

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
October 4-5, 2023**

The South Dakota Board of Regents met on October 4-5, 2023, at South Dakota School of Mines and Technology in Rapid City at 10:00 a.m. Mountain Time and via Zoom\* with the following members present:

ROLL CALL:

Brock Brown – PRESENT  
Judy Dittman – PRESENT  
Randy Frederick – PRESENT  
James Lochner – ABSENT  
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, OCTOBER 4, 2023**

Regent Rave declared a quorum present and called the meeting to order at 9:00 a.m.

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

IT WAS MOVED by Regent Roberts, seconded by Regent Partridge, 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 2, 2023**

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

### **1-E 2024 SDBOR Meeting Schedule**

IT WAS MOVED by Regent Roberts, seconded by Regent Partridge, to accept the dates and locations proposed on the 2024 Board of Regents Meeting Calendar in Attachment I. Motion passed.

### **1-D 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, October 4<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, October 5<sup>th</sup>. Motion passed.

## **THURSDAY, OCTOBER 5, 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 dissolved into Executive Session at 10:15 a.m. on Wednesday, October 4<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 5:00 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, 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.

### **3-B Resolutions of Recognition**

IT WAS MOVED by Regent Roberts, seconded by Regent Brown, to recognize John Bastian for his 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 SDSMT President Jim Rankin**

SDSMT President Jim Rankin welcomed the Board and other attendees South Dakota School of Mines and Technology and introduced two new staff members. President Rankin then provided a presentation regarding the institution's latest strategic plan with centers around three principals: Educate, Innovate and Engage. He noted that regarding enrollment, the South Dakota Advantage program has been very helpful for them in recruiting students from those states involved.

### **3-D(1) Student Organization Awards – SDSMT**

Cory Headly, SDSMT Director of Student Success, and Samantha Harkin, SDSMT Assistant Director of Student Engagement, presented the SDSMT student organization award winners for 2022. Lambda Chi Alpha accepted the award for academic excellence. Mines Vex U Robotics accepted the award for community service. Society of Physics Students (SPS) accepted the award for organizational leadership.

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

### **3-D(2) Student Organization Awards – BHSU**

Dr. Jon Kilpinen, BHSU Provost & Vice President for Academic Affairs, presented the BHSU student organization award winners for 2022. The Psychology Club accepted the award for academic excellence. The Campus Activity Board (CAB) accepted the award for community service. The Honors Club accepted the award for organizational leadership.

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

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

No reports.

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

Regent Partridge gave a quick update that it is a very great process within our country and system that we have a transition of power and that we have had an announcement that the President of BHSU, Dr. Laurie Nichols, and we are engaged in the search process right now in reviewing candidates for the next President.

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

Josh Styskal, Student Federation Executive Director, was unable to attend the meeting and instead opted to submit a written report to the Board of any pertinent activities within the group. Regent Brown noted that he attended the recent meeting of the Student Federation and plans to join as many of those as possible going forward to keep abreast of their activities and provide as an additional liaison from them to the rest of the Board.

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

Nathan Lukkes, Executive Director and CEO, provided an update regarding frequent topics that have popped up in the public eye recently involving the Regental system Hotline complaints that have garnered some public discussion. He stated:

*There are allegations involving confidential student or employee information that we just can't discuss publicly but doesn't mean they haven't been looked into and addressed. Also, in some instances, when we have dug into things we've found, even with information coming directly from the complainant, that the allegation as initially represented was not accurate, the allegation that BHSU was pushing SSRI's at orientation was one such example, as it turns out SSRI's were never actually mentioned.*

*Preferred Pronoun complaints pop up on occasion at the start of semester... We do not require preferred pronouns, nor should we be putting students on the spot, asking them to state their preferred pronouns. To be clear, we also do not prohibit students from using preferred pronouns if they so choose. The Board has consistently instructed campuses against requiring or mandating preferred pronouns, whether in principle or practice. When issues have come to our attention, any misunderstanding or misapplication of this position by faculty or staff has been addressed.*

