

**BOARD OF REGENTS
MINUTES OF THE MEETING
March 29-30, 2023**

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ADJOURN

**BOARD OF REGENTS
MINUTES OF THE MEETING
March 29-30, 2023**

The South Dakota Board of Regents met on March 29-30, 2023, at Northern State University in Aberdeen at 11:00 a.m. Central Time and via Zoom* with the following members present:

ROLL CALL:

John Bastian – PRESENT
Brock Brown – PRESENT
Jeff Partridge – PRESENT
Tim Rave – PRESENT
Joan Wink – PRESENT
Jim Thares, Vice President – PRESENT
Pam Roberts, President – PRESENT

Also present during all or part of the meeting were Dr. Brian Maher, Board of Regents Executive Director and CEO; Nathan Lukkes, 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; Liza Clark, Director of Government Relations and Economic Development; 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; Kim Wadsworth, SDSD Superintendent; Dan Trefz, SDSBVI Superintendent; and other members of the Regental system and public and media.

WEDNESDAY, MARCH 29, 2023

Regent Roberts declared a quorum present and called the meeting to order at 11:00 a.m.

1-A Approval of the Agenda

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

1-B Declaration of Conflicts

There were no declared conflicts.

1-C Approval of the Minutes – Meeting on December 7-8, 2022; December 21, 2022; February 24, 2023; February 27, 2023

IT WAS MOVED by Regent Rave, seconded by Regent Wink, to approve the minutes of the Board of Regents meeting on December 7-8, 2022; December 21, 2022; February 24, 2023; February 27, 2023. Motion passed.

1-D Election of Officers

IT WAS MOVED by Regent Brown, seconded by Regent Bastian, to elect the following slate of officers effective March 31, 2023: Tim Rave as President; Jim Thares as Vice President; and Jeff Partridge as Secretary. Motion passed.

1-E Motion to Dissolve into Executive Session

IT WAS MOVED by Regent Thares, seconded by Regent Rave, that the Board dissolve into Executive Session at 11:15 a.m. on Wednesday, March 29, 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 at 9:00 a.m. on Thursday, March 30th, 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 dissolved into executive session.

THURSDAY, March 30, 2023

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

3-A Report and Actions of Executive Session

Regent Rave reported that the Board dissolved into Executive Session at 11:15 a.m. on Wednesday, March 29, 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 Thares, seconded by Regent Partidge, 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 23 to 27 of the official minutes.

3-B Resolution of Recognition – Regent Tony Venhuizen & Regent Joan Wink

IT WAS MOVED by Regent Pam Roberts, seconded by Regent Rave, to recognize Tony Venhuizen and Joan Wink for their service to South Dakota's system of public higher education. Motion passed.

A copy of the Resolution of Recognition – Regent Venhuizen can be found on pages 28 to 30 of the official minutes.

3-C Welcome and Presentation by NSU President Neal Schnoor

NSU President Dr. Neal Schnoor welcomed the Board and other attendees to Northern State University. He was joined by additional individuals from NSU who shared brief snapshots of their unique experience at Northern through the eyes of students, faculty and staff.

3-D 2022 Student Organization Awards

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that each year, the Board approves the previous year's Student Organization Award winners. The nominations advanced to the Board are chosen by each institution in the categories of Academic Excellence, Community Service, and Organizational Leadership. Once approved, the Board presents these awards at its meetings throughout the year. The current list of student organizations represents the recommended award winners for 2022.

IT WAS MOVED by Regent Thares, seconded by Regent Wink, to accept the recommendations offered by each institution for student organization awards and announce the names of the award winners.

A copy of the 2022 Student Organization Awards can be found on pages 31 to 32 of the official minutes.

3-E NSU Student Organization Awards

Sean Blackburn, NSU Dean of Students, presented the NSU student organization award winners for 2021 and 2022. For 2021, Speech and Debate (Forensics) accepted the award for academic excellence. The Honors Club accepted the award for community service. The Native American Student Association (NASA) accepted the award for organizational leadership. For 2022, the Honors Club accepted the award for academic excellence as well as the award for community service. The Campus Activities Board (CAB) accepted the award for organizational leadership.

A copy of the NSU Student Organization Awards can be found on pages 33 to 34 of the official minutes.

3-F Reports from Individual Presidents and Superintendents

No reports.

3-G Reports on Individual Regent Activities

No reports.

3-H Report from the Student Federation

Caleb Wieland, Student Federation President, provided an update on the activities of the Student Federation. They had a really successful legislative session and had put a lot of energy behind HB 1079, which is a \$2 million mental health appropriation for suicide prevention. He was pleased to report that it passed both chambers with the Joint Committee on Appropriations' (JCA) recommendation that the Governor sign that bill into law. The Student Federation is looking forward to being a part of that conversation more in the future and what they can do for youth mental health, specifically on regental system campuses.

3-I Report of the Executive Director

On behalf of Dr. Brian Maher, Nathan Lukkes, SDBOR Chief of Staff, noted that the Regental system was successful in hiring a new Director for the South Dakota Services for the Deaf (SDSD) as well as a Superintendent for the South Dakota School for the Blind and Visually Impaired (SDSBVI) earlier this month. He also thanked everyone that was involved in the search process. The candidate pool was great and they were excited to get the two individuals that we ended up getting. Kami Van Sickle was named the Director for SDSD; she has more than 16 years of experience in deaf education and her established relationships with the deaf community, school

districts, and families and faculty will give her a solid foundation and we fully expect she will hit the ground running. Dr. Jessica Vogel was named the Superintendent for SDSBVI. Dr. Vogel is currently the graduate program coordinator for teaching and learning master's program at NSU. Her knowledge and experience from that role as well as her experience and relationship with the K-12 school districts will serve her well.

3-J 2023 Legislative Overview

Liza Clark, Director of Government Relations and Economic Development, stated that we had a great legislative session for higher education. We are extremely grateful to the Governor and to the legislature. There were 73 bills that we were tracking this session, with 36 directly affecting the regental system. There was a lower number of bills this session, likely because there were so many new legislators this year. One major item to point out is that this year the Board provided the direction to focus on a systemwide approach and set the priorities for everyone to support this legislative session. That directive and approach was a hit with the legislators. The number one positive comment she has received from legislators this year was the focus on the systemwide approach to our priorities. By focusing on our priorities, it really sent a clear message to the legislators and was helpful to them to know exactly where the BOR stood on various bills.

A copy of the 2023 Legislative Overview can be found on pages **37** to **39** of the official minutes.

4 Public Comment Period

There were no public comments.

CONSENT AGENDA

IT WAS MOVED by Regent Thares, seconded by Regent Rave, to approve consent agenda items 5-A through 5-O as presented.

Regarding item 5-E(2) *New Site Request –SDSU – AS/BS in Respiratory Care (Brookings, Huron, and Madison)* by request of Regent Bastian to highlight this particular program, SDSU Provost Dennis Hedge noted that this program is enabled in large part by a grant called “Breath South Dakota”. What that grant does is enable SDSU to expand their respiratory care class; they will go from 24 students to gaining an additional 16. Those 16 new students will be spread across those three communities, and SDSU is really pleased to be building those partnerships because course clinical placement in those areas is really important when it comes to recruiting and retaining healthcare professionals in those settings. Provost Hedge further noted that the previous transition of moving the Respiratory Care program from DSU to SDSU has worked really well. This program is embedded within their Allied Health department within the College of Pharmacy and Allied Health Professions. He believes that the overarching infrastructure there has enabled them to be far more competitive when it comes to writing for grants like this that has enabled expansion.

Motion passed.

Academic and Student Affairs – Consent

5-A USD Law School Admission MOUs

Approve the University of South Dakota's Memorandums of Understanding with Mount Marty University and the University of Sioux Falls, as presented.

A copy of the USD Law School Admission MOUs can be found on pages **40** to **44** of the official minutes.

5-B (1) New Program Request – SDSU – Minor in Pharmacology and Toxicology

Authorize SDSU to offer a minor in Pharmacology and Toxicology, as presented.

A copy of the Program Requests – SDSU – Minor in Pharmacology and Toxicology can be found on pages **45** to **52** of the official minutes.

5-B (2) New Program Request – SDSU – Minor in Uncrewed Aircraft Systems (UAS)

Authorize SDSU to offer a minor in Uncrewed Aircraft Systems, as presented.

A copy of the Program Requests – SDSU – Minor in Uncrewed Aircraft Systems (UAS) can be found on pages **53** to **60** of the official minutes.

5-B (3) New Program Request – USD – PhD in Data Science and Engineering

Authorize USD to offer a PhD in Data Science and Engineering, as presented.

A copy of the Program Requests – USD – PhD in Data Science and Engineering can be found on pages **61** to **66** of the official minutes.

5-B (4) New Program Request – USD – Minor in Professional Writing

Authorize USD to offer a minor in Professional Writing, as presented.

A copy of the Program Requests – USD – Minor in Professional Writing can be found on pages **67** to **74** of the official minutes.

5-C (1) New Certificate Request – NSU – Entrepreneurship (Undergraduate)

Authorize NSU to offer an Entrepreneurship undergraduate certificate, as presented.

A copy of the New Certificate Requests – NSU – Entrepreneurship (Undergraduate) can be found on pages **75** to **80** of the official minutes.

5-C (2) New Certificate Request – NSU – Leadership (Undergraduate)

Authorize NSU to offer a Leadership undergraduate certificate, as presented.

A copy of the New Certificate Requests – NSU – Leadership (Undergraduate) can be found on pages **81** to **86** of the official minutes.

5-C (3) New Certificate Request – SDSU – Pharmacology (Undergraduate)

Authorize SDSU to offer a Pharmacology undergraduate certificate, as presented.

A copy of the New Certificate Requests – SDSU – Pharmacology (Undergraduate) can be found on pages **87** to **92** of the official minutes.

5-C (4) New Certificate Request – USD – Business Leadership (Graduate)

Authorize USD to offer a Business Leadership graduate certificate, as presented.

A copy of the New Certificate Requests – USD – Business Leadership (Graduate) can be found on pages **93** to **100** of the official minutes.

5-C (5) New Certificate Request – USD – Dyslexia (Graduate)

Authorize USD to offer a Dyslexia graduate certificate, as presented.

A copy of the New Certificate Requests – USD – Dyslexia (Graduate) can be found on pages **101** to **106** of the official minutes.

5-C (6) New Certificate Request – USD – SPED Alternative Teaching (Graduate)

Authorize USD to offer a SPED Alternative Teaching graduate certificate, as presented.

A copy of the New Certificate Requests – USD – SPED Alternative Teaching (Graduate) can be found on pages **107** to **112** of the official minutes.

5-D (1) New Specialization Request – USD – Business Leadership – MBA

Authorize USD to offer a specialization in Business Leadership within the Master of Business Administration (MBA) program, as presented.

A copy of the New Specialization Requests – USD – Business Leadership – MBA can be found on pages **113** to **117** of the official minutes.

5-D (2) New Specialization Request – USD – Sustainability – MBA

Authorize USD to offer a specialization in Sustainability within the Master of Business Administration (MBA) program, as presented.

A copy of the New Specialization Requests – USD – Sustainability – MBA can be found on pages **118** to **122** of the official minutes.

5-E (1) New Site Request – DSU – Minor in Computer Forensics (Online)

Approve DSU's new site proposal to offer the minor in Computer Forensics online, as presented.

A copy of the New Site Requests – DSU – Minor in Computer Forensics (Online) can be found on pages **123** to **126** of the official minutes.

5-E (2) New Site Request – SDSU – AS/BS in Respiratory Care (Brookings, Huron, and Madison)

Approve SDSU's new site proposal to offer the AS and BS in Respiratory Care at Huron Regional Medical Center, Madison Regional Health System, and Brookings Health System, as presented.

A copy of the New Specialization Requests – SDSU – AS/BS in Respiratory Care (Brookings, Huron, and Madison) can be found on pages **127** to **134** of the official minutes.

5-F General Education Course Approvals – SDSMT

Approve the revisions to system General Education course options as presented, effective Fall 2023.

A copy of the General Education Course Approvals – SDSMT can be found on page **135** of the official minutes.

5-G Program Modifications Requiring Board Approval – DSU

Approve DSU's program modification requests for the BSEd in Elementary/Special Education, as presented.

A copy of the Program Modifications Requiring Board Approval – DSU can be found on pages **136** to **143** of the official minutes.

5-H Inactive Status and Program Termination Requests – NSU, SDSMT, SDSU, & USD

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

A copy of the Inactive Status and Program Termination Requests – NSU, SDSMT, SDSU, & USD can be found on pages **144** to **166** of the official minutes.

5-I (1) Agreements on Academic Cooperation – Northern State University

Approve Northern State University’s agreement on academic cooperation with Magdeburg-Stendal University of Applied Sciences, as presented.

A copy of the Agreements on Academic Cooperation – Northern State University can be found on pages **167** to **171** of the official minutes.

5-I (2) Agreements on Academic Cooperation – South Dakota State University

Approve South Dakota State University’s agreement on academic cooperation with Chitkara University, as presented.

A copy of the Agreements on Academic Cooperation – South Dakota State University can be found on pages **172** to **179** of the official minutes.

5-J (1) Articulation Agreements – Dakota State University

Approve Dakota State University’s articulation agreement with the National Security Agency, as presented.

A copy of the Articulation Agreements – Dakota State University can be found on pages **180** to **197** of the official minutes.

5-J (2) Articulation Agreements – South Dakota State University

Approve South Dakota State University’s articulation agreement with Iowa Lakes Community College (ILCC), as presented.

A copy of the Articulation Agreements – South Dakota State University can be found on pages **198** to **202** of the official minutes.

5-J (3) Articulation Agreements – University of South Dakota

Approve the University of South Dakota’s articulation agreements with Nebraska Indian Community College (NICC), as presented.

A copy of the Articulation Agreements – University of South Dakota can be found on pages **203** to **210** of the official minutes.

5-K (1) Requests to Seek Accreditation – Northern State University (COSMA)

Approve NSU's request to seek accreditation from The Commission on Sport Management Accreditation for their BS in Sport Marketing and Administration.

A copy of the Requests to Seek Accreditation – Northern State University (COSMA) can be found on pages 211 to 214 of the official minutes.

5-K (2) Requests to Seek Accreditation – South Dakota State University (USGIF)

Approve SDSU's request to seek accreditation from the United States Geospatial Intelligence Foundation for their Minor and Graduate Certificate in Geospatial Intelligence.

A copy of the Requests to Seek Accreditation – South Dakota State University (USGIF) can be found on pages 215 to 218 of the official minutes.

5-K (3) Requests to Seek Accreditation – South Dakota State University (CoARC)

Approve SDSU's request to seek accreditation from the Commission on Accreditation for Respiratory Care for their BS in Respiratory Care.

A copy of the Requests to Seek Accreditation – South Dakota State University (CoARC) can be found on pages 219 to 222 of the official minutes.

Budget and Finance – Consent

5-L 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 page 223 of the official minutes.

5-M City of Brookings Easement (SDSU)

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 City of Brookings Easement (SDSU) can be found on pages 224 to 251 of the official minutes.

5-N West River Electric Association, Inc. Easement (SD Mines)

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 West River Electric Association, Inc. Easement (SD Mines) can be found on pages 252 to 267 of the official minutes.

5-O BHSU Property Acquisition

Approve finalizing the acquisition of the real estate located in Lawrence County, as presented, which was authorized by HB1022 during the 2015 Legislative Session.

A copy of the BHSU Property Acquisition can be found on pages 268 to 269 of the official minutes.

Routine Informational Items – No Board Action Necessary

5-P Interim Actions of the Executive Director

A copy of the Interim Actions of the Executive Director can be found on pages 270 to 272 of the official minutes

5-Q Building Committee Report

A copy of the Building Committee Report can be found on page 273 of the official minutes.

5-R Capital Projects List

A copy of the Capital Projects List can be found on pages 274 to 278 of the official minutes.

5-S Intent to Plan Requests

A copy of the Intent to Plan Requests can be found on pages 279 to 280 of the official minutes.

5-T FY22 Annual Comprehensive Financial Review (ACFR) Audit

A copy of the FY22 Annual Comprehensive Financial Review (ACFR) Audit can be found on pages 281 to 282 of the official minutes.

5-U Residence Hall Occupancy Report for Fall 2022/Spring 2023

A copy of the Residence Hall Occupancy Report for Fall 2022/Spring 2023 can be found on pages 283 to 299 of the official minutes.

5-V NSU FY22 NCAA Agreed Upon Procedures Report

A copy of the NSU FY22 NCAA Agreed Upon Procedures Report can be found on pages 300 to 379 of the official minutes.

5-W 2022-2023 Regional Tuition Survey

A copy of the 2022-2023 Regional Tuition Survey can be found on pages **380** to **382** of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

6-A NSU and Presentation College Teach-Out Agreement

Dr. Pamela Cariveau, System Associate Vice President for Academic Programing, joined by NSU President Dr. Neal Schnoor and Dr. Erin Fouberg, NSU Associate VP for Academic Affairs, stated that with the announcement of Presentation College's closure in summer 2023, Northern State University (NSU), which is regionally located in Aberdeen and northeastern South Dakota, has negotiated a teach-out agreement with Presentation College so that those students may finish the remainder of their college program at NSU, as approved by the agreement. This is a common practice when institutions close and something that is monitored closely by the Higher Learning Commission (HLC). President Schnoor noted that Presentation's closure has been very challenging for the local community. The sisters of Presentation College are icons and remain that way, but they really founded healthcare in the area and contributed on the education front as well. They have great faculty and students, and we want to help them in any way we can. President Schnoor further emphasized the amount of work that must go in to working with the HLC and various stakeholder to get something like a teach-out agreement in place and made a point to thank Dr. Cariveau and Dr. Minder went over and above to help make this happen.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve Northern State University's Teach-Out Agreement with Presentation College, as presented. Motion passed.

A copy of NSU and Presentation College Teach-Out Agreement can be found on pages **383** to **388** of the official minutes.

6-B Revised BOR Policy 2:20 – Catalogs; and Repeal BOR Policy 1:10 – Relationship of Curriculum and Instruction to Statutory Objectives

Dr. Janice Minder, System Vice President for Academic Policy and Planning, noted that that in October 2022 the Board approved the revised mission statements. To eliminate redundancies in policy, it is recommended to repeal BOR Policy 1:10 and that the revisions to BOR Policy 2:20 be approved to reflect current practice.

