunities for student-athletes by giving them access to a dedicated locker room and team room. Events hosted at the baseball and softball fields would be enhanced through the shared use of locker rooms, restrooms, officials' changing room, and concessions. The facility would improve access to outdoor programming for intramural events by improving the overall condition of the outdoor athletic fields available for intramural activities and provide storage space for athletic training and maintenance equipment.

IT WAS MOVED by Regent Frederick, seconded by Regent Brown, to approve SDSU's Preliminary Facility Statement for the planning of a new Soccer Competition Venue utilizing private donations. A building committee representative should be appointed to oversee this project. Motion passed.

A copy of the SDSU Soccer Completion Venue Preliminary Facility Statement can be found on pages \_\_ to \_\_ of the official minutes.

#### **7-H DSU ARL Building in Sioux Falls Facility Design Plan (FDP)**

Heather Forney, System VP of Finance and Administration, joined by Stacy Krusemark, DSU Vice President for Business & Administrative Services, stated Dakota State University (DSU) requests the Board of Regents' approval of the Facility Design Plan (FDP) for the construction of a new Applied Research Lab located in Sioux Falls. This project will provide expanded Applied Research Lab facilities for Dakota State University located in Sioux Falls. The 3-story, 100,000 square foot facility will focus on creating a high-quality work environment by providing natural daylight, fostering indoor and outdoor relationships and views, and planning for a strong sense of campus between potential future structures.

IT WAS MOVED by Regent Frederick, seconded by Regent Brown, to approve DSU's Facility Design Plan for the Applied Research Facility at an amount not to exceed \$62,500,000 utilizing private funds. Motion passed.

A copy of the DSU ARL Building in Sioux Falls Facility Design Plan (FDP) can be found on pages \_\_ to \_\_ of the official minutes.

#### **7-I BHSU West River Nursing Addition & Renovation Facility Design Plan (FDP)**

Heather Forney, System VP of Finance and Administration, joined by Kathy Johnson (BHSU Vice President for Finance & Administration) and Randy Culver (BHSU Associate VP of Facilities & Sustainability) stated Black Hills State University (BHSU) and South Dakota State University (SDSU) jointly request approval of the Facility Design Plan for a renovation and addition to BHSU-Rapid City (BHSU-RC) for the West River Health Sciences Center (WRHSC). This project will consolidate all west river nursing education at a single site, providing efficiencies and improvement in space utilization; will replace outdated and program limiting leased facilities in four different locations in Rapid City with one fully appointed modern educational facility; and will provide the space necessary to increase the number of nursing graduates in Rapid City to address the severe nursing shortage in the region.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the Facility Design Plan for BHSU-Rapid City & SDSU West River Health Science Center Addition & Renovation at a cost not to exceed \$16,614,644 to be funded by the sources identified in this item. Motion passed.

A copy of the BHSU West River Nursing Addition & Renovation Facility Design Plan (FDP) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**7-J NSU Business & Health Innovation Center/Lincoln Hall Facility Design Plan (FDP)**

Heather Forney, System VP of Finance and Administration, joined by Veronica Paulson, NSU Vice President for Finance, provided a brief PowerPoint presentation providing an update on the project.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve NSU's Facility Design Plan for the Business and Health Innovation Center Facility at an amount not to exceed \$31,450,000, using the funding sources identified in the item. Motion passed.

A copy of the NSU Business & Health Innovation Center/Lincoln Hall Facility Design Plan (FDP) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**7-K Removal of Briscoe Hall at NSU from Auxiliary Facilities System**

Heather Forney, System VP of Finance and Administration, joined by Veronica Paulson, NSU Vice President for Finance, stated that NSU requests authority to remove Briscoe Hall from its Auxiliary Facilities System as it is structurally unfit for use as a residence hall. They further request authority to demolish Briscoe Hall prior to its removal from the Auxiliary Facilities System, utilizing funds available in its Institutional System.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the recommendation as set forth in detail in Attachment I. Motion passed.

**ROLL CALL:**

Brown – AYE  
Dittman – AYE  
Frederick – AYE  
Lochner – AYE  
Rasmussen – AYE  
Roberts – AYE  
Morrison – AYE  
Partridge – AYE  
Rave – AYE

Motion passed.

A copy of the Removal of Briscoe Hall at NSU from Auxiliary Facilities System can be found on pages \_\_\_ to \_\_\_ of the official minutes.

**7-L Revised BOR Policy 5.5.1 – Tuition and Fees: On-Campus Tuition, and BOR Policy 5.5.2**

### **– Tuition and Fees: Off-Campus Tuition (First and Final Reading)**

Kayla Bastian, System Chief Human Resource Officer, joined by Heather Forney, System VP of Finance and Administration, stated that one of the main points she heard throughout the HR Transformation process was this was one of the things employees really looked as an added benefit. And so, as we look at being an employer of choice, this will be a great tool for the system from a retention and recruitment perspective.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to I move 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 5.5.1 and 5.5.2 as outlined in Attachments I and II. Motion passed.

A copy of the Revised BOR Policy 5.5.1 – Tuition and Fees: On-Campus Tuition, and BOR Policy 5.5.2 – Tuition and Fees: Off-Campus Tuition (First and Final Reading) can be found on pages \_\_ to \_\_ of the official minutes.