*With campus activities in full swing, student org events have occasion to garner some attention. As you know, we have hundreds of student organizations that host thousands of events across the system each year. These student events cover a broad range of lawful speech and expression, many of which may be positively received by some and not by others. Our focus is on ensuring we follow the law and apply our policies, providing an equal playing field for all student organizations, regardless of the content or viewpoint of their message. Last spring, the Board passed a minors on campus policy, ensuring that minors on campus are appropriately supervised, and that events involving the presence of minors are properly managed and contain age-appropriate content. An event scheduled for next week at USD is*

*an example of how this policy is working, as it is advertised with a disclaimer that it “may contain mature content” and is for attendees 18 and over. We have and will continue to follow the law.*

*On a different note, as some of you may recall, the Global Citizenship & Diversity Course requirement within the College of Arts, Humanities, and Social Sciences at SDSU has been the subject of discussion and review over the past year. Today, my recommendation to the Board is to end that graduation requirement for programs within that college. While there have been various questions raised as to the merits of the content and curriculum of that course, I am not here today to pass judgement in either respect, as doing so would be inappropriate. Academic freedom is a cornerstone of American universities, and faculty members are entitled to freedom in the classroom in the discussion of their subject and in the presentation of the various scholarly views, including controversial matter. However, what is or isn't required as a condition of graduation rests within the purview of the Board. As such, the recommendation is simply to remove the course as a graduation requirement for the slate of programs within the college, effective immediately. The course itself will remain, and students may voluntarily elect to take the course, or not, no different than the spectrum of courses currently offered across the system. This recommendation would be effectuated in Item 5-H, which is the annual program modification report to the Board.*

*I also wanted to touch on the sexual violence prevention and bystander training video at SDSU that was described as “highly sexual” and “graphic”. For context, this training is provided to comply with the Violence Against Women’s Act’s annual requirement for sexual assault and bystander training. The training module is provided by Vector Solutions, a national vendor used by more than 2000 colleges, universities, and organizations. While the video may be uncomfortable to watch, it involves two fully clothed individuals (long sleeves and covered legs) role-playing on a couch with two moderators standing behind them. The video does involve kissing and over the clothes touching, which is interrupted throughout the segment by the moderators for discussion and explanation of consent to sexual activity. Upon review of the training, I would not categorize the video as graphic or highly sexual. Sexual assault is an inherently uncomfortable topics to discuss and provide training on, even to students over the age of 18. Unfortunately, sexual assault happens, even on our campuses. The provided training may make some feel uncomfortable or uneasy. However, if it ultimately raises awareness, spurs a dialogue, and stops even one sexual assault from occurring, then it was well worth it.*

*On a more positive note, I am excited to announce that we are exploring a civics literacy graduation requirement for the system. The proposed requirement is tied to the Board’s FY25 budget request for the Center for Civic Engagement, as we we’ve been very intentional in trying to craft a meaningful program in this important area without passing the burden on to student, whether through additional cost, credits, or time to completion. It is our responsibility to provide a solid framework for our students to develop the necessary skills in critical thinking, civility, and dispute resolution, while enhancing their understanding and engagement in issues of local, national, and global importance. In the end, we all benefit from an informed and engaged citizenry, and a strong civics literacy program will help prepare our students to do just that. In the coming months, we will continue to develop and refine the programming, soliciting input from stakeholders, with the intent of bringing a final proposal forward for the Board’s consideration in December.*

Regent Partridge noted that many of the topics addressed by Executive Director Lukkes stemmed from a letter from Governor Neom and an associated tip line that was set up.

Regent Rave also commented regarding the recent reports in the media regarding recent sexual assaults on campus. There have been many conversations with the university presidents regarding this and he wanted to go on record that the safety of students is of the utmost importance.