IT WAS MOVED by Regent Wink, seconded by Regent Partridge, to approve the first reading of the proposed revisions to BOR Policy 2:20 and repeal of BOR Policy 1:10, as presented. Motion passed.

A copy of Revised BOR Policy 2:20 – Catalogs; and Repeal BOR Policy 1:10 – Relationship of Curriculum and Instruction to Statutory Objectives can be found on pages **389** to **393** of the official minutes.

6-C Revised BOR Policy 1:17 – Sexual Harassment (First and Final Reading)

Nathan Lukkes, SDBOR Chief of Staff, stated that this policy revision is being proposed as a first and final reading simply because the proposed revisions set forth in BOR Policy 1:17 update the policy to align with current US Department of Education's (US DOE) guidance pertaining to consideration of statements made by a party or witness who does not submit to cross-examination at a live hearing.

IT WAS MOVED by Regent Wink, 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 1:17, as presented. Motion passed.

A copy of Revised BOR Policy 1:17 – Sexual Harassment (First and Final Reading) can be found on pages **394** to **409** of the official minutes.

6-D New BOR Policy – Minors on Campus Policy

Nathan Lukkes, SDBOR Chief of Staff, stated that this new draft policy is still a working draft. He and other central office staff have tried to engage broadly with many stakeholders to try to ensure that we are looking at things from all areas in order to get the policy right and that leave anything out. This policy establishes guard rails as to what is allowed on campus as well as ensuring all events are treated equally across the regental system, and ensuring all of the boxes are checked when any event involves minors. Approval of the first reading will allow the policy to advance to a future meeting for final approval, allowing an opportunity for additional modifications based on Board feedback and/or stakeholder input.

Regent Wink noted that while she is in support of this policy, she would ask that the title of the policy be further reviewed to make it more friendly sounding. It is her impression that the current title could be misconstrued as if we are deterring minors from being on campus in general.

Regarding suggestions for further input or recommended edits, Nathan noted that it would be preferred that any input individuals may be provided to the BOR central office using the info@sdbor.edu email address listed in the "Contact Us" section of the BOR website.

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to approve the first reading of the new BOR Policy – Minors on Campus, as presented. Motion passed.

A copy of New BOR Policy – Minors on Campus Policy can be found on pages **410** to **416** of the official minutes.

BUDGET AND FINANCE

7-A FY24 On-Campus Tuition and Mandatory Fees

Heather Forney, System Vice President of Finance and Administration, stated that for the second year in a row, the 2023 South Dakota Legislative Session concluded with legislators increasing base funding for the Board of Regents to continue to freeze tuition at FY22 rates by covering the salary policy costs for tuition funded employees. Tuition and mandatory fees will remain at the FY22 rate because of this continued support.

The tuition rate for South Dakota National Guard (SDNG) members is reduced to zero beginning in Fall of 2023 as a result of the passage of House Bill 1039, which provides for free tuition to members of the SDNG. Additional General Funds in the amount of \$1,971,852 were added to campus base budgets to accommodate the cost of this tuition waiver.

The FY24 proposal for tuition and mandatory fees attempts to keep the cost to students as low as possible in consideration of student access, service to students, and delivering the highest quality education possible to our students.

Regarding recruiting efforts, USD President Sheila Gestring also noted that this tuition freeze helps make a real impact for the hardworking families in South Dakota, as well as makes the private dollars raised for additional aid more impactful to close that affordability gap, keeping the cost of attendance attainable and within reach for families in the state.

Regent Partridge stated his gratitude towards the Board of Regents and the central office team for making this a priority and working together as a team to stick with it. It is an ongoing expense and one of the hardest things to go in front of the legislature to ask for, and the group put in an outstanding effort to get this across the finish line.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve the FY24 On-Campus Tuition and Mandatory Fees as presented in Attachment I. Motion passed.

A copy of the FY24 On-Campus Tuition and Mandatory Fees can be found on pages **417** to **430** of the official minutes.

7-B FY24 Off-Campus Tuition

Heather Forney, System Vice President of Finance and Administration, stated that again due to the tuition freeze as well as additional general funds being allocated to the cover salary policy recommendation, off-campus tuition rates will be held flat commensurate with the on-campus tuition. There is one small change, the Great Plains Interactive Distance Education Alliance (IDEA) consortium that SDSU is a member of, and the consortium makes changes to their rates so those as noted in the Attachment went up 1.2%. Those rate changes are outside of the control of the regental system. The other change is due to HB 1039 for free tuition for our national guard members. That went from about \$227 down to \$0.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve the FY24 Off-Campus Tuition Rates as presented in Attachment I. Motion passed.

A copy of the FY24 Off-Campus Tuition can be found on pages **431** to **433** of the official minutes.

7-C FY24 System, Discipline, Delivery, and Vehicle Registration Fees

Heather Forney, System Vice President of Finance and Administration, stated there are a few changes in this. At SDSMT there is a new rate being offered for vehicle registrations for reserved parking that is closer to the dorms for students interested in that; the previous cheaper rate for parking a little further from the dorms is still available. Heather again iterated that this is a new rate, not an increase of any sort.

There is also a change to the dietetics internship rate special discipline fee that is charged at SDSU. In the past that has been a per semester rate, and now it is proposed as a per credit hour rate. She noted that in the attachment of the item presented to the Board, there is an error where it says the current internship rate is being replaced but we actually need to teach that out at the current rate. It is tied to two specific internship courses, one is six (6) credits and the other is eight (8) credits, and we do not want to penalize the students that have already paid for a full semester at the per semester rate when we go this direction; so it will be phased out, not replaced for the students that are already impacted.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve the FY24 System, Discipline, Delivery, and Vehicle Registration Fees, as presented in Attachment I. Motion passed.

A copy of the FY24 System, Discipline, Delivery, and Vehicle Registration Fees can be found on pages **434** to **440** of the official minutes.

7-D FY24 Housing and Food Service Rates

Heather Forney, System Vice President of Finance and Administration, stated that we did not receive funding to freeze these rates. The proposed housing rates for FY24 allow the universities to address the inflationary increase on operating expenses, the 2% maintenance and repair requirement, and funding adjustments to salary policy and employee healthcare costs.

The meal plan rates reflect the second year of the new contract with Sodexo for food operations and any related institutional administrative costs. For FY24, Sodexo is proposing an increase of 6.37%.

When including the tuition and mandatory fee rates, the total weighted average cost increase is \$380. The impact to students within the system will range from an increase of \$354.00 to \$422.00 per year.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, to approve the FY24 Housing and Food Service Plan rates as presented in Attachments I & II. Motion passed.

A copy of the F24 Housing and Food Service Rates can be found on pages 441 to 446 of the official minutes.

7-E FY24 Graduate Assistant Stipends

Heather Forney, System Vice President of Finance and Administration, stated that there is no change in the rates from the previous year.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve of the BHSU and NSU FY24 minimum graduate assistant stipends in the amount of \$3,921 per semester and \$980 per four-week session; and USD FY24 minimum graduate assistant stipends in the amount of \$4,067 per semester and \$1,016 per four-week session. Motion passed.

A copy of the FY24 Graduate Assistant Stipends can be found on pages 447 to 448 of the official minutes.

7-F FY24 Special Schools Nonresident Tuition

Heather Forney, System Vice President of Finance and Administration, stated that the South Dakota School for the Blind and Visually Impaired (SDSBVI) annually reviews its instructional and residential costs to determine an appropriate tuition rate for nonresident students who may attend the school. SDSBVI does not currently have any nonresident students in attendance.

The current tuition rate at SDSBVI is \$38,910 for instructional costs and \$15,727 for residential care. An inflationary increase is applied to cover salary policy, CPI on operating expenses, and adjustments to health benefit cost per benefit-eligible employee. The Bureau of Finance and Management (BFM) calculated the annual Consumer Price Index (CPI) for the last fiscal year at 2.40%.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, to approve the FY24 nonresident instructional tuition rate to be \$39,844 and the residence cost to be set at \$16,104 for the School for the Blind and Visually Impaired. Motion carried.

A copy of the FY24 Special Schools Nonresident Tuition can be found on page 449 of the official minutes.

7-G FY24 General Bill Summary

Heather Forney, System Vice President of Finance and Administration, stated that this item is a culmination of all of the hard work staff put in during this last legislative session and provides a summary of what was awarded for general funding thanks to the legislature and the Governor.

A copy of the FY24 General Bill Summary can be found on pages 450 to 453 of the official minutes.

7-H FY23 General Bill Amendments

Heather Forney, System Vice President of Finance and Administration, noted that we are in the end of FY23 but there were some amendments made this session in our favor which can be found in HB1049. The table in the item lists those that involved the regental system, with one of the more important ones being the \$18.1 million dollars that were added for deferred M&R.

Regent Rave wanted to recognize and thank Representative Venhuizen for bringing the bill forward and the Governor supporting to raise the dollar amount of the South Dakota Opportunity Scholarship. That program is a really big deal and he would like to see that program funding raised again to help students in the state out.

A copy of the FY23 General Bill Amendments can be found on page **454** of the official minutes.

7-I FY23 Special Appropriations

Heather Forney, System Vice President of Finance and Administration, noted that the Board received \$10,400,000 in general funds and \$21,153,000 in other funds authority which totaled to \$31,553,000 in special appropriations. The entirety of this funding was building-related. The list of the approved appropriations bills is provided in the table within the item.

A copy of the FY23 Special Appropriations can be found on page **455** of the official minutes.

7-J FY23 Supplemental General Fund M&R Projects

Heather Forney, System Vice President of Finance and Administration, stated that the supplemental FY23 funding is \$18,148,600. Because these funds were allocated as an amendment to the FY23 general bill, they will be available upon signature of the governor, but need to be spent or encumbered no later than June 30, 2025.

Campuses will match this appropriation with an additional \$18,148,600 in HEFF, general fund maintenance and repair, or other funds. Approval of these supplemental FY23 general fund maintenance and repair projects will allow the universities to begin project planning and completion in a timely manner.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, to approve the Supplemental General Fund M&R requested projects for FY23 as listed. Motion passed.

A copy of the FY23 Supplemental General Fund M&R Projects can be found on pages **456** to **457** of the official minutes.

7-K USD South Dakota Union Renovation Facility Design Plan (FDP)

Heather Forney, System Vice President of Finance and Administration, and Julie Kriech, USD VP for Finance & Administration, stated that the University of South Dakota (USD) requests approval of the Facility Design Plan (FDP) for the South Dakota Union Renovation. The South Dakota

Union Renovation Preliminary Facility Statement (PFS) and the Facility Program Plan (FPP) were approved by the Board of Regents at the December 2022 meeting with an overall project cost of \$6,800,000.

The South Dakota Union building has not had any major renovations since it was originally built in 1930. South Dakota Union is home to USD's Psychology department and is approximately 35,256 square feet. The renovation of the South Dakota Union building will completely renovate all four (4) floors of the building. The renovation will consist of a complete overhaul of all interior spaces, exterior windows, doors, framing, finishes, fire protection, plumbing, HVAC, and electrical systems.

On February 15, 2023, the Building Committee met and approved the Facility Design Plan with a total project cost of \$6,800,000 based on the breakdown below. The plans and specifications for this project are complete and this project is proceeding to bidding.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve the University of South Dakota's Facility Design Plan for the South Dakota Union Renovation at a cost not to exceed \$6,800,000, to be funded by the sources identified in this item. Motion passed.

A copy of the USD South Dakota Union Renovation Facility Design Plan (FDP) can be found on pages 458 to 466 of the official minutes.

7-L SDSU McFadden Hall Renovations Preliminary Facility Statement (PFS)

Heather Forney, System Vice President of Finance and Administration, and Barry Mielke, SDSU Associate VP for Facilities and Services, stated that South Dakota State University (SDSU) requests approval of its revised Preliminary Facility Statement (PFS) to plan a multiphase maintenance and repair project for upgrades to the lab exhaust systems of the McFadden Biostress building on campus. The original PFS was approved by the Board of Regents on December 12, 2019. At that time, the project was anticipated to cost \$5,500,000 and would be funded by HEFF.

During the 2023 legislative session, an additional \$18,148,600 in general fund maintenance and repair dollars were allocated to the Board of Regents in the FY23 general bill amendment to address the top deferred maintenance priority for each campus. SDSU identified this project as their highest priority with an estimated cost of \$12,000,000. The revised PFS includes an expanded scope and a match of \$6,000,000 in general fund maintenance and repair with \$6,000,000 of HEFF and Other Funds.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve SDSU's Revised Preliminary Facility Statement for the upgrade and renovation of the lab exhaust systems in the McFadden Biostress building at an estimated cost of \$12,000,000 to be funded by supplemental general funds and a match of HEFF and Other Funds. Motion passed.

A copy of the SDSU McFadden Hall Renovations Preliminary Facility Statement (PFS) can be found on pages 467 to 471 of the official minutes.

7-M NSU Gerber Hall Renovations Preliminary Facility Statement (PFS)

Heather Forney, System Vice President of Finance and Administration, joined by NSU President Dr. Neal Schnoor, stated that Northern State University requests approval of its Preliminary Facility Statement (PFS) for the renovation of Gerber Hall on campus. The project is anticipated to cost \$5,000,000 and will be funded by a combination of supplemental general fund maintenance and repair dollars, HEFF, and Other Funds.

During the 2023 legislative session, an additional \$18,148,600 in general fund maintenance and repair dollars were allocated to the Board of Regents in the FY23 general bill amendment to address the top deferred maintenance priority for each campus. NSU identified this project as their highest priority with an estimated cost of \$5,000,000.

Gerber hall is home to the Millicent Atkins School of Education. The building includes offices and four classrooms. The current classrooms were designed for a traditional teacher-centered environment and are not conducive to preparing 21st century leaders in education.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve NSU's Preliminary Facility Statement for the renovations of Gerber Hall at an estimated cost of \$5,000,000 to be funded by supplemental general funds and a match of HEFF and Other Funds and to appoint a building committee. Motion passed.

A copy of the NSU Gerber Hall Renovations Preliminary Facility Statement (PFS) can be found on pages **472** to **476** of the official minutes.

7-N DSU Athletics Events Center Revised Facility Design Plan (FDP)

Heather Forney, System Vice President of Finance and Administration, and Stacy Krusemark, DSU VP for Business & Administrative Services, stated that Dakota State University (DSU) requests approval of a revised Facility Design Plan for the construction of the new Athletics Events Center. This revised Facility Design Plan primarily increases the overall budget for the facility.

This project would enable DSU to develop plans for an on-campus facility that will provide a new Event Center and adjoining fields for competition, practice, academic space, and support space. The facilities would also allow for growth in academic programs, such as biomechanics and an Institute on Human Performance and Aging. This project is the first phase of a larger scale Athletics Masterplan. The goal of the DSU Athletics Masterplan is to create a state-of-the-art sports campus for both men's and women's sports with new and renovated facilities to advance Trojan sports and foster recruitment of topflight athletes, coaches, and staff. The athletics district will include a football stadium with both indoor and outdoor suites, an interactive hall-of-fame, team lockers, and training facilities. A future phase would include a multi-purpose/competition Arena and an indoor sports training complex with a 300-meter track. The masterplan also includes a softball field, baseball field, soccer field, and various training facilities. The planning of this project aims at creating adjacencies in the design to share hospitality, support, and training spaces between the existing Memorial Fieldhouse, indoor and outdoor track, football stadium, and future Arena.

The additional spending authority for the project was granted with the passage of SB93 during the 2023 legislative session.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to approve the Revised Facility Design Plan for DSU's Athletics Event Center with construction cost estimates of \$40,750,000 using private donations.

A copy of the DSU Athletics Events Center Revised Facility Design Plan (FDP) can be found on pages 477 to 487 of the official minutes.

7-O BOR 2023 Series Housing and Auxiliary Facilities System Revenue Bonds

Heather Forney, System Vice President of Finance and Administration, stated that the Board is requested to authorize (A) the issuance of the Bonds for the financing of (i) improvements to the student wellness center at USD, (ii) the costs of refunding all or a portion of the Board's outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A (the "Series 2013A Bonds" and the portion of such bonds to be refunded, the "Series 2013A Refunded Bonds") and the costs of refunding a portion of the Board's outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the "Series 2014A Bonds" and the portion of such bonds to be refunded "Series 2014A Refunded Bonds" and together with the Series 2013A Refunded Bonds, the "Refunded Bonds") which such Refunded Bonds to be redeemed on or shortly after the date of issuance of the Bonds; and (iii) the costs of issuance of the Bonds, through the issuance of the referenced Bonds, and (B) the use of approximately \$5.1 million in certain available SDSU funds for the redemption and payment of the SDSU portion of the Series 2014A Bonds for the Institutional System of SDSU on a date on or shortly after the issuance of the Bonds.

The timing of the sale of the Bonds and the selection of the Refunded Bonds to be refunded in order to realize and optimize refunding savings benefits is dependent upon future conditions in the financial markets. Market conditions may result in the refunding of less than all of or none of the Series 2013A Bonds and Series 2014A Bonds. Additionally, given rapidly changing market conditions, the Bonds may be sold in a public or private sale. The authorization provided by the Board will be effective for six months from the date hereof and may be renewed at a subsequent meeting of the Board.

Bond counsel for the Bonds has prepared appropriate resolutions and documents to proceed with the next phases of the financing. The four action items include resolutions and are outlined within the body of the Board item.

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

ROLL CALL:

Bastian – AYE
Brown – AYE
Partridge – AYE

Rave – AYE
Wink – AYE
Thares – AYE
Roberts – AYE

Motion passed.

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

ROLL CALL:

Bastian – AYE
Brown – AYE
Partridge – AYE
Rave – AYE
Wink – AYE
Thares – AYE
Roberts – AYE

Motion passed.

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

ROLL CALL:

Bastian – AYE
Brown – AYE
Partridge – AYE
Rave – AYE
Wink – AYE
Thares – AYE
Roberts – AYE

Motion passed.

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

ROLL CALL:

Bastian – AYE
Brown – AYE
Partridge – AYE
Rave – AYE

Wink – AYE
Thares – AYE
Roberts – AYE

Motion passed.

A copy of BOR 2023 Series Housing and Auxiliary Facilities System Revenue Bonds can be found on pages 488 to 638 of the official minutes.