### **7-M New BOR Policy 1.7.6 – Communications and Branding, and Repeal of BOR Policy 5.16 – Trademarks (First and Final Reading)**

Holly Farris, System General Counsel, stated that this is a first and final reading of a new proposed BOR Policy for communications and branding, and subsequent repeal of Policy 5.16.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to (1) waive the two-reading requirement of By-Laws Section 5.5.1.; (2) approve the first and final reading of the proposed revisions to BOR Policy 1.7.6, as presented, and (3) repeal BOR Policy 5.16. Motion passed.

A copy of the New BOR Policy 1.7.6 – Communications and Branding, and Repeal of BOR Policy 5.16 – Trademarks (First and Final Reading) can be found on pages \_\_ to \_\_ of the official minutes.

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

IT WAS MOVED by Regent Morrison, seconded by Regent Partridge, that the Board reconvene in executive session at 11:10 a.m. to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or pricing strategies of a board of a business owned by the state when public discussion may be harmful to the competitive position of the business.

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

Regent Morrison reported the Board dissolved into Executive Session at 10:15 a.m. on Wednesday, December 13<sup>th</sup>, 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 5:15 p.m.

The Board then reconvened in executive session at 11:10 a.m. on Thursday, December 14<sup>th</sup> for additional discussion of the matters just discussed before rising from executive session at 12:10 p.m. The discussion of matters in executive session included certain recommended actions set forth in the secretary's report and other matters permitted by law.

IT WAS MOVED by Regent Morrison, seconded by Regent Roberts, to approve the recommended actions as set forth in the Secretary's Report and that it publish said Report and official actions in the formal minutes of this meeting. Motion passed.

A copy of the Secretary's Report can be found on pages \_\_ to \_\_ of the official minutes.

### **ADJOURNMENT**

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

The meeting adjourned at 12:00 p.m.

DRAFT

## *Secretary's Executive Session Report*

*The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, December 13<sup>th</sup>, and Thursday, December 14<sup>th</sup>, in accordance with SDCL § 1-25-2 to discuss matters authorized therein. Following executive session on December 14<sup>th</sup>, the Board met 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 was proposed at that time.*

### *Recommended Actions:*

- 2-M. Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.*
- 2-N. Approve the organizational structure change, and the compensation adjustments and appointments as outlined in Attachment I.*
- 2-O. Award an honorary Doctor of Public Service to Dana J. Dykhouse (BHSU); the five (5) Board of Directors of the Great Plains Foundation including Harvey Jewett, Tim Kessler (posthumously), Jack Thompson, Michael Evans, and Eldon Swingler (NSU); and Tim and Barbara Johnson (USD).*
- 2-P. Approve the request to grant tenure as Professor to Dr. John Jaeger, Dr. John Blanton, and Dr. Evan Ortlieb (SDSU).*
- 2-Q. Accept the System Scholarship Committee's recommended recipients and alternates for the 2023-24 Fowler, Bjugstad, and Scarborough scholarships, as presented.*

#### *2023-24 Fowler Recipient Recommendation*

*Recipient 1: Kiara Bokinskie – NSU*

*Recipient 2: Ethan Clites – DSU*

*Alternate 1: Brenna Dann – USD*

*Alternate 2: Cambell Fischer – USD*

#### *2023-24 Bjugstad Recipient Recommendation*

*Recipient 1: Kashlin Bettelyoun – BHSU*

*Recipient 2: Taylor Even – SDSU*

#### *2023-24 Scarborough Recipient Recommendation*

*Recipient 1: Roger Garrett – SDSMT*

*Alternate 1: Miriam Pickard – SDSU*

**SOUTH DAKOTA STATE UNIVERSITY**

<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Matt Halvorsen</b>	<b>Video Services Coordinator</b>	<b>11/22/2023</b>	<b>Additional Duties/Reclass</b>	<b>\$60,021.00</b>	<b>\$51,300.00</b>	<b>17.0%</b>

<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Christopher Schlenker</b>	<b>Director of Horticulture and Grounds</b>	<b>11/22/2023</b>	<b>Additional Duties/Reclass</b>	<b>\$73,150.00</b>	<b>\$66,500.00</b>	<b>10.0%</b>

<b>Name</b>	<b>Title</b>	<b>Effective date</b>	<b>Job Change Reason</b>	<b>Requested Salary</b>	<b>Previous Salary</b>	<b>% Increase</b>
<b>Andrew Sogn</b>	<b>Asst. Director of Marketing &amp; Communications</b>	<b>11/22/2023</b>	<b>Reclassification</b>	<b>\$69,576.00</b>	<b>\$63,251.00</b>	<b>10.0%</b>

<b>APPOINTMENTS REPORTING TO THE PRESIDENT, SUPERINTENDENT or EXECUTIVE DIRECTOR</b>				
<b>NAME</b>	<b>TITLE</b>	<b>EFFECTIVE DATE</b>	<b>SALARY</b>	<b>INSTITUTION</b>
Carly Johnson	Director of Audiology	12/22/2023	\$108,000.00	SDSD
Laurie Anderson	Vice President for Research	12/22/2023	\$240,000.00	SDSMT

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