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

Three SDSMT students, on behalf of a group of concerned SDSMT students, voiced their disapproval of the BOR's policy restricting students' ability to carry firearms on campus. The students stated that they would like to see BOR policy changed to remove firearm restrictions and align policy with the rights of state law for carrying firearms. They further noted that there have been suspicious and dangerous activities on campus and that they feel the security on SDSMT campus is a joke; it is disgraceful that President Rankin and the Board of Regents has taken away the rights of students to protect themselves.

Executive Director Lukkes thanked the students for coming forward and voicing their concerns and doing so in concise and productive manner. He also stated that he is open to meeting with the students to discuss the right to carry issue brought forward.

#### **CONSENT AGENDA**

IT WAS MOVED by Regent Partridge, seconded by Regent Roberts, to approve consent agenda items 5-A through 5-M(2) as presented. Motion passed.

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

##### **5-A Dual Credit In-District Delivery MOU: Brookings High School (SDSU)**

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

A copy of the Dual Credit In-District Delivery MOU: Brookings High School (SDSU) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

##### **5-B Revised BOR Policy 2:23 – New Programs, Program Modifications, and Inactivation/Termination; and New BOR Policy 2:22 – System Course and Curriculum Governance (Second Reading)**

Approve the second and final reading of the proposed revisions to BOR Policy 2:23 and the new BOR Policy 2:22, as presented.

A copy of the Revised BOR Policy 2:23 – New Programs, Program Modifications, and Inactivation/Termination; and New BOR Policy 2:22 – System Course and Curriculum Governance (Second Reading) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-C New Program Request – BHSU – Minor in Legal Studies**

Authorize BHSU to offer a minor in Legal Studies, as presented.

A copy of the New Program Request – BHSU – Minor in Legal Studies can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-D New Certificate Request – NSU – Accounting (Undergraduate)**

Authorize NSU to offer an undergraduate certificate in Accounting, as presented.

A copy of the New Certificate Request – NSU – Accounting (Undergraduate) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-E Substantive Program Modifications Requiring Board Approval (USD)**

Approve USD's program modification requests for the BM in Musical Performance, BM in Music Education, and BMA in Musical Arts, as presented.

A copy of the Substantive Program Modifications Requiring Board Approval (USD) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-F (1) Articulation Agreements – Dakota State University**

Approve the articulation agreements between Dakota State University and Minnesota State Community and Technical College (MSCTC), North Dakota State College of Science (NDSCS), Northeast Community College, Northeast Iowa Community College (NICC), Saint Paul College (SPC), Southeast Technical College (STC), and Western Dakota Technical College (WDTC), as presented.

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

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

Approve the articulation agreements between South Dakota State University and Northeast Community College, St. Cloud Technical and Community College (SCTCC), and Southeast Technical College (STC), as presented.

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

### **5-G (1) Agreements on Academic Cooperation – Dakota State University**

Approve Dakota State University's agreement on academic cooperation with Griffith University, as presented.

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

### **5-G (2) Agreements on Academic Cooperation – South Dakota School of Mines & Technology**

Approve South Dakota School of Mines and Technology's agreement on academic cooperation with Jaypee University of Information Technology, as presented.

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

### **5-G (3) Agreements on Academic Cooperation – University of South Dakota**

Approve the University of South Dakota's agreement on academic cooperation with the Indian Institute of Information Technology Allahabad, as presented.

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

### **5-H Annual Curriculum/Program Modification Report**

Approve the program modifications as stated herein.

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

### **Budget and Finance – Consent**

#### **5-I 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-J Amendment to SDSU SJAC Facility Operating and Use Agreement**

Authorize South Dakota State University to finalize and execute the negotiated Amendment to the Sanford Jackrabbit Athletic Complex Facility Use Agreement in substantially similar form to that set forth in Attachment I.

A copy of the Amendment to SDSU SJAC Facility Operating and Use Agreement can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **5-K Trojan Village LLC Easement Resolution (DSU)**

Approve and adopt the Resolution set forth in Attachment I, requesting the Commissioner of School and Public Lands to proceed with the easements as stated therein.