7-P HR Transformation Update

Kayla Bastian, Chief Human Resources Officer, stated that following the adoption of the HR Transformation (HRT) project charge at the October 2022 Board meeting, the HR Transformation Steering Committee (HRSC) and subcommittees have been working toward the goals as outlined in the project charge. Updates related to each of the project's goals and expected deliverables are summarized within the item provided. To continue their work, the steering committee is requesting that the Board adopt the recommendations as outlined in the item, including: 1) the development of the CCCE and authorize staff to develop positions and a budget model to support the center; 2) centralization of payroll functions across the system and expansion of services at the existing centers; and 3) implementation of best practices and uniform processes as outlined in the item.

At the request of Regent Partridge to provide input and commentary, BHSU President Laurie Nichols stated and affirmed that Kayla Bastian and campus staff involved have been working very hard in getting this together. She feels that moving to the shared center model will have tremendous value and create a lot of efficiencies in the system.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, to adopt the recommendations as outlined in this item to include, 1) develop and implement the Classification and Compensation Center of Excellence, 2) centralize payroll functions and expand shared services, and 3) implement recommended best practices. Motion passed.

A copy of the HR Transformation Update can be found on pages 639 to 649 of the official minutes.

ADJOURNMENT

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

The meeting adjourned at 11:15 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, March 29th, in accordance with SDCL § 1-25-2 to discuss matters authorized therein. Following executive session, on March 30th, 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-E. Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.*
- 2-F. Approve the request from SDSMT to provide naming rights in substantially similar form to those set forth in Attachment I, subject to the stated edit, pending approval of the final Gift Agreement by the SDSMT President, and naming request as approved by the Executive Director upon review of the finalized Gift Agreement.*
- 2-G. Authorize USD to proceed with planning, within the parameters discussed.*
- 2-L. Approved the leave request for William C. Sewell (DSU), Randy C. Hoover (SDSMT), Moul Dey (SDSU), Lisa Hager (SDSU), Gregory R. Peterson (SDSU), Lisa Ann Robertson (USD), Shana Cerny (USD), Lauren Freese (USD), Becca Jorde (USD), Ramiero Lafuente Rodriguez (USD), Sara Lampert (USD), David Moskowitz (USD), Cliff Summers (USD), Mandy Williams (USD), Richard Braunstein (USD), Ed Gerrish (USD), and Jeffrey Simmons (USD), as presented.*
- 2-M. Award two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Ilke Celik (SDSMT); and award two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Timothy Ricker (USD).*
- 2-N. Award an honorary Doctor of Public Service to Mr. Joe Floyd (BHSU), Mr. Lorin Brass (SDSMT) and Mr. Tom Jones (SDSMT).*
- 2-O. Approve the partial waiver of sabbatical repayment as requested by President Schnoor.*
- 2-P. Approve the salary adjustments and appointments as outlined in Attachment I.*
- 2-Q. Approve the appointments of Ms. Kami Van Sickle as Director of SD Services for the Deaf, and Dr. Jessica Vogel as Superintendent of the SD School for the Blind and Visually Impaired, and authorize the Executive Director to take any actions necessary and appropriate to effectuate the same.*
- 2-R. Approve the employment contract as outlined for SDSU men's head football volleyball coach, James Rogers.*

- 2-S. *Approve the employment contract as outlined for USD women's volleyball coach, Leanne Williamson.*
- 2-T. *Approve the employment contract as outlined for SDSMT men's Head Football Coach, Charles Flohr.*
- 2-U. *Approve the evaluation letter for President Gestring.*
- 2-V. *Approve the evaluation letter for President Schnoor.*

BLACK HILLS STATE UNIVERSITY						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Justin Nauta	Assistant Director	3/22/2023	Reclassify CSA to NFE	\$61,000.00	\$52,622.99	15.9%

SOUTH DAKOTA STATE UNIVERSITY						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Aaron Singrey	Research Associate II	3/22/2022	Permanent Additional Duty Pay	\$74,358.00	\$67,598.00	10.0%

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Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Deepak Raj Joshi	Research Associate II	3/22/2023	Permanent Additional Duty Pay	\$61,700.00	\$54,908.00	12.4%

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Lindsey Gerard	Coordinator iGrow Technology	3/22/2023	Market Adjustment	\$64,566.00	\$60,722.00	6.3%

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Zachary Lujan	Assistant Coach - Football/Offensive Coordinator	1/22/2023	Market Adjustment	\$105,000.00	\$87,980.00	19.3%

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Jonathan Shaeffer	Director of Football Operations	1/22/2023	Market Adjustment	\$55,650.00	\$45,335.00	22.8%

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Ryan Olson	Assistant Coach-Football	1/22/2023	Market Adjustment	\$98,500.00	\$83,740.00	17.6%

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Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Nathan Skadsen	4H Youth Program Advisor	3/22/2023	Market Adjustment	\$55,000.00	\$44,651.00	23.2%

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Christopher Meyers	Assistant Coach - Football	1/22/2023	Market Adjustment	\$63,000.00	\$49,936.00	26.2%

UNIVERSITY OF SOUTH DAKOTA						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Michael Runde	Assistant Volleyball Coach	3/22/2023	Market Adjustment	\$76,300.00	\$63,000.00	21.1%

APPOINTMENTS REPORTING TO THE PRESIDENT, SUPERINTENDENT or EXECUTIVE DIRECTOR				
NAME	TITLE	EFFECTIVE DATE	SALARY	INSTITUTION
Marcus Garstecki	Chief Enrollment Management Officer	2/13/2023	\$98,000.00	NSU
Chad Hatzenbuehler	Director of Communications and Marketing	4/3/2023	\$75,000.00	NSU

SOUTH DAKOTA BOARD OF REGENTS

REVISED
AGENDA ITEM: 3 – B
DATE: March 29-30, 2022

SUBJECT

Resolutions of Recognition – Regent Tony Venhuizen & Regent Joan Wink

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Regent Tony Venhuizen served the people of the state of South Dakota from May 2003 to July 2008 and from April 2021 to December 2022 as a member of the South Dakota Board of Regents.

Regent Joan Wink served the people of the state of South Dakota for six years, from March 2017 to March 2023, as a member of the South Dakota Board of Regents.

IMPACT AND RECOMMENDATION

The South Dakota Board of Regents wishes to recognize Regent Venhuizen and Regent Wink for their outstanding service to the higher education system in South Dakota.

ATTACHMENTS

Attachment I – Special Resolution: Regent Tony Venhuizen
Attachment II – Special Resolution: Regent Joan Wink

DRAFT MOTION 20230329_3-B:

I move to recognize Tony Venhuizen and Joan Wink for their service to South Dakota's system of public higher education.

SPECIAL RESOLUTION

WHEREAS, Tony Venhuizen served the people of the state of South Dakota for nearly seven years, most recently from April 2021 to January 2023 and as a Student Regent from 2003-2008, before his resignation from the South Dakota Board of Regents; and

WHEREAS, Regent Venhuizen served with distinction as Secretary of the Board of Regents; and

WHEREAS, Regent Venhuizen served on the legislative committee, where he helped lead the board through two successful sessions, leading to lasting impacts on every South Dakota campus and financial savings for university students as the result of a multi-year tuition freeze; and

WHEREAS, during his time on the Board, Regent Venhuizen took an active and involved role to ensure South Dakota's public universities offer opportunity for all students to succeed in their educational pursuits; and

WHEREAS, as a result of his leadership, the Board of Regents took affirmative steps to: safeguard academic freedom; expose students to a variety of viewpoints, ideas, and theories; and ensure our curriculum remain rooted in widely held and accepted knowledge and thought; and

NOW, THEREFORE, BE IT RESOLVED, that it is the desire of the Board of Regents to recognize Regent Tony Venhuizen for his service; and

BE IT FURTHER RESOLVED, that Regent Tony Venhuizen be thanked for his contributions and dedication to the betterment of students' higher education, and it is ordered that this Resolution be spread upon the minutes of this Board and that a copy thereof be forwarded to Regent Venhuizen.

Adopted this 30th day of March 2023.

SOUTH DAKOTA BOARD OF REGENTS

Pam Roberts, President

Jim Thares, Vice President

_____, Secretary

Special Resolution Number 01-2023

SPECIAL RESOLUTION

WHEREAS, Joan Wink served the people of the state of South Dakota for six years, from March 2017 to March 2023, before her retirement from the South Dakota Board of Regents; and

WHEREAS, Regent Wink served with distinction on the Senate Bill 55 Task Force, a state-appointed task force charged with studying the operations and functions of higher education institutions under the Regents' control; and

WHEREAS, Regent Wink chaired the academic subcommittee of the Senate Bill 55 Task Force, where she led a review of functions related to duplicative program offerings, academic majors with low enrollments, low graduates; and

WHEREAS, as a result of her leadership on the task force, the Board of Regents announced it would move to a single, nursing program located at Black Hills South Dakota West River Health Center, implemented new policies on program evaluation and course enrollment management; and

WHEREAS, during her time on the Board, Regent Wink has served as the Chair on the committee of academic and student affairs leading multiple discussions on program health, new program requests, collaboration, and agreements for the Regental system,

NOW, THEREFORE, BE IT RESOLVED, that it is the desire of the Board of Regents to recognize Regent Joan Wink for her service; and

BE IT FURTHER RESOLVED, that Regent Joan Wink be thanked for her contributions and dedication to the betterment of students' higher education, and it is ordered that this Resolution be spread upon the minutes of this Board and that a copy thereof be forwarded to Regent Wink.

Adopted this 30th day of March 2023.

SOUTH DAKOTA BOARD OF REGENTS

Pam Roberts, President

Jim Thares, Vice President

_____, Secretary

Special Resolution Number 02-2023

SOUTH DAKOTA BOARD OF REGENTS

AGENDA ITEM: 3 – C
DATE: March 29-30, 2023

SUBJECT

Student Organization Award Winners for 2022

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Each year, the Board of Regents approves the previous year's Student Organization Award winners. The nominations advanced to the Board are chosen by each institution in the categories of Academic Excellence, Community Service, and Organizational Leadership. Once approved, the Board presents these awards at its meetings throughout the year.

Award for Academic Excellence

The purpose of this award is to recognize student organizations for outstanding contributions to the academic environment of their university or the academic performance of students. The following organizations have been chosen:

BHSU	Psychology Club
DSU	Future Business Leaders of America Collegiate
NSU	Honors Club
SDSMT	Lambda Chi Alpha
SDSU	Sigma Phi Epsilon Fraternity
USD	Plastic and Reconstructive Surgery Interest Group

Award for Community Service

The purpose of this award is to recognize student organizations for community service external to the campus. When student groups engage in community service, they help to establish good relationships between the institution and the community, they provide necessary help to non-profit organizations, they develop the leadership skills of their

(Continued)

DRAFT MOTION 20230329_3-C:

I move to accept the recommendations offered by each institution for student organization awards and announce the names of the award winners.

members, and they instill an appreciation for service in our students. The following organizations have been chosen:

BHSU	Campus Activity Board (CAB)
DSU	Newman Club
NSU	Honors Club
SDSMT	Mines Vex U Robotics
SDSU	Exercise Science Club
USD	Coyote Clinic

Award for Organizational Leadership

The purpose of this award is to recognize student organizations for outstanding activities that provide effective student or community leadership. The following organizations have been chosen:

BHSU	Honors Club
DSU	Lights Camera Action Film Club
NSU	Campus Activities Award (CAB)
SDSMT	Society of Physics Students
SDSU	SDSU Brookings Student Nurses' Association
USD	Cultural Wellness Coalition

IMPACT AND RECOMMENDATIONS

The Board recognizes the important role that student organizations play in the regental system. Student organizations provide students the opportunity to connect with others who have similar interests as well as experience a sense of community, all of which increases the likelihood of successful college completion. They also provide students with opportunities for professional development by offering students practical opportunities to hone skills, including those in leadership and communication.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

AGENDA ITEM: 3 – D
DATE: March 29-30, 2023

SUBJECT

Student Organization Award Winners for 2022

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Each year, the Board of Regents approves the previous year's Student Organization Award winners. The nominations advanced to the Board are chosen by each institution in the categories of Academic Excellence, Community Service, and Organizational Leadership. Once approved, the Board presents these awards at its meetings throughout the year.

Award for Academic Excellence

The purpose of this award is to recognize student organizations for outstanding contributions to the academic environment of their university or the academic performance of students. The following organizations have been chosen:

BHSU	Psychology Club
DSU	Future Business Leaders of America Collegiate
NSU	Honors Club
SDSMT	Lambda Chi Alpha
SDSU	Sigma Phi Epsilon Fraternity
USD	Plastic and Reconstructive Surgery Interest Group

Award for Community Service

The purpose of this award is to recognize student organizations for community service external to the campus. When student groups engage in community service, they help to establish good relationships between the institution and the community, they provide necessary help to non-profit organizations, they develop the leadership skills of their

(Continued)

DRAFT MOTION 20230329_3-D:

I move to accept the recommendations offered by each institution for student organization awards and announce the names of the award winners.

members, and they instill an appreciation for service in our students. The following organizations have been chosen:

BHSU	Campus Activity Board (CAB)
DSU	Newman Club
NSU	Honors Club
SDSMT	Mines Vex U Robotics
SDSU	Exercise Science Club
USD	Coyote Clinic

Award for Organizational Leadership

The purpose of this award is to recognize student organizations for outstanding activities that provide effective student or community leadership. The following organizations have been chosen:

BHSU	Honors Club
DSU	Lights Camera Action Film Club
NSU	Campus Activities Board (CAB)
SDSMT	Society of Physics Students
SDSU	SDSU Brookings Student Nurses' Association
USD	Cultural Wellness Coalition

IMPACT AND RECOMMENDATIONS

The Board recognizes the important role that student organizations play in the regental system. Student organizations provide students the opportunity to connect with others who have similar interests as well as experience a sense of community, all of which increases the likelihood of successful college completion. They also provide students with opportunities for professional development by offering students practical opportunities to hone skills, including those in leadership and communication.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

AGENDA ITEM: 3 – E
DATE: March 29-30, 2023

SUBJECT

NSU Student Organization Awards

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

At the March 2022 Board of Regents meeting, the Board approved recommendations offered by each institution for the 2021 student organization award winners. The winners of these awards are announced at Board meetings throughout 2022; however, due to scheduling conflicts it was decided that the 2021 Northern State University (NSU) Student Organization Awards would be presented at the March 2023 BOR meeting in Aberdeen at which time the 2022 student organization award winners for 2022 would also be presented.

2021 NSU Award for Academic Excellence: Speech and Debate (Forensics)

The purpose of the NSU Speech & Debate Team is to enhance critical thinking and speaking skills by giving students opportunities to practice and compete in both debate and competitive speaking events. Overall, the Speech and Debate team has shown a focus on academic success in and out of the classroom. The team culture has always been to achieve excellence when it comes to academics and is further strived for by urging members to seek information from every possible opportunity.

2022 NSU Award for Academic Excellence: Honors Club

The NSU Honors Club is comprised of all members of the Northern State University Honors Program. The Honors Program provides academically gifted and highly motivated students an opportunity to challenge themselves. In addition to being the leaders and members of the NSU Honors Club, NSU Honors students are leaders in clubs and organizations across campus.

2021 NSU Award for Community Service: Honors Club

The NSU Honors Program provides academically gifted and highly motivated students opportunities to challenge themselves. In addition to being the leaders and members of the NSU Honors Club, NSU Honors students are leaders in clubs and organizations across campus. In 2021, the Honors Club organized a year-long service project called “Year of Appreciation Project.” Each month they chose a group that was underappreciated in the Aberdeen community and created a mini service project to show their appreciation for their

(Continued)

INFORMATIONAL ITEM

effort to keep the Aberdeen community strong and healthy. Some examples of different groups included in this project were first responders, custodial staff members, nursing home residents, nursing home caretakers, teachers, bus drivers, nurses, and small businesses.

2022 NSU Award for Community Service: Honors Club

The Honors Program provides academically talented and highly motivated students opportunities to excel in the classroom, gain skills to lead recognized student organizations on campus, and conduct undergraduate research. In addition to being the leaders and members of the NSU Honors Club, NSU Honors students volunteer their time to help others. Significant events and activities that were conducted by the Honors Club in 2022 were the NSU Cancer Awareness Tree, Mental Health Tree, Bake Sale, Sponsoring a Grandparent, Valentine's Cards for residents of the Mother Joseph nursing home, Christmas Cards for Veterans, and sponsoring an adoption of a dog from the Humane Society.

2021 NSU Award for Organizational Leadership: NASA

The Native American Student Association (NASA) welcomes and respects the diversity of all people. The mission of NASA is to strengthen and promote relevant, cultural competencies on campus and throughout the Aberdeen community through leadership, mentoring and advocacy of American Indian issues. Anyone is welcome to be a part of NASA.

2022 NSU Award for Organizational Leadership: Campus Activities Board (CAB)

The Campus Activities Board is a volunteer university-chartered student organization that supports the mission of the university and meets the needs of its students by providing social, recreational and developmental programs that promote learning and personal development. They are to remain responsive to student needs, attitudes and interests; Provide a comprehensive and diverse program schedule during the academic year (August through May) that responds to those interests; facilitate the social and intellectual development of students by providing opportunities for student involvement and leadership development; and support the university's recruitment and retention efforts by providing meaningful activities that impact the quality of campus life and each student's satisfaction with their college experience.

IMPACT AND RECOMMENDATIONS

The Board recognizes the important role that student organizations play in the Regental system. Student organizations provide students the opportunity to connect with others who have similar interests as well as experience a sense of community, all of which increases the likelihood of successful college completion. They also provide students with opportunities for professional development by offering practical opportunities to hone skills, including those in leadership and communication.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

REVISED
AGENDA ITEM: 3 – J
DATE: March 29-30, 2023

SUBJECT

2023 Legislative Overview

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:5, Section C.2 \(2.9\)](#)

BACKGROUND / DISCUSSION

The 2023 South Dakota Legislature ended with Veto Day on March 25, 2023. This agenda item provides a brief, high-level review of major legislative activity in the session just concluded.

IMPACT AND RECOMMENDATIONS

The 2023 legislative session marks another year of historic support for the public higher education system (over \$59 million in state general funds). This includes the second year in a row of base general funds to support all Board of Regents employees' salaries and benefits as well as cybersecurity and infrastructure funding.

ATTACHMENTS

Attachment I – 2023 Legislative Summary

INFORMATIONAL ITEM

2023

LEGISLATIVE SUMMARY

73 BILLS TRACKED

(36 priority and 37 other bills of interest)

SESSION HIGHLIGHTS

- ❖ Historic support for public higher education – Once again we have received outstanding support from both the South Dakota Legislature and Gov. Kristi Noem. Significant investments were made in both one-time and ongoing funding in the public universities and special schools. State employee salary policy was budgeted at a 7.0% increase, effective July 1, 2023. The regents' system stands to benefit from increased funding support in these broad categories:
 - General funds: \$59.2 million
 - Federal funds: \$0.5 million
 - Other funds authority: \$18.9 million
- ❖ Tuition Freeze – The state historically covers less than half of the salary and benefit package for employees in the public university system. That means tuition, fees, and student charges are raised internally to cover the rest of the obligation. For the second year in a row, the Governor and Legislature agreed to an additional \$12.4 million in base general funds to support all BOR salaries and health insurance increases.
- ❖ Infrastructure – The Board focused this legislative session on existing infrastructure needs. Several bills passed providing additional funds for large inflationary increases in constructions costs as well as additional maintenance and repair costs.

BILLS PASSED - BOARD PRIORITY

- HB1030 – SDSU Bioproducts facility (\$3,000,000 general funds)
- HB1032 – SDSU agricultural-use structures (\$7,250,000 other fund expenditure authority)
- HB1039 – 100% tuition for SD National Guard members (\$1,971,851 general funds)
- SB172 – BHSU-RC health services center (\$1.5M general funds)
- SB173 – NSU Lincoln Hall (\$1.5M general funds)
- SB33 – SDSMT Mineral Industries building (\$4,400,000 general funds and \$3,400,000 other fund expenditure authority)
- SB34 – DSU sale of Lake County property
- SB37 – SDSD name change
- SB93 – DSU Athletic Events Center (\$14,941,250 other fund expenditure authority)

BILLS PASSED – OTHER TOPICS

- HB1055 – increase dollar amount for SD Opportunity Scholarship (increase total award from \$6,500 to \$7,500)
- SB10 – expand certification options for interpreters for the deaf
- SB179 – SDS&TA board member addition (SDSM&T President and BHSU President ex-officio members)
- HB1153 – update to travel and moving allowance
- HB1060 – changes in procurement requirements (bid requirements changed from \$25,000 to \$50,000)
- SB118 – expand eligibility for reduced tuition to certain preschool teachers (\$25,000 general funds)
- SB162 – allows for public comment at official meetings even if not regularly scheduled, unless solely meeting in executive session
- SB182 – Board of Education shall establish a uniform method for calculating high school credits a student receives for a postsecondary course
- SB189 – prohibits state agencies from contracting with companies owned or controlled by certain foreign entities or governments

BILLS PASSED – GENERAL BUDGET BILLS

- SB210 – General Appropriations Act for Fiscal Year 2024
- HB1049 – Revise General Appropriations Act for Fiscal Year 2023 (includes funds for cybersecurity upgrade and maintenance and repair)

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs **Consent**

AGENDA ITEM: 5 – A
DATE: March 29-30, 2023

SUBJECT

USD Law School Admission MOUs

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:5](#) – Seamless Transfer of Credit

[BOR Policy 2:5:2](#) – External (Non-Regental System) Accredited University/College
Transfer of Credit

BACKGROUND / DISCUSSION

The University of South Dakota (USD) seeks approval for two MOUs regarding admission to the University of South Dakota Knudson School of Law for undergraduate students at both Mount Marty University (MMU) and the University of Sioux Falls (USF). The MOUs create a 3+3 program between MMU/USF and USD, with students completing the final year of their bachelor's degree at USD as a law school student.

IMPACT AND RECOMMENDATION

The agreements would classify students from MMU & USF meeting certain criteria as Qualified Applicants to the Knudson School of Law. Qualified Applicants would include any student who: 1) is enrolled in a bachelor's degree program at MMU or USF; 2) submits a completed and timely application to the Knudson School of Law during the student's junior year for that year's admissions cycle; and 3) takes the LSAT and submits the score to the Knudson School of Law.

The Knudson School of Law agrees to consider the applications of all Qualified Applicants and offer admission to those who meet the admissions criteria for that year's entering class, subject to limits on available seats due to class size. Students will take courses at the Knudson School of Law for the fourth year of their Bachelor's degree, creating a 3+3 program. MMU & USF will award bachelor's degrees upon successful completion of the first year of USD's JD program by a Qualified Applicant.

Board staff recommends approval.

ATTACHMENTS

Attachment I – USD MOU: Mount Marty University (MMU)

Attachment II – USD MOU: University of Sioux Falls (USF)

DRAFT MOTION 20230329_5-A:

I move to approve the University of South Dakota's Memorandums of Understanding with Mount Marty University and the University of Sioux Falls, as presented.

MEMORANDUM OF
UNDERSTANDING BETWEEN
THE UNIVERSITY OF SOUTH DAKOTA KNUDSON SCHOOL OF LAW AND
MOUNT MARTY UNIVERSITY, 1105 W. 8TH ST., YANKTON, SD 57078,
REGARDING "3+3" ADMISSIONS POLICY

The University of South Dakota Knudson School of Law and Mount Marty University desire to coordinate their programs to allow undergraduates in their Junior (penultimate) year of study to apply for admission to South Dakota Law's Juris Doctor (JD) Program. Pursuant to the provisions of this Memorandum of Understanding, students who successfully advance through one year of the Knudson School of Law's JD Program will satisfy the remaining requirements for a bachelor's degree from Mount Marty University.

The Knudson School of Law and Mount Marty University agree as follows:

1. As part of its regular admissions process, the Knudson School of Law will include in the applicant pool for its JD Program any Qualified Applicant from Mount Marty University. "Qualified Applicant" shall mean an undergraduate student who:
 - a. is enrolled in a bachelor's-degree program at Mount Marty University;
 - b. timely submits a completed application to the Knudson School of Law during his or her junior year for that year's admissions cycle; and
 - c. takes the Law School Admissions Test (LSAT) and timely submits the reported score to the Knudson School of Law.
2. Knudson School of Law agrees to consider the applications of all Qualified Applicants and offer admission to those who meet the admissions criteria for that year's entering class, subject to limits on available seats due to class size.
3. Mount Marty University agrees that the successful completion of the first year of the University of South Dakota Knudson School of Law's JD Program by a Qualified Applicant will qualify him or her for a bachelor's degree from Mount Marty University. Mount Marty University will certify degree completion and conferral of any Qualified Applicant at his or her request or the request of the Knudson School of Law.
 - a. Knudson School of Law retains the sole right to determine whether a student has successfully completed the first year of the JD Program, based on

satisfactory completion of all regular academic requirements and the absence of any conduct that would prevent the student from continuing the JD program.

- b. Mount Marty University retains the right to impose its own requirements for degree conferral and Qualified Applicant status, such as the completion of specified courses, a GPA above a specified threshold, etc.
4. This Memorandum of Understanding shall remain in effect until July 31st next following its adoption. It shall automatically renew for five succeeding 12-month terms beginning on August 1 unless either party gives written notice of termination to the other prior to that date. It may also be terminated at any time upon written notice if it becomes inconsistent with the standards or requirements of an accrediting or governing body of either the University of South Dakota or Mount Marty University.

This Memorandum reflects the understanding of the University of South Dakota Knudson School of Law and Mount Marty University, as signified by their respective authorized signatures below.

UNIVERSITY OF SOUTH DAKOTA

MOUNT MARTY UNIVERSITY

Kurt Hackemer
Vice-President for Academic Affairs
& Provost

Marc Long
President

Date:

Date:

MEMORANDUM OF
UNDERSTANDING BETWEEN
THE UNIVERSITY OF SOUTH DAKOTA KNUDSON SCHOOL OF LAW AND
UNIVERSITY OF SIOUX FALLS, 1101 W 22ND ST, SIOUX FALLS, SD 57105,
REGARDING "3+3" ADMISSIONS POLICY

The University of South Dakota Knudson School of Law and University of Sioux Falls desire to coordinate their programs to allow undergraduates in their Junior (penultimate) year of study to apply for admission to South Dakota Law's Juris Doctor (JD) Program. Pursuant to the provisions of this Memorandum of Understanding, students who successfully advance through one year of the Knudson School of Law's JD Program will satisfy the remaining requirements for a bachelor's degree from the University of Sioux Falls.

The Knudson School of Law and University of Sioux Falls agree as follows:

1. As part of its regular admissions process, the Knudson School of Law will include in the applicant pool for its JD Program any Qualified Applicant from University of Sioux Falls. "Qualified Applicant" shall mean an undergraduate student who:
 - a. is enrolled in a bachelor's-degree program at University of Sioux Falls;
 - b. timely submits a completed application to the Knudson School of Law during his or her junior year for that year's admissions cycle; and
 - c. takes the Law School Admissions Test (LSAT) and timely submits the reported score to the Knudson School of Law.
2. Knudson School of Law agrees to consider the applications of all Qualified Applicants and offer admission to those who meet the admissions criteria for that year's entering class, subject to limits on available seats due to class size.
3. University of Sioux Falls agrees that the successful completion of the first year of the University of South Dakota Knudson School of Law's JD Program by a Qualified Applicant will qualify him or her for a bachelor's degree from University of Sioux Falls. University of Sioux Falls will certify degree completion and conferral of any Qualified Applicant at his or her request or the request of the Knudson School of Law.
 - a. Knudson School of Law retains the sole right to determine whether a student has successfully completed the first year of the JD Program, be based on

satisfactory completion of all regular academic requirements and the absence of any conduct that would prevent the student from continuing the JD program.

- b. University of Sioux Falls retains the right to impose its own requirements for degree conferral and Qualified Applicant status, such as the completion of specified courses, a GPA above a specified threshold, etc.
4. This Memorandum of Understanding shall remain in effect until July 31st next following its adoption. It shall automatically renew for five succeeding 12-month terms beginning on August 1 unless either party gives written notice of termination to the other prior to that date. It may also be terminated at any time upon written notice if it becomes inconsistent with the standards or requirements of an accrediting or governing body of either the University of South Dakota or University of Sioux Falls.

This Memorandum reflects the understanding of the University of South Dakota Knudson School of Law and University of Sioux Falls, as signified by their respective authorized signatures below.

UNIVERSITY OF SOUTH DAKOTA

UNIVERSITY OF SIOUX FALLS

Kurt Hackemer
Vice-President for Academic Affairs
& Provost

Brett Bradfield
President

Date:

Date:

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – B (1)

DATE: March 29-30, 2023

SUBJECT

New Program Request – SDSU – Minor in Pharmacology and Toxicology

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

South Dakota State University (SDSU) requests authorization to offer a minor in Pharmacology and Toxicology. The proposed minor will enable students to explore fundamental and advanced concepts in pharmacology (the study of how chemical agents, both natural and synthetic (i.e., drugs), affect biological systems) and toxicology (the study of drug overdoses and other poisonings). The minor would be particularly beneficial for students ultimately seeking healthcare-related degrees, and would provide a foundation of knowledge in these areas as students move into graduate-level coursework in these fields.

IMPACT AND RECOMMENDATION

SDSU plans to offer the minor in Pharmacology and Toxicology on campus. SDSU does not request new state resources, and no new courses will be required. SDSU estimates 15 students enrolled and 14 graduates by the fourth year of the program.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Program Request Form: SDSU – Minor in Pharmacology and Toxicology

DRAFT MOTION 20230329_5-B(1):

I move to authorize SDSU to offer a minor in Pharmacology and Toxicology, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Baccalaureate Degree Minor

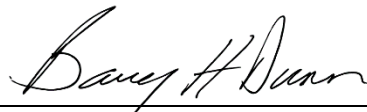
UNIVERSITY:	SDSU
TITLE OF PROPOSED MINOR:	Pharmacology & Toxicology
DEGREE(S) IN WHICH MINOR MAY BE EARNED:	Any
EXISTING RELATED MAJORS OR MINORS:	Pharmaceutical Sciences (B.S.)/Pharmacy (Pharm.D.)
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	26.1001
UNIVERSITY DEPARTMENT:	Pharmaceutical Sciences
BANNER DEPARTMENT CODE:	SPRS
UNIVERSITY DIVISION:	College of Pharmacy & Allied Health Professions
BANNER DIVISION CODE:	3P

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2.8](#), which pertains to new baccalaureate degree minor requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



 President of the University

12/28/2022

Date

1. Do you have a major in this field? ☐ Yes ☒ No

2. If you do not have a major in this field, explain how the proposed minor relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

South Dakota State University requests authorization to offer a baccalaureate minor in Pharmacology & Toxicology. Pharmacology is the study of how chemical agents, both natural and synthetic (i.e. drugs), affect biological systems. Toxicology is the study of drug overdoses and other poisonings. SDSU is currently authorized to deliver programs in Pharmaceutical Sciences (B.S., M.S., Ph.D.) and Doctor of Pharmacy.

This undergraduate minor fits with the mission and strategic plan of South Dakota State University. Specifically, the program will feature student-centered education that will contribute to the health of South Dakota, the region, the nation, and the world. The program will contribute to attainment of strategic goal 1 – excellence through transformative education. This will be a distinct and high-quality academic program designed to meet student and market demands. The minor also fits with the South Dakota Board of Regents strategic plan goal of increasing student success, particularly for those students ultimately seeking healthcare-related masters or doctoral degrees.

3. What is the nature/purpose of the proposed minor? Please include a brief (1-2 sentence) description of the academic field in this program.

The undergraduate minor in Pharmacology & Toxicology will enable students to explore fundamental and advanced concepts in pharmacology and toxicology. The minor will be comprised of existing undergraduate courses covering an introduction to pharmacology, toxicology and related pathophysiology.

The university does not request new state resources for the proposed minor. In fact, since existing courses and sections will be used and no new personnel will be needed to teach the courses, this minor should facilitate enrollment in these courses, optimizing course capacity and resource use.

4. How will the proposed minor benefit students?

The minor will be particularly applicable for students ultimately seeking healthcare-related degrees. This includes students seeking the B.S. in Human Biology, B.S. in Biology, or B.S. in Biochemistry with plans to apply to medical school (M.D. or D.O.), physician assistant school (M.S.-P.A.C), dental school (D.D.S & D.M.D.), or optometry school (O.D.). The solid foundation in pharmacology and toxicology provided by this minor will be beneficial as these students move into graduate-level coursework in their healthcare-related field of study.

5. Describe the workforce demand for graduates in related fields, including national demand and demand within South Dakota.

Students earning this minor in pursuit of the B.S. in Human Biology, B.S. in Biology, or B.S. in Biochemistry would have added qualifications for entry to numerous healthcare-related professional programs as listed above. The coursework aims to provide foundational knowledge in pharmacology and toxicology, which should make these students more competitive in their applications to professional school and may set them up for future success in required pharmacology and toxicology-related coursework in their professional programs.

The US Bureau of Labor Statistics project a growth in these healthcare professions ranging from 3% (physician) – 28% (physician assistant).¹ According to the South Dakota Board of Regents Program Demand Gap Analysis (Emsi 2021)², there is a numerical gap in physician assistants, dentists, and optometrists. While there was not an overall gap for physicians, a

¹ U.S. Bureau of Labor Statistics. www.bls.gov Accessed 10/3/2022

² South Dakota Board of Regents Program Demand Gap Analysis: Economic Overview and Review of Academic Programs (Emsi) 2021

numerical gap was also noted for general internal medicine physicians, an occupation that requires a high-level understanding of pharmacology and toxicology.

- 6. Provide estimated enrollments and completions in the table below and explain the methodology used in developing the estimates (*replace “XX” in the table with the appropriate year*).**

The estimates below are based on discussion with leadership within the SDSU College of Natural Sciences, taking into account current student enrollment in pre-health professional programs and student feedback indicating a desire for more coursework opportunities in the areas of pharmacology and toxicology.

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 24	FY 25	FY 26	FY 27
Students enrolled in the minor (fall)	10	15	15	15
Completions by graduates	0	9	14	14

*Do not include current fiscal year.

- 7. What is the rationale for the curriculum? Demonstrate/provide evidence that the curriculum is consistent with current national standards.**

The required curriculum in this minor meets undergraduate pharmacy education requirements for the Pharm.D. degree according to the Accreditation Council for Pharmacy Education (ACPE).³ ACPE requirements for education in the areas of pharmacology and toxicology would be expected to meet or exceed pharmacology and toxicology education requirements for most healthcare-related professional programs.

- 8. Complete the tables below. Explain any exceptions to Board policy requested.**

A. Distribution of Credit Hours

Pharmacology & Toxicology	Credit Hours	Percent
Requirements in minor	18	100%
Electives in minor	0	0%
Total	18	

³ Accreditation Council for Pharmacy Education, Standards 2016, <https://www.acpe-accredit.org/pdf/Standards2016FINAL2022.pdf>

B. Required Courses in the Minor

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
BIOL OR BIOL	325-325L	Physiology & Lab (4)	BIOL 325/L: (BIOL 151 or BIOL 153 or BIOL 221) and (CHEM 106 or CHEM 112). BIOL 326/L: (BIOL 153 or BIOL 221) and CHEM 114.	4 (7)	No
	326-326L	Biomedical Physiology & Lab (4)			
PHA	352	Pathophysiology, Pharmacology, Toxicology I	BIOL 325 OR BIOL 326	3	No
PHA	353	Pathophysiology, Pharmacology, Toxicology II	PHA 352	3	No
PHA	452	Pathophysiology, Pharmacology, Toxicology III	PHA 353	4	No
PHA	453	Pathophysiology, Pharmacology, Toxicology IV	PHA 452	4	No
Subtotal				18	

*Credit hours in parentheses () indicate prerequisite courses not counted in the minor requirements. The net number of prerequisites not counted is 7. These prerequisites are fundamental to general education coursework and major requirements (BIOL 151, BIOL 153, BIOL 221, CHEM 106, CHEM 112, and CHEM 114) for students in health-related majors who might choose to earn the minor and therefore not applicable to the minor itself. This includes students seeking a B.S. degree in Human Biology, Biology, or Biochemistry and other Pre-Professional/Career Interest areas with plans to apply to medical school (M.D. or D.O.), physician assistant school (M.S.-P.A.C), dental school (D.D.S & D.M.D.), or optometry school (O.D.).

Students in the B.S. Pharmaceutical Sciences / Pharm.D. program are not eligible for this minor.