A copy of the Trojan Village LLC Easement Resolution can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-L FY24 Minnesota Reciprocity Agreement**

Approve the Minnesota reciprocity rates for FY24 and authorize the Executive Director to execute the Memorandum of Understanding.

A copy of the FY24 Minnesota Reciprocity Agreement can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-M (1) Extension Forestry Joint Powers Agreement – SDSU and SD Department of Agriculture & Natural Resources**

Approve the Joint Powers Agreement set forth in Attachment I.

A copy of the Extension Forestry Joint Powers Agreement – SDSU and SD Department of Agriculture & Natural Resources can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **5-M (2) Timber Transport Joint Powers Agreement – SDSU and SD Department of Agriculture & Natural Resources**

Approve the Joint Powers Agreement set forth in Attachment I.

A copy of the Timber Transport Joint Powers Agreement – SDSU and SD Department of Agriculture & Natural Resources can be found on pages \_\_\_ to \_\_\_ of the official minutes.

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

#### **5-N FY24 Operating Budget**

A copy of the FY24 Operating Budget can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **5-O HEFF Cash Flow Statement**

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

#### **5-P 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-Q Building Committee Report**

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

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

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

## **ACADEMIC AND STUDENT AFFAIRS**

### **6-A BOR Policy Manual Conversion Project**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, joined by Shuree Mortenson, System Director of Communications, stated that within the process of redesigning the BOR website, staff are also revamping the structure of the Policy Manual. This item lists policies that are no longer needed due to either redundancies of information or information that is out-of-date.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading to repeal BOR Policies 1:7, 1:7:10, 1:15, 1:20, 3:1, 3:16, 3:19, 4:18 and 4:26, as presented. Motion passed.

A copy of the BOR Policy Manual Conversion Project can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **6-B Revised BOR Policy 2:5 – Seamless Transfer of Credit and BOR Policy 2:5:4 – Prior Learning and Validated Transfer of Credit (First Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, noted that back during the June 2022 BOR meeting we had revised the bulk of the transfer related policies with the exception of one regarding prior learning and validated transfer of credit which required additional work.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, to approve the first reading of the proposed revisions to BOR Policy 2:5 and BOR Policy 2:5:4, as presented. Motion passed.

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

### **6-C New BOR Policy 3.2.1 – Institutional Requirements for Informing Students (First and Final Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that as the Board academic staff have been reviewing current policies for the policy management conversion, BOR Policy 3:1 (Delegation of Authority) strives to increase communication between the institutions and their respective students, and BOR Policy 3:19 (Student Email Accounts) sets forth the expectation that email is the primary source of communication by the system to the student. To facilitate the intent of both BOR Policies 3:1 and 3:19, new BOR Policy 3.2.1 – Institutional Requirement for Informing Students, presented as Attachment I, combines and enhances communication to students. This policy is intended to combine former policies 3:1 and 3:19 and does not inherently change the intent of either policy. The previous BOR Item 6-A repealed BOR Policy 3:1 and BOR Policy 3:19.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, 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 new draft of BOR Policy 3.2.1, as presented. Motion passed.

A copy of the New BOR Policy 3.2.1 – Institutional Requirements for Informing Students (First and Final Reading) can be found on pages \_\_\_ to \_\_\_ of the official minutes.

#### **6-D Revised BOR Policy 3:5 – Confidentiality of Student Records (First Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that the new draft of BOR Policy 3:5, presented as Attachment I, will replace the old version. This policy includes standard language from the FERPA regulations for which each campus currently enforces the rules and regulations. Therefore, this proposed policy revision memorialized the requirements of the federal rules and regulations to ensure that all parties including students, staff, faculty, and third parties understand the requirements for Institutions of Higher Education.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, to approve the first reading of the proposed new draft of BOR Policy 3:5, as presented. Motion passed.