C. Elective Courses in the Minor: List courses available as electives in the program. Indicate any proposed new courses added specifically for the minor.

None.

9. What are the learning outcomes expected for all students who complete the minor? How will students achieve these outcomes?

At the completion of the Pharmacology & Toxicology minor students will be able to:

- Describe basic cell physiology, neural, hormonal, and neuroendocrine control systems.

- Explain general mechanisms of drug action, principles of pharmacokinetics/pharmacodynamics, and reasons for individual variations in drug response.
- Compare and contrast pharmacokinetics and pharmacodynamics with toxicokinetics and toxicodynamics.
- Describe the pharmacology of medications used in the treatment of diseases related to the adrenergic and cholinergic systems.
- Describe the pharmacology of central nervous system drugs, behavioral/addiction medications, and analgesic medications.
- Describe general concepts of immunopharmacology, pulmonary pharmacology, anticancer pharmacology, endocrine pharmacology and antimicrobial therapy.
- Explain mechanisms of toxicity and recognize adverse effects of medications and other poisons.
- Recommend appropriate treatment for a poisoned patient.

Individual Student Outcome	Program Courses that Address the Outcomes				
	BIOL 325-325L OR BIOL 326-326L	PHA 352	PHA 353	PHA 452	PHA 453
Describe basic cell physiology, neural, hormonal, and neuroendocrine control systems.	X				
Explain general mechanisms of drug action, principles of pharmacokinetics/pharmacodynamics, and reasons for individual variations in drug response.		X			
Compare and contrast pharmacokinetics and pharmacodynamics with toxicokinetics and toxicodynamics.		X			
Describe the pharmacology of medications used in the treatment of diseases related to the adrenergic and cholinergic systems.			X		
Describe the pharmacology of central nervous system drugs, behavioral/addiction medications, and analgesic medications.				X	
Describe general concepts of immunopharmacology, pulmonary pharmacology, anticancer pharmacology, endocrine pharmacology and antimicrobial therapy.				X	X
Explain mechanisms of toxicity and recognize adverse effects of medications and other poisons.					X
Recommend appropriate treatment for a poisoned patient.					X

10. What instructional approaches and technologies will instructors use to teach courses in the minor? *This refers to the instructional technologies and approaches used to teach courses and NOT the technology applications and approaches expected of students.*

The courses associated with the minor are taught in a face-to-face lecture-based format. Assessment is performed via exams, quizzes, and written assignments in D2L.

11. Delivery Location

Note: The accreditation requirements of the Higher Learning Commission (HLC) require

Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community Center for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an online program)?**

	Yes/No	Intended Start Date
On campus	Yes	2023-2024 Academic Year

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods Delivery methods are defined in AAC Guideline 5.5.	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- A. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

- 12. Does the University request any exceptions to any Board policy for this minor? Explain any requests for exceptions to Board Policy. If not requesting any exceptions, enter "None."**

The university requests an exception to the Board policy that limits minors to a total of 18 credits, including prerequisites. The proposed Pharmacology and Toxicology minor is intended for students earning a bachelor's degree in a health-related or science field. This includes students seeking a B.S. degree in Human Biology, Biology, or Biochemistry and other Pre-Professional/Career Interest areas with plans to apply to medical school (M.D. or D.O.), physician assistant school (M.S.-P.A.C), dental school (D.D.S & D.M.D.), or optometry school (O.D.). Students will complete the prerequisites as part of the basic bachelor's degree requirements, regardless of the minor.

- 13. Cost, Budget, and Resources: Explain the amount and source(s) of any one-time and**

continuing investments in personnel, professional development, release time, time redirected from other assignments, instructional technology & software, other operations and maintenance, facilities, etc., needed to implement the proposed minor.
Address off-campus or distance delivery separately.

Existing courses and personnel will be utilized for this minor. Students seeking the majors in which this minor may be earned are already required to take BIOL 325-325L or BIOL 326/326L and seats are currently available in PHA 352, PHA 353, PHA 452, and PHA 453 for these students to take these courses in existing sections. The proposed Pharmacology and Toxicology minor is intended for students earning a bachelor's degree in a health-related or science field. This includes students seeking the B.S. Human Biology, Biology, or Biochemistry and other Pre-Professional/Career Interest areas with plans to apply to medical school (M.D. or D.O.), physician assistant school (M.S.-P.A.C), dental school (D.D.S & D.M.D.), or optometry school (O.D.). Students will complete the prerequisites as part of the basic bachelor's degree requirements, regardless of the minor.

14. New Course Approval: New courses required to implement the new minor may receive approval in conjunction with program approval or receive approval separately. Please check the appropriate statement.

☐ YES,

the university is seeking approval of new courses related to the proposed program in conjunction with program approval. All New Course Request forms are included as Appendix C and match those described in section 7.

☒ NO,

the university is not seeking approval of all new courses related to the proposed program in conjunction with program approval; the institution will submit new course approval requests separately or at a later date in accordance with Academic Affairs Guidelines.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – B (2)
DATE: March 29-30, 2023

SUBJECT

New Program Request – SDSU – Minor in Uncrewed Aircraft Systems

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

South Dakota State University (SDSU) requests authorization to offer a minor in Uncrewed Aircraft Systems. Uncrewed Aircraft Systems (UAS) is a technology with many commercial applications, including remote sensing, geographic information systems (GIS), precision agriculture, construction, resource management, engineering, cinematography, and emergency services. The proposed minor will provide a credential to students who have demonstrated competency in the planning and operation of UAS, including the equipment, accessories, and software needed to fly uncrewed aerial vehicles (i.e., drones) autonomously or remotely.

IMPACT AND RECOMMENDATION

SDSU plans to offer the minor in Uncrewed Aircraft Systems on campus. SDSU does not request new state resources, and no new courses will be required. SDSU estimates 8 students enrolled and 5 graduates by the fourth year of the program.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Program Request Form: SDSU – Minor in Uncrewed Aircraft Systems

DRAFT MOTION 20230329_5-B(2):

I move to authorize SDSU to offer a minor in Uncrewed Aircraft Systems, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Baccalaureate Degree Minor

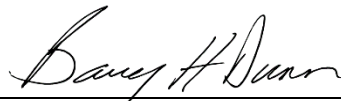
UNIVERSITY:	SDSU
TITLE OF PROPOSED MINOR:	Uncrewed Aircraft Systems
DEGREE(S) IN WHICH MINOR MAY BE EARNED:	Any
EXISTING RELATED MAJORS OR MINORS:	Geographic Information Sciences (B.S., minor, certificate), Geography (B.A., B.S., minor), Unmanned Aircraft Systems (certificate)
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	49.0109
UNIVERSITY DEPARTMENT:	Geography & Geospatial Sciences
BANNER DEPARTMENT CODE:	SGGS
UNIVERSITY DIVISION:	Natural Sciences
BANNER DIVISION CODE:	3T

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2.8](#), which pertains to new baccalaureate degree minor requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President of the University

1/5/2023

Date

1. Do you have a major in this field? ☐ Yes ☒ No

2. If you do not have a major in this field, explain how the proposed minor relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

South Dakota State University (SDSU) requests authorization to offer a baccalaureate minor in Uncrewed Aircraft Systems (UAS). Uncrewed Aircraft Systems (UAS) is a technology with many commercial applications, some of which include remote sensing, geographic information systems (GIS), precision agriculture, construction, resource management, engineering, cinematography, and emergency services.

The Department of Geography and Geospatial Sciences currently offers undergraduate and graduate level programs in Geography (B.A., B.S., M.S., minor), Geographic Information Sciences (B.S., M.S. specialization, minor, certificate), Community and Regional Planning (B.S.), Unmanned Aircraft Systems Certificate¹, and Geospatial Science and Engineering (Ph.D.) - Geography and Remote Sensing Specializations.

This undergraduate minor fits with the mission and strategic plan of South Dakota State University. The UAS minor will contribute to the attainment of SDSU's *Imagine 2023* strategic plan Strategic Goal 1 – Excellence through Transformative Education. The minor will utilize active and innovative teaching and learning practices and incorporates multiple cross-curricular skills, including inquiry and analysis, critical thinking, teamwork and problem-solving.²

In addition, the Uncrewed Aircraft Systems minor will contribute to the South Dakota Board of Regents' *Strategic Plan 2022-2027* Goal 4: Workforce and Economic Development in which "Public post-secondary and higher education serves as a critical pipeline for the workforce locally in South Dakota and as well as nationally and globally".³

3. What is the nature/purpose of the proposed minor? Please include a brief (1-2 sentence) description of the academic field in this program.

The proposed minor in Uncrewed Aircraft Systems (UAS) will provide a credential to students who have demonstrated competency in the planning and operation of UAS. An uncrewed aerial vehicle (UAV), commonly known as a drone, is an aircraft without any human pilot, crew, or passengers controlling it from the inside. Uncrewed Aircraft Systems or UAS is the system behind what makes a drone or UAV work. This includes the equipment, accessories, and software needed to allow a UAV to fly autonomously or remotely. Uncrewed Aircraft Systems is a technology with many commercial applications, some of which include remote sensing, geographic information systems (GIS), precision agriculture, construction, resource management, engineering, cinematography, and emergency services.

4. How will the proposed minor benefit students?

The minor will provide the knowledge and skills necessary to apply this technology to a field of study or field of work. The minor will cover mission planning and safety, how to acquire data using sensors, how to process acquired data, ethical considerations, and the basic components required to operate a UAS, among others. This minor will provide the knowledge necessary to attain the FAA Part 107 small UAS license.

5. Describe the workforce demand for graduates in related fields, including national demand and demand within South Dakota. Provide data and examples; data sources may include but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

¹ A substantive program modification will be processed during the 2022-2023 academic year to update the program title from *Unmanned Aircraft Systems* to *Uncrewed Aircraft Systems*.

² South Dakota State University. <https://www.sdstate.edu/imagine-2023-aspire-discover-achieve> (visited September 13, 2022).

³ South Dakota Board of Regents. <https://www.sdbor.edu/the-board/StrategicPlan/Pages/default.aspx> (page 15, visited September 13, 2022).

Uncrewed Aircraft Systems (UAS) plays a significant role in the defense, commercial and public sectors. According to Markets and Markets, the drone services market, which is based on the type of service provided, is segmented by industry to include construction and infrastructure, agriculture, utility, oil and gas, mining, defense and law enforcement, mapping, surveying, media and entertainment, scientific research, insurance, aviation, marine, healthcare and social assistance, and transportation, logistics, and warehousing.⁴ The drone services market is expected to grow from \$13.9 billion in 2021 to \$40.7 billion in 2026, an increase of 23.8%.⁵ The FAA forecasts that the commercial drone fleet in the US will increase 1.38 times from 2021 to 2026, an increase of 37.9%.⁶ The FAA also forecasts that between 2021 and 2026 the number of people obtaining a commercial Remote Pilots licenses will increase by over 100,000 “that may provide tremendous opportunities for growth in employment.”⁷

These numbers are highlighted to show the overall forecasted growth in the commercial drone fleet in the US and the number of new remote pilots projected over the next five years. This will be reflected in the labor market. The US Department of Labor does not have an occupational code for a drone pilot, however, based on the numbers above there will be a need for employees with skill in UAS technology. While some jobs could require just a drone pilot, most occupations requiring the operation of the technology will be part of an existing job role. For example, workforce areas that anticipate an increase of drone usage include agriculture, construction, emergency management, transportation, energy, and mapping and surveying.⁸ According to the Occupational Information Network (O*NET) - sponsored by the US Department of Labor - from 2018 to 2028 occupations that could employ drone skills in South Dakota such as Precision Agriculture Technicians will increase 14%, Agricultural Engineers 13%, Soil and Plant Scientists 16%, Range Managers 6%, Transportation Inspectors 13%, Property, Real Estate, and Community Association Managers 9%, Emergency Management Directors 10%, Wind Energy Operations Manager 7%, Construction Managers 7%, Surveyors 14%, Cartographers and Photogrammetrists 13%, and Geographic Information Systems Technologists and Technicians 5%.⁹

6. Provide estimated enrollments and completions in the table below and explain the methodology used in developing the estimates.

The estimates below are based on 10% of student enrollment in the Geography (36) and Geographic Information Sciences (25) majors for year 4. The number will increase as Geography, Geographic Information Sciences, and other majors identify the benefit of adding this minor. GEOG 270 Introduction to Small Uncrewed Aircraft Systems has had over 120 students complete the course from the fall of 2020 to the fall of 2022.

⁴ Markets and Markets <https://www.marketsandmarkets.com/ResearchInsight/drone-services-market.asp> (last accessed September 2, 2022).

⁵ Markets and Markets <https://www.marketsandmarkets.com/Market-Reports/unmanned-aerial-vehicles-uav-market-662.html> (last accessed September 2, 2022).

⁶ Federal Aviation Administration. FAA Aerospace Forecast FY 2021-2025. https://www.faa.gov/data_research/aviation/aerospace_forecasts (page 63, last accessed September 13, 2022).

⁷ Federal Aviation Administration. FAA Aerospace Forecast FY 2021-2025. https://www.faa.gov/data_research/aviation/aerospace_forecasts (page 73, last accessed September 13, 2022).

⁸ DroneU. Drone Pilot Jobs Guide: 13 Most Popular UAV Jobs <https://www.thedroneu.com/blog/drone-pilot-jobs-guide/> (last accessed September 13, 2022).

⁹ O*NET Online <https://www.onetonline.org/> type in occupational name to see results. See state Trends for South Dakota. (last accessed September 13, 2022).

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 24	FY 25	FY 26	FY 27
Students enrolled in the minor (fall)	2	4	6	8
Completions by graduates	0	2	3	5

*Do not include current fiscal year.

7. What is the rationale for the curriculum? Demonstrate/provide evidence that the curriculum is consistent with current national standards.

There are no national standards for this program. The coursework was derived from the UAS Certificate and a collaborative effort with input from the associated programs in the proposed minor.

8. Complete the tables below. Explain any exceptions to Board policy requested.

A. Distribution of Credit Hours

Uncrewed Aircraft Systems Minor	Credit Hours	Percent
Requirements in minor	12	66.6%
Electives in minor	6	33.3%
Total	18	

B. Required Courses in the Minor

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
AVIA	200	Aviation Safety	none	3	No
GEOG	270	Introduction to Small Unmanned Aircraft Systems ¹⁰	none	3	No
GEOG	387	UAS Photography & Videography	none	3	No
GEOG	483-483L	UAS Remote Sensing & Lab	none	3	No
Subtotal				12	

C. Elective Courses in the Minor: List courses available as electives in the program. Indicate any proposed new courses added specifically for the minor.

Please select two courses from the following list. Credits: 6

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
AST	426-426L	Technology Applications for Precision Agriculture & Lab	none	3	No
AVIA	300	Human Factors in Aviation	none	3	No
BLAW	433	Real Estate	none	3	No
CM	400	Risk Management and Construction Safety	none	3	No

¹⁰ A minor course modification will be processed to revise the course title from Introduction to Small Unmanned Aircraft Systems to Introduction to Small Uncrewed Aircraft Systems. The change will be effective for fall 2023.

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
GEOG	280	Introduction to Remote Sensing	none	3	No
GEOG	372-372L	Introduction to GIS and Lab	none	3	No
GEOG	386	UAS Applications for Emergency Management	none	3	No

9. What are the learning outcomes expected for all students who complete the minor? How will students achieve these outcomes?

At the completion of the Uncrewed Aircraft Systems minor students will be able to:

- Describe UAS design, its components, and its current applications.
- Describe and apply small UAS laws, safety, and ethical considerations.
- Demonstrate relevant knowledge required to pass FAA 107 small UAS commercial pilot test.
- Plan and execute UAS missions in order to collect, process, and analyze UAS data.
- Identify, discuss, and summarize research applications, commercial applications, and limitations of small UAS
- Demonstrate the ability to work independently and as part of a team.

Individual Student Outcome	Program Courses that Address the Outcomes				
	AVIA 200	GEOG 270	GEOG 387	GEOG 483-483L	Electives
Describe UAS design, its components, and its current applications.	X	X	X	X	X
Describe and apply small UAS laws, safety, and ethical considerations.	X	X	X	X	X
Demonstrate relevant knowledge required to pass FAA 107 small UAS commercial pilot test.		X			
Plan and execute UAS missions in order to collect, process, and analyze UAS data.		X	X	X	X
Identify, discuss, and summarize research applications, commercial applications, and limitations of small UAS	X	X	X	X	X
Demonstrate the ability to work independently and as part of a team.	X	X	X	X	X

10. What instructional approaches and technologies will instructors use to teach courses in the minor? *This refers to the instructional technologies and approaches used to teach courses and NOT the technology applications and approaches expected of students.*

The courses associated with the minor will be face-to-face and online with instruction using lecture, discussion, lab exercises, and written exercises.

11. Delivery Location

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community Center for Sioux Falls, Black Hills State University-Rapid City, Capital**

City Campus, etc.) or deliver the entire program through distance technology (e.g., as an online program)?

	Yes/No	Intended Start Date
On campus	Yes	2023-2024 Academic Year

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the minor through distance learning (e.g., as an online program)? This question responds to HLC definitions for distance delivery.

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	S15-Online Asynchronous Term Based; S18-Online Synchronous	2023-2024 Academic Year

83% of the Uncrewed Aircraft Systems Minor is available online.

12. Does the University request any exceptions to any Board policy for this minor? Explain any requests for exceptions to Board Policy. If not requesting any exceptions, enter "None."

None

13. Cost, Budget, and Resources: Explain the amount and source(s) of any one-time and continuing investments in personnel, professional development, release time, time redirected from other assignments, instructional technology & software, other operations and maintenance, facilities, etc., needed to implement the proposed minor. Address off-campus or distance delivery separately.

The minor will be offered using existing resources only. The Department of Geography & Geospatial Sciences already has the resources, personnel, courses, lesson plans, and infrastructure required to implement the minor. No new investments are required at this time.

14. New Course Approval: New courses required to implement the new minor may receive

approval in conjunction with program approval or receive approval separately. Please check the appropriate statement.

☐ YES,

the university is seeking approval of new courses related to the proposed program in conjunction with program approval. All New Course Request forms are included as Appendix C and match those described in section 7.

☒ NO,

the university is not seeking approval of all new courses related to the proposed program in conjunction with program approval; the institution will submit new course approval requests separately or at a later date in accordance with Academic Affairs Guidelines.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – B (3)

DATE: March 29-30, 2023

SUBJECT

New Program Request – USD – PhD in Data Science and Engineering

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a PhD in Data Science and Engineering. The PhD in Data Science and Engineering will be an interdisciplinary degree that would span across many existing and emergent technical fields, including Machine Learning and Artificial Intelligence, Data Mining and Big Data, Data Analytics and Applied Statics, Data Engineering, and Data Visualization. The proposed program would be a collaborative program with SD Mines, which was approved to offer the program in [May 2022](#). The collaborative program agreement is included on the February 2022 AAC agenda.

IMPACT AND RECOMMENDATION

A summary of the program proposal has been included as Attachment I. Additional information on this proposal is available from the Board office by request.

ATTACHMENTS

Attachment I – New Program Request Summary: USD – PhD in Data Science and Engineering

DRAFT MOTION 20230329_5-B(3):

I move to authorize USD to offer a PhD in Data Science and Engineering, as presented.

Full Proposal Summary – Ph.D. Data Science and Engineering University of South Dakota

BOR Recommendation: The Board of Regents Academic Affairs and the Executive Director support the program request. This program will serve workforce demand for data scientists, analysts, and engineers while enhancing the strong collaborative relationship between the University of South Dakota and the South Dakota Mines and expanding opportunities for students pursuing graduate work in this field.

Program Description-

The purpose of the Collaborative Data Science and Engineering Ph.D. program is to provide for the common delivery of graduate data science programs (coursework, research, and mentorship) by the South Dakota School of Mines & Technology (Mines) and the University of South Dakota (USD). This collaborative program builds upon other existing collaborative programs and shared courses between the participating institutions. Through this collaboration, Mines will contribute content, research training, and faculty with expertise in computer science, math, and multiple fields of engineering. USD will contribute content, research training, and faculty with expertise in computer science, artificial intelligence, math and statistics, medicine and health science, business, and biomedical engineering.

The joint program agreement between USD and SDSMT is forthcoming.

Strategic Impact –

USD Strategic Impact: The proposed program will enable Mines and USD to form strong collaborations in academic, scholarly research, and economic growth activities across the state. The primary purposes of the proposed program are:

1. to enable USD and Mines to compete for more/larger federal research grants spanning the broad fields of machine learning/artificial intelligence, data science, data engineering, data visualization, and data analytics;
2. to enable an increase in research productivity from both junior and senior level faculty in our departments at the campuses;
3. to make career opportunities at Mines and USD more attractive to top-tier faculty within our departments, thus improving faculty recruitment and retention efforts;
4. to support research commercialization prospects, drive innovation, and increase entrepreneurial opportunities;
5. to attract industry partners to collaborate on cutting-edge research, leading to increased job opportunities for students, increased job growth within South Dakota, and improvements in economic development across the state; and
6. increase collaboration between the two institutions as well as provide a terminal degree option or a stackable credential for the many existing B.S./M.S. offerings at our universities in the general areas of computational statistics, biomedical sciences, business analytics, data science, computer science, electrical engineering, industrial engineering, biomedical engineering, and mathematics.

BOR Strategic Impact: The proposed program also aligns with the Board of Regents Strategic Plan 2022-2027, Goal 3: Academic Excellence, Student Outcomes, Educational Attainment, and Goal 4: Workforce and Economic Development. USD is committed to four key priority areas – student success, academic quality and performance, research and economic development, and affordability and accountability – and ties each to a firm set of outcomes. This program will connect to the BOR’s strategic plan and is aligned to the institutional mission of educating students who are

well-prepared for a global and complex world with classroom experiences that are robust, experiential, and practical.

Program Summary:

The Classification of this Program will be 30.7001 (Data Science, General) with a degree of Ph.D. The intended start date will be Fall 2023. This program will be assigned to the College of Arts and Sciences and the Department of Computer Science. This program is proposed to be an on-campus program, not delivered through distance education.

South Dakota Mines conducted the external site visit for this program on April 8, 2022. Dr. Marchette, Naval Surface Warfare-Dahlgren Division, and Dr. Rudolph, Utah Valley University, conducted their review. South Dakota Mines updated the curriculum to address their program concerns. Because this is a joint academic program, the results of SDSMT's external site visit will be used to validate the quality of the program proposed by USD. USD's program mirrors that of SDSMT while adding expertise in medical and business analytics.

Duplication and Competition:

The proposed Ph.D. in Data Science and Engineering approaches data science from the artificial intelligence and machine learning lens, which is different from SDSU's Data Science Specialization in their Computational Science and Statistics Ph.D. program which focuses on mathematical and statistical course work. The proposed Ph.D. in Data Science and Engineering is also a collaborative cross-disciplinary program and is, to the best of our knowledge, the first of its kind being offered in a truly collaborative cross-disciplinary fashion with collaborations spanning Computer Science, Mathematics/Statistics, and Industrial Engineering/Operations Research.

Regental Universities:

University	Conferred Graduate in Related Fields	Total Number of Graduate Conferrals (All University)
Dakota State University	Master's: 0* (20) Doctoral: 0* (2)	Total: 137
South Dakota School of Mines and Technology	Master's: 0* (0) Doctoral: 0* (0)	Total: 125
South Dakota State University	Master's: 0* (25) Doctoral: 0* (1)	Total: 450
University of South Dakota	Master's: 0* (5) Doctoral: 0* (0)	Total: 767

** For purposes of these counts, the "related fields" category includes the following CIP disciplines: 14.09 Computer Engineering, 30.70 Data Science, 30.71 Data Analytics.*

() For purposes of these counts, the "related fields" category includes the following CIP disciplines: 11.04 Information Science/Studies, 14.09 Computer Engineering, 27 Mathematics and Statistics, 30.70 Data Science, 30.71 Data Analytics.

Private SD Universities:

University	Conferred Degrees in Related Fields	Total Number of Graduate Conferrals (All University)
None Identified		

Total SD Sum of Peer Findings:

University	Conferred Degrees In Related Fields	Total Number of Graduate Conferrals (All University)
Total	Master's: 0* (50) Doctoral: 0* (3)	Total: 1,479

Outside of South Dakota Competitor University Peers to Institution:

University	Conferred Degrees in Related Fields	Total Number of Graduate Conferrals (All University)
Montana State University	Master's: 0* (26) Doctoral: 0* (6)	Total: 498
New York University: Ph.D. in Data Science	Master's: 329* (816) Doctoral: 0* (22)	Total: 10,553
University of Tennessee-Knoxville	Master's: 8* (49) Doctoral: 3* (12)	Total: 2,179

** For purposes of these counts, the "related fields" category includes the following CIP disciplines: 14.09 Computer Engineering, 30.70 Data Science, 30.71 Data Analytics.*

*() For purposes of these counts, the "related fields" category includes the following CIP disciplines: **11.04 Information Science/Studies**, 14.09 Computer Engineering, **27 Mathematics and Statistics**, 30.70 Data Science, 30.71 Data Analytics.*

Workforce Outlook/State Need:

There is a critical need across disciplines and industries for trained data engineers and data analysts to analyze and process this tsunami of information effectively. A January 17, 2022, search of Indeed.com lists some 6500 job positions for data scientist or data analyst, with employers including Amazon, Apple, Assurant, Booz Allen Hamilton, Capital One, IBM, Intel, General Motors, Hewlett Packard, Lawrence Livermore National Lab, Lockheed Martin, Mayo Clinic, Microsoft, New York Life, Netflix, and USAA.

The demand for data science jobs continues to grow. Forbes reports that data science jobs have increased over 650% since 2013, while the U.S. Bureau of Labor Statistics expects demand for data scientists to increase by another nearly 28% by 2026. That equates to roughly 11 million new data science jobs by 2026.

In South Dakota alone, data scientists and engineers are sought by employers such as Pearson, Lexmark, Change Healthcare, Sanford Health, Ryder Systems, Raven Industries, and Citi. (Data came from the [SDSMT program proposal approved by the BOR in May 2022](#). A search of [Indeed.com](#) for [data engineers](#) or [data scientists](#) brings back most of these employers.)

While this Ph.D. program will include training in cleaning/organizing data, which is typically considered data science, this program will have a focus on data engineering (developing, constructing, testing, and maintaining architectures for data, databases, and large-scale processing systems) through computer programming and mathematical processing.

USD and Mines each contribute different attributes to training for students in this program. USD, being the pioneer AI program in the state, will be able to provide training to students to build data processing systems. In addition, through the School of Medicine and the School of Health Science, USD will capitalize on faculty expertise to provide training to students regarding data engineering and data science in medicine and health care. For example, USD offers CSC 787: AI in medical imaging informatics. This course teaches approaches to leveraging AI tools for medical imaging informatics and machine learning.

The [workforce demand](#) for data science and data engineering are both growing at a higher rate than the average career growth across all professions. Demand for data science positions saw a growth of 80% in 2019 and 10% in 2020. The growth of data engineering is more stable, with an average of 30% growth over the [past 5](#) years and 50% growth post-2020.

USD currently serves 159 students in our MS in Business Analytics and MS in Computer Science programs. Students in both programs are interested in continuing their graduate education to a Ph.D. in this area and are interested in pursuing research with the combined faculty at USD and Mines.

Student Learning Outcomes:

The proposed Ph.D. in Data Science and Engineering program objectives are to equip individuals to demonstrate the following knowledge and competencies before graduation:

1. Acquire and apply the knowledge and skills to make an original contribution to the field of Data Science and Engineering.
2. Conduct independent research within a supportive multidisciplinary framework.
3. Understand and critically evaluate the relevant literature in Data Science and Data Engineering.
4. Communicate relevant Data Science and Engineering principles and theories by written, oral, and visual means.
5. Apply Data Science and Engineering principles and procedures to the recognition, interpretation, and understanding of prior and current knowledge in the field.
6. Exhibit an appropriate awareness of and commitment to the ethical conduct of research.

Projected Enrollment:

ESTIMATES	FISCAL YEARS*					
	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year
Students new to the university	2	1	2	2	2	3
Students from other university programs	2	2	2	2	2	3
Students off-campus or distance continuing students	--	--	--	--	--	--
	--	4	6	9	12	12
Total students in the program (fall)	4	7	10	13	16	18
Program credit hours (major Courses)**	72	126	180	234	288	324
Graduates	--	--	--	2	2	4
<i>*Do not include current fiscal year.</i>						
<i>**This is the total number of credit hours generated by students in the program in the required or elective program courses. Use the same numbers in Appendix B – Budget.</i>						

USD anticipates recruiting 2-3 students currently enrolled in either the MS in Business Analytics or MS in Computer Science into the proposed Ph.D. program in Data Science and Engineering. They believe they will be able to recruit about the same number of additional students (new to the institution) specifically for this program.

Projected Revenue/Expenses:

FINANCIAL HEALTH SUMMARY						
	1st FY24	2nd FY25	3rd FY26	4th FY27	5th FY28	6th FY29
TUITION & FEE REVENUES	26,754	46,819	66,885	86,950	107,016	120,393
PROGRAM EXPENSES	-	-	162,680	134,736	134,736	134,736
NET (T&F REVENUES LESS PROGRAM EXPENSES)	26,754	46,819	(95,795)	(47,786)	(27,720)	(14,343)
OTHER SUPPORTING REVENUES	-	-	-	68,000	68,000	68,000
NET AFTER OTHER SUPPORTING REVENUES	26,754	46,819	(95,795)	20,214	40,280	53,657

No additional expense is anticipated for this program until year 3. Because this is a collaborative and interdisciplinary program, students will take courses that are already being offered by other programs. Existing faculty will be engaged in dissertation and research mentorship. The existing STEP discipline fee will be applied to these courses.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – B (4)

DATE: March 29-30, 2023

SUBJECT

New Program Request – USD – Minor in Professional Writing

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a minor in Professional Writing. The proposed minor will provide students across the disciplines with broadly applicable and transferrable skills in professional writing. A Professional Writing minor complements degrees in academic fields ranging from business to health sciences to education. Specifically, it trains and credentials students across the disciplines in the skills necessary for effective professional writing in multiple genres and contexts, skills increasingly valued in fields that may not, on the surface, appear to be directly connected to writing. This credential will not only make students more marketable in their chosen fields but will also provide them with broadly applicable skills that will serve them in graduate study or the pursuit of career changes.

IMPACT AND RECOMMENDATION

USD plans to offer the minor in Professional Writing on campus. USD does not request new state resources, and no new courses are required. USD estimates 30 students enrolled and 10 graduates by the fourth year of the program.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Program Request Form: USD – Minor in Professional Writing

DRAFT MOTION 20230329_5-B(4):

I move to authorize USD to offer a minor in Professional Writing, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Baccalaureate Degree Minor

UNIVERSITY:	University of South Dakota
TITLE OF PROPOSED MINOR:	Professional Writing
DEGREE(S) IN WHICH MINOR MAY BE EARNED:	Any bachelor's degree except General Studies, BGS
EXISTING RELATED MAJORS OR MINORS:	English
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	23.1303
UNIVERSITY DEPARTMENT:	English
BANNER DEPARTMENT CODE:	UENG
UNIVERSITY DIVISION:	Arts & Sciences
BANNER DIVISION CODE:	2A

X	<p><u>Please check this box to confirm that</u> (place an "X" in the left box):</p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.8, which pertains to new baccalaureate degree minor requests and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
---	--

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University

Date

1. Do you have a major in this field? (YES or NO)

No; however, the B.A. / B.S. in English have a Professional Writing specialization available.

2. If you do not have a major in this field, explain how the proposed minor relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	SDCL § 13-59	BOR Policy 1:10:4
DSU:	SDCL § 13-59	BOR Policy 1:10:5
NSU:	SDCL § 13-59	BOR Policy 1:10:6
SDSMT:	SDCL § 13-60	BOR Policy 1:10:3
SDSU:	SDCL § 13-58	BOR Policy 1:10:2
USD:	SDCL § 13-57	BOR Policy 1:10:1

[Board of Regents Strategic Plan 2014-2020](#)

This minor, delivered through the English department, will allow students who acquire skills in applied professional writing to have this qualification appropriately noted on their transcripts. This minor supports the department, college, and university mission of providing educational opportunities that improve students' writing skills and critical thinking capacities and supports the [SDBOR Strategic Plan 2022-2027](#) goals of academic excellence, student success, and educational attainment.

3. What is the nature/purpose of the proposed minor? Please include a brief (1-2 sentence) description of the academic field in this program.

The proposed minor will provide students across the disciplines with broadly applicable and transferrable skills in professional writing. The minor in professional writing will also serve as support for a range of disciplines in which writing represents an important element, although not necessarily the primary focus, of the field.

4. How will the proposed minor benefit students?

A Professional Writing minor complements degrees in academic fields ranging from business to health sciences to education. Specifically, it trains and credentials students across the disciplines in the skills necessary for effective professional writing in multiple genres and contexts, skills increasingly valued in fields that may not, on the surface, appear to be directly connected to writing. This credential will not only make students more marketable in their chosen fields but will also provide them with broadly applicable skills that will serve them in graduate study or the pursuit of career changes.

The 2021 median pay of \$78,068 per year for technical writers represents solid earning potential with a bachelor's degree ("Technical Writers"). Additionally, "employment of technical writers is projected to grow 6 percent from 2021 to 2031, about as fast as the average for all occupations" ("Technical Writers").

5. Describe the workforce demand for graduates in related fields, including national demand and demand within South Dakota. Provide data and examples; data sources may include but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

The U.S. Bureau of Labor Statistics indicates that technical writing is a fast-growing field with 55,400 jobs currently in the market. The demand for technical writers is expected to climb by an average of 5,400 jobs each year for the next decade ("Technical Writers"). A 2020 study by the National Association of Colleges and Employers suggested that 77.5% of employers are looking for candidates with strong written communication skills ("Key Attributes"), and on the 2022 GMAC Corporate Recruiters Survey, 73% of employers listed "strong communication skills" as a desired ability, making it the most sought attribute overall ("2022 Corporate Recruiters Survey").

Regionally, the demand for workers with professional writing skills indicate a need for the minor. Lightcast data project the need for "technical writers" and "writers and authors" (2022-2031) to remain solid with projected growth of 4% in each of these occupations. The Lightcast data indicates areas of training in which job seekers lack skills; the Lightcast report shows these gaps

by tracking top specialized skills and correlating disparities between frequency in job postings and frequency in profiles. Many of the specialized skills frequently mentioned in job postings and lacking in job seeker profiles include skills students can gain in this minor, such as: “technical writing,” “content creation,” “style guides,” and “punctuation and capitalization.” Other skills, also developed in the minor, such as “proofreading” show less disparity between frequency in job postings and frequency in profiles. The curriculum developed for the minor in Professional Writing will meet currently unmet needs in the regional labor force.

Works Cited

- “Key Attributes Employers Want to See on Students’ Resumes.” National Association of Colleges and Employers, <https://www.nacweb.org/talent-acquisition/candidate-selection/key-attributes-employers-want-to-see-on-students-resumes/>. Accessed 19 Nov. 2022.
- “Lightcast Program Overview: Professional, Technical, Business, and Scientific Writing,” Lightcast Q\$ 2022 Data Set, South Dakota, www.economicmodeling.com. Report date: November 2022.
- “Technical Writers – Occupational Outlook Handbook.” U.S. Bureau of Labor Statistics, <https://www.bls.gov/ooh/media-and-communication/technical-writers.htm>. Accessed 19 Nov. 2022.
- “2022 Corporate Recruiters Survey.” Graduate Management Admissions Council, https://www.gmac.com/-/media/files/gmac/research/employment-outlook/2022_gmac_corporate_recruiters_survey_summary_report_final.pdf. Accessed 19 Nov. 2022.

6. Provide estimated enrollments and completions in the table below and explain the methodology used in developing the estimates.

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 24	FY 25	FY 26	FY 27
Students enrolled in the minor (fall)	5	15	25	30
Completions by graduates	0	0	5	10

*Do not include current fiscal year.

This estimate is based upon three considerations: 1) the viability of similar degrees at other comparable institutions, 2) clear student interest based on enrollment figures for ENGL 205: Business Writing (Fall 2022 ENGL 205 enrollment of 240 students), and 3) increased national attention to the need for professional writers.

Currently, at USD, English offers a specialization in Professional Writing within the current B.A. and B.S. degrees. The addition of the Professional Writing minor relies on current coursework. Adding the minor will make this expanded credential available to students outside the major, as a more robust experience than the certificate in Professional Writing.