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

#### **6-E Revised BOR Policy 3:15 – Scholarships, Grants, and Loans (First Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, joined by Holly Farris, System General Counsel, stated that with the South Dakota Board of Regents deploying a new policy management solution, BOR academic staff have been evaluating BOR 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. No changes other than formatting were made to the funding and reporting and the graduate research sections of this policy draft. As this is only a first review, the universities will have October and November to continue to vet and provide additional feedback.

Regent Partridge asked if we have a policy or procedure that deals with the reaction to a potential breach, whether in this policy or another. Holly noted that there is not one particular BOR Policy that tie all of that into one spot. Heather Forney, System VP for Finance and Administration, also affirmed that there is not one specific BOR Policy that outlines the reaction processes for a breach, but there are processes for such events.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, to approve the first reading of the proposed new draft of BOR Policy 3:15, as presented. Motion passed.

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

#### **6-F New Program Request – SDSMT – PhD in Chemical and Biological Sciences**

Dr. Pamela Carriveau, System Associate VP for Academic, joined by SDSMT Provost Lance Roberts, stated that South Dakota School of Mines & Technology (SDSMT) requests authorization to offer a PhD in Chemical and Biological Sciences. The PhD in Chemical and Biological Sciences will provide advanced studies and research training spanning applied aspects of chemistry and biology, including green chemistry, sustainable energy, environmental science, biotechnology, and biomedical health sciences. The program will prepare students for various career options in these high-demand technology areas, will better prepare scientists and professionals for the increasingly multi-disciplinary nature of applied science.

SDSMT plans to offer the PhD in Chemical and Biological sciences on campus. SDSMT does not request new state resources. Six new courses will be required. SDSMT estimates 16 students enrolled and 4 graduates by the sixth year of the program.

Regent Partridge asked why we are not engaged more heavily locally. Provost Roberts stated that workload-wise they prefer to keep just two PhD research students to one faculty member.

IT WAS MOVED by Regent Brown, seconded by Regent Roberts, to authorize SDSMT to offer a PhD in Chemical and Biological Sciences, as presented. Motion passed.

A copy of the New Program Request – SDSMT – PhD in Chemical and Biological Sciences can be found on pages \_\_\_ to \_\_\_ of the official minutes.

## **BUDGET AND FINANCE**

### **7-A DSU-ARC Annual Meeting**

Holly Farris, System General Counsel, was joined by DSU President, Dr. José-Marie Griffiths, and Stacy Krusemark, DSU VP for Business & Administrative Services, for the presentation of this item.

Holly noted that the current makeup of the Board of Directors is the initial Board of Directors appointed to one-year terms pursuant to the bylaws of DSU-ARC. The Board of Directors recommends and requests that Sara Venhuizen and Miles Beacom be reappointed to serve three-year terms, that Nathan Lukkes and Jose-Marie Griffiths be reappointed to serve two-year terms, and that Andrea Thompson be reappointed to a one-year term. This will result in five board members, which is within the 5-9 member range permitted by the bylaws.

IT WAS MOVED by Regent Frederick, seconded by Regent Brown, to reappoint Sara Venhuizen and Miles Beacom to serve three-year terms, Nathan Lukkes and Jose-Marie Griffiths to serve two-year terms, and Andrea Thompson to serve a one-year term on the Board of Directors of DSU-ARC. Motion passed.

A copy of the DSU-ARC Annual Meeting can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **7-B DSU-SOAR Annual Meeting**

Holly Farris, System General Counsel, was joined by DSU President, Dr. José-Marie Griffiths, and Stacy Krusemark, DSU VP for Business & Administrative Services, for the presentation of this item. Holly noted that his meeting serves as the time and place for the DSU-SOAR annual meeting. The annual meeting is when the Board appoints directors to the Board of Directors of DSU-SOAR. The current makeup of the Board of Directors is set forth in Attachment I. There are two terms set to expire in 2023, which are currently occupied by Dorine Bennett and Stacy Krusemark, both of which are seeking reappointment for 3-year terms.