7. What is the rationale for the curriculum? Demonstrate/provide evidence that the curriculum is consistent with current national standards.

The proposed minor, utilizing the particular strengths of the USD English department, provides students with opportunities comparable to those at other institutions with a similarly organized

degree. The required core courses will provide students from all fields with a solid grounding in principles of professional writing, grammar, and rhetorical theory and practice. These core courses are writing classes offered regularly by the English department (every semester or every other semester).

A review of Professional Writing minors at other institutions shows that electives for Professional Writing minors vary widely. Although the minor proposed here includes a relatively small number of electives, this slate of courses makes the minor possible for the broadest range of students, particularly students in the sciences. None of the electives have discipline-specific prerequisites. All prerequisites are either university requirements or part of the required core for the minor. Accordingly, and for example, a health sciences major could complete a Professional Writing minor without additional coursework.

8. Complete the tables below. Explain any exceptions to Board policy requested.

Minors by design are limited in the number of credit hours required for completion. Minors typically consist of eighteen (18) credit hours, including prerequisite courses. In addition, minors typically involve existing courses. If the curriculum consists of more than eighteen (18) credit hours (including prerequisites) or new courses, please provide explanation and justification below.

A. Distribution of Credit Hours

Program Title	Credit Hours	Percent
Requirements in minor	12	67%
Electives in minor	6	33%
Total	18	100%

B. Required Courses in the Minor

Prefix	Number	Course Title	Prerequisites for Course - Include credits for prerequisites in subtotal below.	Credit Hours	New (yes, no)
ENGL	203	English Grammar	ENGL 101	3	no
ENGL	205	Business Writing	ENGL 101	3	no
ENGL	378	Professional Writing	ENGL 101	3	no
ENGL	486	Rhetorical Theory & Practice	ENGL 101	3	no
Subtotal				12	

9. Elective Courses in the Minor: List courses available as electives in the program. Indicate any proposed new courses added specifically for the minor.

Select 6 credits from the following list:

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
ENGL	379	Technical Communication*	ENGL 101	3	no
ENGL	402	Persuasive Writing	ENGL 101	3	no
ENGL	403	Grant Writing	ENGL 101	3	no

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
ENGL	493	Workshop: Publishing	ENGL 101	3	no
MCOM	210	Basic Newswriting	ENGL 101	3	no
MCOM	330	Writing for Digital Media	ENGL 101	3	no
MCOM	402	Media Law and Ethics	Junior standing	3	no
CMST	410	Organizational Communication	n/a	3	no
CMST	418	Environmental Communication	n/a	3	no
CMST	440	Health Communication	n/a	3	no
CMST	470	Intercultural Communication	n/a	3	no

* This course is not new to the South Dakota BOR system but will need to be activated for USD.

The Professional Writing minor will not be available to English majors. This note needs to appear in the catalog listing of the minor (as it does for the Creative Writing minor). English majors may complete the Professional Writing Specialization or Professional Writing Certificate.

A. What are the learning outcomes expected for all students who complete the minor? How will students achieve these outcomes? Complete the table below to list specific learning outcomes—knowledge and competencies—for courses in the proposed program in each row. Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.

Individual Student Outcomes	ENGL 203 English Grammar*	ENGL 205 Business Writing*	ENGL 378 Professional Writing*	ENGL 486 Rhetorical Theory and Practice*
Writing Development: Students will produce grammatically, rhetorically, and stylistically sound writing.	X	X	X	X
Inquiry and Analysis: Students will be able to systematically explore issues, objects or works through the collection and analysis of evidence that results in informed conclusions or judgments and break down complex topics or issues into parts to gain a better understanding of them.	X	X	X	X
Critical and Creative Thinking: Students will comprehensively explore issues, ideas, artifacts and events before accepting or formulating an opinion or conclusion, and combine or synthesize existing ideas, images or expertise in original way reflecting a high degree of innovation, divergent thinking, and risk taking.		X	X	X
Information Literacy: Students will recognize when there is a need for information and identify, locate, evaluate and effectively and responsibly use and convey that information to address the need or problem at hand.		X	X	X

Individual Student Outcomes	ENGL 203 English Grammar*	ENGL 205 Business Writing*	ENGL 378 Professional Writing*	ENGL 486 Rhetorical Theory and Practice*
Professional Writing Knowledge: Students will demonstrate knowledge of professional writing norms, skills, and applications.			X	X

10. What instructional approaches and technologies will instructors use to teach courses in the minor? *This refers to the instructional technologies and approaches used to teach courses and NOT the technology applications and approaches expected of students.*

There are a range of instructional approaches and technologies in the various courses, including discussion/recitation, lecture, and workshop activities. Like most writing courses and programs, this minor will emphasize the revision process, so that students receive extensive feedback on the work they produce and be expected to revise accordingly.

11. Delivery Location

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off-campus location (e.g., USD Community Center for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an online program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the minor through distance learning (e.g., as an online program)? *This question responds to HLC definitions for distance delivery.*

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

12. Does the University request any exceptions to any Board policy for this minor? Explain any requests for exceptions to Board Policy. *If not requesting any exceptions, enter "None."*

None.

13. Cost, Budget, and Resources: Explain the amount and source(s) of any one-time and continuing investments in personnel, professional development, release time, time redirected from other assignments, instructional technology & software, other operations and maintenance, facilities, etc., needed to implement the proposed minor. *Address off-campus or distance delivery separately.*

The proposed minor will utilize existing faculty members teaching existing courses. Given the existence of the professional writing specialization within the B.A. / B.S. degrees, this minor uses existing resources already dedicated to these purposes.

14. New Course Approval: New courses required to implement the new minor may receive approval in conjunction with program approval or receive approval separately. Please check the appropriate statement. (place an "X" before the correct response)

	YES, the university is seeking approval of new courses related to the proposed program in conjunction with program approval. All New Course Request forms are included as Appendix C and match those described in section 7.
X	NO, the university is not seeking approval of all new courses related to the proposed program in conjunction with program approval; the institution will submit new course approval requests separately or at a later date in accordance with Academic Affairs Guidelines.

15. Additional Information:

The Professional Writing minor will not be available to English majors. This note needs to appear in the catalog listing of the minor (as it does for the Creative Writing minor). English majors may complete the Professional Writing Specialization or Professional Writing Certificate.

In order to enable students to take a variety of classes over the course of their studies toward this minor and to manage department resources, the English Department plans to offer and rotate the courses as follows:

1. ENGL 205 runs in multiple sections every semester.
2. ENGL 203 English Grammar, ENGL 378 Professional Writing, and ENGL 403 are scheduled to run every fall semester.
3. ENGL 402 Persuasive Writing and ENGL 486 Rhetorical Theory & Practice are scheduled to run every spring semester.
4. ENGL 493: Workshop in Publishing exists in multiple versions emphasizing different aspects of publishing practice and is offered on a rotating basis.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (1)

DATE: March 29-30, 2023

SUBJECT

New Undergraduate Certificate Request – NSU – Entrepreneurship

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

BACKGROUND / DISCUSSION

Northern State University (NSU) requests authorization to offer an Entrepreneurship undergraduate certificate. The proposed certificate will equip students with the knowledge and capabilities to identify business and innovation opportunities, communicate the value of products and services to potential customers, and develop the skills to write business plans. It is designed for aspiring entrepreneurs from all disciplines.

IMPACT AND RECOMMENDATION

NSU plans to offer the certificate in Entrepreneurship on campus and online. NSU does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: NSU – Entrepreneurship

DRAFT MOTION 20230329_5-C(1):

I move to authorize NSU to offer an Entrepreneurship undergraduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

Use this form to propose a certificate program at either the undergraduate or graduate level. A certificate program is a sequence, pattern, or group of academic credit courses that focus upon an area of specialized knowledge or information and develop a specific skill set. Certificate programs typically are a subset of the curriculum offered in degree programs, include previously approved courses, and involve 9-12 credit hours including prerequisites. In some cases, standards for licensure will state explicit requirements leading to certificate programs requiring more than 12 credit hours (in such cases, exceptions to course or credit requirements must be justified and approved). The Board of Regents, Executive Director, and/or their designees may request additional information about the proposal. After the university President approves the proposal, submit a signed copy to the Executive Director through the system Chief Academic Officer. Only post the New Certificate Form to the university website for review by other universities after approval by the Executive Director and Chief Academic Officer.

UNIVERSITY:	NSU
TITLE OF PROPOSED CERTIFICATE:	Entrepreneurship
INTENDED DATE OF IMPLEMENTATION:	Spring 2023
PROPOSED CIP CODE:	52.0701
UNIVERSITY DEPARTMENT:	Management and Marketing
BANNER DEPARTMENT CODE:	NMAM
UNIVERSITY DIVISION:	School of Business
BANNER DIVISION CODE:	5B

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2.7](#), which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



Institutional Approval Signature

President or Chief Academic Officer of the University

2/2/2023

Date

Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

1. Is this a graduate-level certificate or undergraduate-level certificate (place an "X" in the appropriate box)?

Undergraduate Certificate ☒Graduate Certificate ☐

- 2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

The Entrepreneurship certificate equips students with the knowledge and capabilities to identify business and innovation opportunities, communicate the value of products and services to potential customers, and develop the skills to write business plans. It is designed for aspiring entrepreneurs from all disciplines.

- 3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.**

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	SDCL § 13-59	BOR Policy 1:10:4
DSU:	SDCL § 13-59	BOR Policy 1:10:5
NSU:	SDCL § 13-59	BOR Policy 1:10:6
SDSMT:	SDCL § 13-60	BOR Policy 1:10:3
SDSU:	SDCL § 13-58	BOR Policy 1:10:2
USD:	SDCL § 13-57	BOR Policy 1:10:1

[Board of Regents Strategic Plan 2014-2020](#)

Not applicable. NSU offers a Management degree that includes Entrepreneurship as one of four potential emphasis areas.

- 4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential. For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.**

According to the Office of Advocacy's Frequently Asked Questions, small businesses represent 99.9% of all firms in the United States, 43.5% of gross domestic product, and 35.6% of private sector receipts (2021). Small businesses provide economic growth to a community through employment opportunities and personalized shopping experiences, and contributions to the local economy.

- 5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?**

The intended audience is aspiring and existing entrepreneurs including non-business students from across campus as well as community members (non-degree seeking).

6. Certificate Design

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas**

of high workforce demand or specialized body of knowledge will be addressed through this certificate?

Yes. Considering the significant representation of small businesses among all firms in the United States, there is a high workforce demand for entrepreneurs who possess the skills and knowledge base conveyed in this certificate program.

B. Is the certificate a value added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.

Yes. All business majors excluding Management. Students in a variety of majors could benefit from adding this certificate, particularly students in the following majors offered at Northern State University:

Biology
Biochemistry
Chemistry
Environmental Science
Music
Sports Marketing
Fine Arts
Theater
Digital Media
Studio Art

C. Is the certificate a stackable credential with credits that apply to a higher level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.

Yes. This certificate stacks with the B.S. in Management, with 9 credits directly applicable toward that program (BADM 370 is part of the Business core, BADM 336 is part of the Management core, and BADM 438 is part of the Entrepreneurship emphasis).

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).** *Certificate programs by design are limited in the number of credit hours required for completion. Certificate programs consist of nine (9) to twelve (12) credit hours, including prerequisite courses. In addition, certificates typically involve existing courses. If the curriculum consists of more than twelve (12) credit hours (including prerequisites) or includes new courses, please provide explanation and justification below.*

Prefix	Number	Course Title (add or delete rows as needed)	Prerequisites for Course	Credit Hours	New (yes, no)

			<i>Include credits for prerequisites in subtotal below.</i>		
BADM	336	Entrepreneurship I		3	No
BADM	438	Entrepreneurship II		3	No
BADM	370	Marketing	ECON 201*	3	No
BADM	432	Customer Relationship Management		3	No
Subtotal				12	

*NSU overrides the prerequisite of ECON 201 for BADM 370 – Marketing.

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.”

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation? The knowledge and competencies should be specific to the program and not routinely expected of all university graduates.

PLO1: Critical and Creative Thinking: Students will develop analytical and decision-making skills.

PLO2: Problem Solving: Students will be able to create strategic solutions to stakeholders’ needs and wants.

B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row. *Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.*

	Program Courses that Address the Outcomes			
Individual Student Outcome (Same as in the text of the proposal)	BADM 336	BADM 438	BADM 370	BADM 432
PLO1: Critical and Creative Thinking: Students will develop analytical and decision-making skills.		X	X	
PLO2: Problem Solving: Students will be able to create strategic solutions to stakeholders’ needs and wants.	X			X

Modify the table as necessary to include all student outcomes. Outcomes in this table are to be the same ones identified in the text.

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		Choose an item. Choose an item.

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	Online	Fall 2023
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	Online	Fall 2023

- 10. Additional Information:** *Additional information is optional. Use this space to provide pertinent information not requested above. Limit the number and length of additional attachments. Identify all attachments with capital letters. Letters of support are not necessary and are rarely included with Board materials. The University may include responses to questions from the Board or the Executive Director as appendices to the original proposal where applicable. Delete this item if not used.*

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (2)

DATE: March 29-30, 2023

SUBJECT

New Undergraduate Certificate Request – NSU – Leadership

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

BACKGROUND / DISCUSSION

Northern State University (NSU) requests authorization to offer a Leadership undergraduate certificate. The proposed certificate is designed to equip students with the knowledge and capabilities to lead evolving organizations in an increasingly complex work environment. The intended audience for this certificate is aspiring and existing leaders, including non-business students from across NSU's campus, as well as community members.

IMPACT AND RECOMMENDATION

NSU plans to offer the certificate in Leadership on campus and online. NSU does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: NSU – Leadership

DRAFT MOTION 20230329_5-C(2):

I move to authorize NSU to offer a Leadership undergraduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

Use this form to propose a certificate program at either the undergraduate or graduate level. A certificate program is a sequence, pattern, or group of academic credit courses that focus upon an area of specialized knowledge or information and develop a specific skill set. Certificate programs typically are a subset of the curriculum offered in degree programs, include previously approved courses, and involve 9-12 credit hours including prerequisites. In some cases, standards for licensure will state explicit requirements leading to certificate programs requiring more than 12 credit hours (in such cases, exceptions to course or credit requirements must be justified and approved). The Board of Regents, Executive Director, and/or their designees may request additional information about the proposal. After the university President approves the proposal, submit a signed copy to the Executive Director through the system Chief Academic Officer. Only post the New Certificate Form to the university website for review by other universities after approval by the Executive Director and Chief Academic Officer.

UNIVERSITY:	NSU
TITLE OF PROPOSED CERTIFICATE:	Leadership Certificate
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	52.0213
UNIVERSITY DEPARTMENT:	Management, Marketing, MIS
BANNER DEPARTMENT CODE:	NMAM
UNIVERSITY DIVISION:	School of Business
BANNER DIVISION CODE:	5B

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2.7](#), which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



Institutional Approval Signature

President or Chief Academic Officer of the University

2/2/2023

Date

Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

1. Is this a graduate-level certificate or undergraduate-level certificate (place an "X" in the appropriate box)?

Undergraduate Certificate ☒Graduate Certificate ☐

- 2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

Today's work environment is increasingly complex, and the Leadership certificate equips students with the knowledge and capabilities to lead evolving organizations.

- 3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.**

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	SDCL § 13-59	BOR Policy 1:10:4
DSU:	SDCL § 13-59	BOR Policy 1:10:5
NSU:	SDCL § 13-59	BOR Policy 1:10:6
SDSMT:	SDCL § 13-60	BOR Policy 1:10:3
SDSU:	SDCL § 13-58	BOR Policy 1:10:2
USD:	SDCL § 13-57	BOR Policy 1:10:1
	Board of Regents Strategic Plan 2014-2020	

Not applicable. NSU offers a Management degree.

- 4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential. For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.**

NSU's mission is to serve the region, and leadership is a 21st century skill students need to gain regardless of their major or chosen career path.

A recent survey from Gartner¹ polled more than 800 HR leaders across 60 countries and all major industries to identify their priorities and challenges for 2023. The report posits that "...the human-to-human dynamic in the workplace pushes leaders to display human-centric leadership, defined as leading with authenticity, empathy and adaptivity. These traits have been listed for some time among the key qualities of great leaders — but they were considered nice to have. Employees today demand them (p.5)."¹ Students who complete this certificate will develop knowledge and skills to enable them to lead more effectively in a 21st century workplace.

- 5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?**

The intended audience is aspiring and existing leaders, including non-business students from across campus, as well as community members (non-degree seeking).

¹ Gartner (2022). Top 5 Priorities for HR Leaders in 2023. <https://www.gartner.com/en/human-resources/trends/top-priorities-for-hr-leaders>

6. Certificate Design

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

Yes, the certificate designed as a stand-alone education credential option for students not seeking additional credentials.

The past few years have reshaped how we work and have increased the expectations of leaders. A study by Deloitte² uncovered that 80% of respondents believed 21st-century leaders face “unique and new requirements,” highlighting the need to advance current leadership skills and develop new leaders.²

- B. Is the certificate a value added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.**

Yes. All business majors excluding Management. Students in a variety of majors could benefit from adding this certificate, particularly students in the following majors offered at Northern State University:

Communication Studies
Digital Media
Education
Environmental Science
Government
Human Performance and Fitness
Psychology
Sociology
Sport Marketing and Administration

- C. Is the certificate a stackable credential with credits that apply to a higher level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.**

Yes. This certificate stacks with the B.S. in Management. All 12 credits from the certificate could be applied to the program.

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).**

Certificate programs by design are limited in the number of credit hours required for completion. Certificate programs consist of nine (9) to twelve (12) credit hours, including prerequisite courses. In addition, certificates typically involve existing courses. If the

² Deloitte (2019). *Leadership for the 21st Century: The intersection of the traditional and the new.* <https://www2.deloitte.com/us/en/insights/focus/human-capital-trends/2019/21st-century-leadership-challenges-and-development.html>

curriculum consists of more than twelve (12) credit hours (including prerequisites) or includes new courses, please provide explanation and justification below.