The Board of Directors also recommends and requests that Rebecca Hoey, Provost and Vice President for Academic and Student Affairs at DSU, be appointed to the Board of Directors to fill the seat vacated by the resignation of Jim Moran. Both of the foregoing actions would maintain the Board of Directors at nine members, which is within the 5-9 members authorized in the by-laws.

IT WAS MOVED by Regent Frederick, seconded by Regent Brown, to reappoint Dorine Bennett and Stacy Krusemark to serve three-year terms and to appoint Rebecca Hoey to fill the vacated seat for the remainder of its term on the Board of Directors of DSU-SOAR.

It is noted that Regent Partridge voted against the recommendation.

Motion passed.

A copy of the DSU-SOAR Annual Meeting can be found on pages \_\_\_ to \_\_\_ of the official minutes.

### **7-C BOR 2023 Series Housing and Auxiliary Facilities System Revenue Bonds**

Heather Forney, System VP of Finance and Administration, stated that the authorization provided by the Board on March 29, 2023 with respect to (i) the issuance of Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “Bonds”) and (ii) the use of certain South Dakota State University (“SDSU”) funds for the redemption and payment of certain Series 2014A Bonds for the Institutional System of SDSU, expired on September 29, 2023 and is no longer in effect. This item relates to the renewed authorization of the issuance of Bonds as described in the item. Approval of the bonds will provide savings on the 2013A and 2014A Series bonds and allow USD to complete the previously authorized Wellness Center expansion.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the Action Item 1 set forth in the body of this Board item.

#### **ROLL CALL:**

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

Motion passed.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the Action Item 2 set forth in the body of this Board item.

#### **ROLL CALL:**

Brown – AYE  
Dittman – AYE  
Frederick – AYE  
Rasmussen – AYE  
Roberts – AYE  
Morrison – AYE

Partridge – AYE  
Rave – AYE

Motion passed.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the Action Item 3 set forth in the body of this Board item.

ROLL CALL:

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

Motion passed.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve the Action Item 4 set forth in the body of this Board item.

ROLL CALL:

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

Motion passed.

A copy of the BOR 2023 Series Housing and Auxiliary Facilities System Revenue Bonds can be found on pages \_\_ to \_\_ of the official minutes.

**7-D Revised BOR Policy 5:5:1 – Tuition and Fees: On-Campus Tuition and BOR Policy 5:5:2 – Off-Campus Tuition (First and Final Reading)**

Heather Forney, System VP of Finance and Administration, stated that these policies have been updated to include changes to tuition and fee charges authorized by both the Board and the Legislature including the expansion of Dakota Advantage to Illinois and Wisconsin, the expansion of Dakota Advantage to graduate programs, the expansion of Child of Alumni to graduate programs, and the expanded tuition benefits to National Guard members. Attachments I and II show the proposed changes. By making these changes, the BOR Policy manual will reflect changes made by the Board

and the Legislature to reduced tuition programs.

IT WAS MOVED by Regent Frederick, 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 BOR Policy 5:5:1 – Tuition and Fees: On-Campus Tuition and BOR Policy 5:5:2 – Tuition and Fees: Off-Campus Tuition with the revisions as shown in Attachments I and II, respectively. Motion passed.

A copy of the Revised BOR Policy 5:5:1 – Tuition and Fees: On-Campus Tuition and BOR Policy 5:5:2 – Off-Campus Tuition (First and Final Reading) can be found on pages \_\_ to \_\_ of the official minutes.

### **7-E DSU Indoor Practice Facility Preliminary Facility Statement (PFS)**

Heather Forney, System VP for Finance and Administration, joined by Stacy Krusemark, DSU VP for Business & Administrative Services, stated that Dakota State University (DSU) requests approval of its Preliminary Facility Statement (PFS) for an indoor practice facility. The project is anticipated to exceed \$5,000,000 and will be wholly funded by private donations.

Regent Partridge asked if this facility would be available to all students. Stacy affirmed that is the intent and that it will be part of the planning process.

IT WAS MOVED by Regent Frederick, seconded by Regent Partridge, to approve DSU's Preliminary Facility Statement for an indoor practice to be funded by private donations and to appoint a building committee. Motion passed.

A copy of the DSU Indoor Practice Facility Preliminary Facility Statement (PFS) can be found on pages \_\_ to \_\_ of the official minutes.

### **ADJOURNMENT**

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

The meeting adjourned at 12:00 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, October 4<sup>th</sup>, in accordance with SDCL § 1-25-2 to discuss matters authorized therein. Following executive session, on October 5<sup>th</sup>, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL § 1-25-2, but no official action on them is being proposed at this time.*

### *Recommended Actions:*

- 2-J. Grant Dakota State University the authority to finalize and execute the Lease Agreement between Dakota State University and the Dakota State University Foundation.*
- 2-N. Approve the request to appoint David Englund (USD) to the rank of Lecturer.*
- 2-O. Approve the requests to grant tenure as a Professor to Dr. James Connors (SDSU) and Dr. Timothy O'Keefe (USD).*
- 2-P. Award an honorary Doctor of Public Service to Shantel Krebs (DSU), Mr. Linn Evans (SDSMT), and Ms. Renita Mollman (SDSMT).*
- 2-R. Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.*
- 2-S. Grant South Dakota School of Mines and Technology to finalize and execute the Lease Agreement between SDSMT and Technology Housing LLC.*
- 2-T. Approve the request from South Dakota State University to rename the Dykhouse Student-Athlete Center within Coughlin-Alumni Stadium to the Stiegelmeier Family Student-Athlete Center.*
- 2-U. Approve the compensation adjustments and appointments as outlined in Attachment I.*

**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>Toby Uecker</b>	<b>Dean of Students</b>	<b>10/22/2023</b>	<b>Permanent Additional Duties</b>	<b>\$111,173.00</b>	<b>\$105,879.00</b>	<b>5.0%</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>Mark Venhuizen</b>	<b>Director of Student Union Operations &amp; Event Services</b>	<b>10/22/2023</b>	<b>Reclassification</b>	<b>\$78,249.00</b>	<b>\$71,135.00</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>James Schmaedeke</b>	<b>Program Director-Student Conduct and Community Standards</b>	<b>10/22/2023</b>	<b>Reclassification</b>	<b>\$71,265.00</b>	<b>\$64,786.00</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>Adam Karnopp</b>	<b>Director of Student Programs</b>	<b>10/22/2023</b>	<b>Reclassification</b>	<b>\$80,591.00</b>	<b>\$76,753.00</b>	<b>5.0%</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>Michelle Kuebler</b>	<b>Director of Admissions Operations</b>	<b>10/22/2023</b>	<b>Reclassification</b>	<b>\$99,206.00</b>	<b>\$92,716.00</b>	<b>7.0%</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>Becky Jensen</b>	<b>Curriculum Management &amp; Program Assessment Manager</b>	<b>10/22/2023</b>	<b>Reclassification</b>	<b>\$85,918.00</b>	<b>\$81,827.00</b>	<b>5.0%</b>

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
November 14, 2023**

The South Dakota Board of Regents met on November 14, 2023, at Black Hills State University in Spearfish at 8:30 a.m. Mountain Time with the following members present:

ROLL CALL:

Brock Brown – PRESENT  
Judy Dittman – PRESENT  
Randy Frederick – PRESENT  
James Lochner – ABSENT  
Randy Rasmussen – PRESENT  
Pam Roberts – ABSENT  
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 and media.

**TUESDAY, NOVEMBER 14, 2023**

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

**1-B Public Comment**

There were no public comments.

**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 Tuesday, November 14<sup>th</sup>, 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 Tuesday, November 14<sup>th</sup>, 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 pages \_\_ to \_\_ of the official minutes.

### **ADJOURNMENT**

IT WAS MOVED by Regent Partridge, seconded by Regent Morrison, 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 Tuesday, November 14, 2023, 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 – Award an honorary Doctor of Public Service to Mr. Charles Luke (DSU).*

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