Prefix	Number	Course Title <i>(add or delete rows as needed)</i>	Prerequisites for Course <i>Include credits for prerequisites in subtotal below.</i>	Credit Hours	New (yes, no)
BADM	360	Organization & Management	N/A	3	No
BADM	450	Business Leadership	BADM360	3	No
BADM	451	Organizational Development	BADM360	3	No
BADM	462	Diversity in Management	BADM360	3	No
Subtotal				12	

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation? *The knowledge and competencies should be specific to the program and not routinely expected of all university graduates.*

Upon completing this Leadership Certificate, students will have gained the knowledge and competencies to:

- Analyze key facets of inter-organizational behavior
- Demonstrate the ability to apply learned leadership knowledge and skills in practical settings for the purpose of creating positive change.
- Gain a greater understanding of their leadership related strengths and areas of improvement.
- Be able to practice consistent and effective self-reflection when engaging in leadership activities.
- Apply or adapt their leadership style to meet specific challenges

B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row. Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.

Individual Student Outcome (Same as in the text of the proposal)	BADM 360	BADM 450	BADM 451	BADM 462
Analyze key facets of inter-organizational behavior.	X			
Demonstrate the ability to apply learned leadership knowledge and skills in practical settings for the purpose of creating positive change.		X		
Gain a greater understanding of their leadership related strengths and areas of improvement.		X		

Be able to practice consistent and effective self-reflection when engaging in leadership activities.			X	
Apply or adapt their leadership style to meet specific and diverse challenges.				X

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		Choose an item. Choose an item.

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015: Internet Asynchronous – Term Based Instruction	Fall 2023
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	Online	Fall 2023

- 10. Additional Information:** *Additional information is optional. Use this space to provide pertinent information not requested above. Limit the number and length of additional attachments. Identify all attachments with capital letters. Letters of support are not necessary and are rarely included with Board materials. The University may include responses to questions from the Board or the Executive Director as appendices to the original proposal where applicable. Delete this item if not used.*

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (3)

DATE: March 29-30, 2023

SUBJECT

New Undergraduate Certificate Request – SDSU – Pharmacology

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

South Dakota State University (SDSU) requests authorization to offer a Pharmacology undergraduate certificate. The proposed certificate will enable students to explore fundamental concepts in pharmacology, which is the study of how chemical agents, both natural and synthetic (i.e., drugs), affect biological systems. The certificate would be beneficial to students looking to pursue graduate-level coursework in a healthcare-related field of study.

IMPACT AND RECOMMENDATION

SDSU plans to offer the certificate in Pharmacology on campus. SDSU does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: SDSU – Pharmacology

DRAFT MOTION 20230329_5-C(3):

I move to authorize SDSU to offer a Pharmacology undergraduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

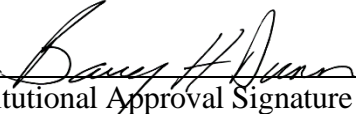
UNIVERSITY:	SDSU
TITLE OF PROPOSED CERTIFICATE:	Pharmacology
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	51.2010
UNIVERSITY DEPARTMENT:	Pharmaceutical Sciences
BANNER DEPARTMENT CODE:	SPRS
UNIVERSITY DIVISION:	College of Pharmacy & Allied Health Professions
BANNER DIVISION CODE:	3P

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2.7](#), which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

 Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	12/28/2022 Date
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1. Is this a graduate-level certificate or undergraduate-level certificate?

Undergraduate Certificate ☒

Graduate Certificate ☐

2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.

South Dakota State University (SDSU) requests authorization to offer a Pharmacology Certificate. The undergraduate certificate in Pharmacology will enable students to explore fundamental concepts in pharmacology, which is the study of how chemical agents, both natural and synthetic (i.e. drugs), affect biological systems. The certificate will be comprised of existing undergraduate courses covering an introduction to pharmacology and related pathophysiology.

The university does not request new state resources for the proposed certificate. In fact, since existing courses and sections will be used and no new personnel will be needed to teach the courses, this certificate should facilitate enrollment in these courses, optimizing course capacity and resource use.

3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

SDSU is currently authorized to deliver programs in Pharmaceutical Sciences (B.S., M.S., Ph.D.) and the Doctor of Pharmacy.

This certificate fits with the mission and strategic plan of South Dakota State University. Specifically, the program will feature student-centered education that will contribute to the health of South Dakota, the region, the nation, and the world. The program will contribute to attainment of strategic goal 1 – excellence through transformative education. This will be a distinct and high-quality academic program designed to meet student and market demands. The certificate also fits with the South Dakota Board of Regents strategic plan goal of increasing student success, particularly for those students ultimately seeking healthcare-related masters or doctoral degrees.

4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential.

The fundamental concepts in pharmacology provided by this certificate should be beneficial as these students pursue graduate-level coursework in a healthcare-related professional field of study (see below: physician, physician assistant, dental, and optometry). The coursework aims to provide foundational knowledge in pharmacology, which should make these students more competitive in their applications to professional school and may set them up for future success in required pharmacology-related coursework in their professional programs.

The US Bureau of Labor Statistics project a growth in these healthcare professions ranging from 3% (physician) – 28% (physician assistant).¹ According to the South Dakota Board of Regents Program Demand Gap Analysis (Emsi 2021)², there is a numerical gap in physician assistants, dentists, and optometrists. While there was not an overall gap for physicians, a numerical gap was also noted for general internal medicine physicians, an occupation that requires a high-level understanding of pharmacology.

5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?

The certificate will be particularly applicable for students ultimately seeking healthcare-related masters or doctoral degrees. This includes students seeking the B.S. in Human Biology or B.S. in Biology with plans to apply to medical school (M.D. or D.O.), physician assistant school (M.S.-P.A.C.), dental school (D.D.S & D.M.D.), or optometry school (O.D.).

6. Certificate Design

¹ U.S. Bureau of Labor Statistics. www.bls.gov Accessed 10/3/2022

² South Dakota Board of Regents Program Demand Gap Analysis: Economic Overview and Review of Academic Programs (Emsi) 2021

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

This certificate is not a stand-alone credential.

- B. Is the certificate a value added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.**

The certificate will be a value-added credential for students pursuing acceptance to healthcare-related professional programs, providing substantial experience in pharmacology, which may help separate these students from other applicants. Students enrolled in the Human Biology or Biology majors and other health-related Pre-Professional/Career Interest areas with plans to apply to medical school will benefit the most from the certificate.

- C. Is the certificate a stackable credential with credits that apply to a higher level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.**

The certificate would be stackable to the B.S. programs for Human Biology and Biology. Ten credits from the certificate could be applied to the bachelor's degree.

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).**

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
BIOL OR BIOL	325-325L	Physiology & Lab (4)	BIOL 325/L: (BIOL 151 or BIOL 153 or BIOL 221) and (CHEM 106 or CHEM 112). BIOL 326/L: (BIOL 153 or BIOL 221) and CHEM 114.	4 (7)	No
	326-326L	Biomedical Physiology & Lab (4)			
PHA	352	Pathophysiology, Pharmacology, Toxicology I	BIOL 325 OR BIOL 326	3	No
PHA	353	Pathophysiology, Pharmacology, Toxicology II	PHA 352	3	No
Subtotal				10	

*Credit hours in parentheses () indicate prerequisite courses not counted in the minor requirements. The net number of prerequisites not counted is 7. These prerequisites are fundamental to general education coursework and major requirements (BIOL 151, BIOL 153, BIOL 221, CHEM 106, CHEM 112, and CHEM 114) required to be taken by students in health-related majors who might choose to earn the minor and therefore not applicable to the minor itself.

Students in the B.S. Pharmaceutical Sciences / Pharm.D. program are not eligible for this certificate.

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.”

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation?

Students completing this certificate will demonstrate knowledge of fundamental concepts of drug action, pharmacokinetics/pharmacodynamics, and toxicokinetics/toxicodynamics. Students will be able to describe the pharmacology of medications used in the treatment of diseases related to the adrenergic and cholinergic systems.

B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row.

At the completion of the Pharmacology certificate students will be able to:

- Describe basic cell physiology, neural, hormonal, and neuroendocrine control systems.
- Explain general mechanisms of drug action, principles of pharmacokinetics/pharmacodynamics, and reasons for individual variations in drug response.
- Compare and contrast pharmacokinetics and pharmacodynamics with toxicokinetics and toxicodynamics.
- Describe the pharmacology of medications used in the treatment of diseases related to the adrenergic and cholinergic systems.

Individual Student Outcome	Program Courses that Address the Outcomes		
	BIOL 325-325L OR BIOL 326-326L	PHA 352	PHA 353
Describe basic cell physiology, neural, hormonal, and neuroendocrine control systems.	X		
Explain general mechanisms of drug action, principles of pharmacokinetics/pharmacodynamics, and reasons for individual variations in drug response.		X	
Compare and contrast pharmacokinetics and pharmacodynamics with toxicokinetics and toxicodynamics.		X	
Describe the pharmacology of medications used in the treatment of diseases related to the adrenergic and cholinergic systems.			X

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
On campus	Yes	2023-2024 Academic Year

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods Delivery methods are defined in AAC Guideline 5.5 .	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (4)

DATE: March 29-30, 2023

SUBJECT

New Graduate Certificate Request – USD – Business Leadership

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a Business Leadership graduate certificate. The proposed certificate is designed for working professionals to expand leadership capacity in the application of strategic planning, enhance their skillset to better navigate business complexities with improved decision-making, move into leadership and coaching positions, and maximize organizational performance. This certificate would also be ideal for prospective students looking to grow in these areas, but who are not yet ready to pursue a full graduate-level degree such as an MBA.

IMPACT AND RECOMMENDATION

USD plans to offer the certificate in Business Leadership on campus and online. USD does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: USD – Business Leadership

DRAFT MOTION 20230329_5-C(4):

I move to authorize USD to offer a Business Leadership graduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

UNIVERSITY:	USD
TITLE OF PROPOSED CERTIFICATE:	Business Leadership
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	52.0213
UNIVERSITY DEPARTMENT:	Entrepreneurship, Management, and Marketing
BANNER DEPARTMENT CODE:	UEMM
UNIVERSITY DIVISION:	School of Business
BANNER DIVISION CODE:	2B

<u>X</u>	<p><u>Please check this box to confirm that (place an “X” in the left box):</u></p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.7, which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
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University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

<u>Elizabeth M. Freeburg</u> Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	<u>1/19/2023</u> Date
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Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

- 1. Is this a graduate-level certificate or undergraduate-level certificate? (place an “X” before the graduate type)**

Undergraduate Certificate	X	Graduate Certificate
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- 2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

The Business Leadership Certificate is designed for working professionals to expand leadership capacity in the application of strategic planning; enhance skillset to better navigate business complexities with improved decision-making; move into leadership and coaching positions; and maximize organizational performance.

3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:4</u>
DSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:5</u>
NSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:6</u>
SDSMT:	<u>SDCL § 13-60</u>	<u>BOR Policy 1:10:3</u>
SDSU:	<u>SDCL § 13-58</u>	<u>BOR Policy 1:10:2</u>
USD:	<u>SDCL § 13-57</u>	<u>BOR Policy 1:10:1</u>
	<u>Board of Regents Strategic Plan 2014-2020</u>	

N/A; we are proposing a specialization to the major for this field.

4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential. For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

While several of our successful certificate graduates pursued the current three certificate programs, our industry partners are seeking graduates who aspire to leadership-focused positions to work in consulting or management advisory services area. This certificate will help those aspirants. There is also the potential to recruit an additional market of industry professionals seeking a variety of key operational, financial, and strategic issues/projects but perhaps not yet ready to pursue a full graduate-level degree such as a Master of Business Administration (MBA). This certificate also helps those aspirants.

The full Master of Business Administration Degree in the school of business does provide a path to leadership expertise. The MBA has experienced significant growth over the past two years. To maintain that growth, studies were conducted to identify and reduce barriers. With this process, additional potential student groups were identified with varying needs. Following the South Dakota legislature's directives, the BOR policies and strategic plans, as well as USD's strategic plans, this certificate will help to meet the needs of mainly working professionals who wish to pursue a narrowly targeted supplemental program in a limited time period due to career trajectory, employer needs, innovative projects, limited funding, and the like.

The South Dakota legislature has established the University of South Dakota's mission, which includes that it is *to provide professional education in business*. The BOR has recognized USD as *the comprehensive university of the South Dakota System of Higher Education*. The BOR's strategic plan for 2014-2020 seeks *to expand educational access as one of the action steps for student success goals*. USD's strategic theme six, which seeks *to provide access to a first-class education efficiently and effectively*, is a focus of this proposed leadership certificate. Potential students who do not have access to the financial means, employment support, time, and other resources to pursue a full graduate-level degree will have access to this specialized certificate program.

Today's competitive market demands that agencies maximize opportunities. To do so, they must pivot quickly to improve resource management and growth. To succeed, they need trained leadership. Exceptional leaders engage, guide, promote change, and employ decision-making strategies that maintain gains. Employers look to educators to provide the training that purposeful leaders need to remain ahead of the competitive curve. Skillsets in competitive advantage, challenge anticipation, and data-driven decision-making are rooted in methodologies trained business educators can teach. The Leadership Certificate enables the realization of that goal.

According to the South Dakota Department of Labor, there are three broad divisions of industry types: non-agricultural, agricultural, and nonfarm. Considering the nature of business education, each of these three types, as well as state and local government, can benefit from a specialized certificate as proposed here. While some industry sub-divisions or sub-sectors here in the State of Dakota are projected to experience a reduced need for workers moving from 2020 to 2030, other industries are expected to need upwards of 20% additional prepared workforce¹. For instance, the North American Industry Classification System (NAICS) code assigned to *Management of Companies and Enterprises* is 551. This sub-sector's needs will grow by 11.8% between 2020 and 2030, or an additional 605 persons, according to this report published in 2016. Exceptional business leadership is needed across all of those sub-sectors. The urgency of these needs is exemplified by the March 2022 551-classification projection of a 4.3% increase from 2021 to 2023. That increase will result in the need for an additional 221 managers. The NAICS classification system, which has 70 sub-sectors plus three sectors designated for federal, state, and local government needs, still does not account for sub-sectors with less than 200 employees. Therefore, these statistics do not describe the need among smaller agencies, rural-based companies, family-owned businesses, entrepreneurs, and innovators.

This Business Leadership Certificate will offer the skillset needed for leaders and managers for these industries.

5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?

The intended students for this graduate certificate program include business industry working professionals, which covers a broad potential audience. Additionally, this certificate program could be open to all students across different majors seeking academic enhancement to their completed undergraduate degrees. This includes but is not limited to all undergraduate majors with a completed baccalaureate degree in the school of business; all students with completed graduate degrees such as the MSBA and the MBA; as well as across the Regental System.

¹ Statewide South Dakota Employment Projections by Industry. (2016). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from: [industry-projections-2020-2030-statewide-south-dakota.pdf \(sd.gov\)](https://sd.gov/industry-projections-2020-2030-statewide-south-dakota.pdf)

Statewide South Dakota Employment Projections by Industry. (2022). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from: [short-term-industry-projections-2021-2023.pdf \(sd.gov\)](https://sd.gov/short-term-industry-projections-2021-2023.pdf)

6. Certificate Design

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

The Graduate Certificate in Business Leadership is a stand-alone credential. This leadership certificate will offer the skillset needed for leaders and managers for these industries. The intended students for this graduate certificate program include business industry working professionals which covers a broad potential audience as well as students with a completed undergraduate degree; and students with other graduate degree programs, both in business and outside the business discipline. Students completing the leadership certification will have an added value to their in process graduate degree program, to their educational preparation, and to their professional development.

- B. Is the certificate a value-added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.**

Value-Add: Students completing the leadership certificate will have an added value to their completed undergraduate and graduate degree programs as well as be able to complete this certificate without completing a full graduate degree program across the business curriculum.

The Graduate Certificate in Business Leadership would benefit students from all of the eleven undergraduate BBA majors, students from the Master of Business Administration major, students in the Master of Science in Business Analytics, and students in the Contemporary Media and Sports Management programs.

- C. Is the certificate a stackable credential with credits that apply to a higher-level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.**

Yes, the certificate is stackable. Students may use those credits to pursue the Master of Business Administration. Nine credits of the certificate program can be used to satisfy one core course and two elective courses for the MBA general; one course may be used toward the pursuit of the MBA Business Analytics or Marketing specialization; two courses (one core and one selected course) may be used toward the MBA OSCM specialization or certificate.

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form). Certificate programs by design are limited in the number of credit hours required for completion. Certificate programs consist of nine (9) to twelve (12) credit hours, including prerequisite courses. In addition, certificates typically involve existing courses. If the curriculum consists of more than twelve (12) credit hours (including prerequisites) or includes new courses, please provide explanation and justification below.**

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
BADM	761	Leadership Development	None	3	No
HRM	560	Human Resource Management	None	3	No
CMST	754	Managerial Communication	None	3	No
Select one:					
BLAW	557	Business Ethics	None	3	No
MGMT	568	Negotiation / Dispute Resolution	None	3	No
DSCI	541	Project Management	None	3	No
CMST	585	Communication and Conflict Resolution	None	3	No
LDR	501	Advanced Leadership Theory and Practice	None	3	No
POLS	723	Public Personnel Management	None	3	No
Subtotal				12	

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.”

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation? The knowledge and competencies should be specific to the program and not routinely expected of all university graduates.

- Graduates will demonstrate knowledge of the basic business disciplines and strategic integration in business in a global environment.
- Graduates will employ analytical and critical thinking skills to make business decisions in a dynamic environment.
- Graduates will communicate effectively and professionally.
- Graduates will recognize the importance of ethics and social responsibility in business.
- Graduates will demonstrate competency in their proposed specialization.

B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row. *Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.*

Individual Student Outcome	Program Courses that Address the Outcomes								
	BADM 761	HRM 560	CMST 754	BLAW 557	MGMT 568	CMST 585	DSCI 541	LDR 501	POLS 723
Goal: Graduates will demonstrate knowledge of the basic business environments. Outcome: Graduates will demonstrate knowledge of core concepts in business disciplines.	X								

Individual Student Outcome	Program Courses that Address the Outcomes								
	BADM 761	HRM 560	CMST 754	BLAW 557	MGMT 568	CMST 585	DSCI 541	LDR 501	POLS 723
Goal: Graduates will communicate effectively and professionally. Outcome: Graduates will demonstrate strong oral presentation skills.	X								
Goal: Graduates will employ analytical and critical thinking skills to make business decisions in a dynamic environment. Outcome: Graduates will employ analytical skills to perform systematic business analysis, identify problems, and suggest solutions.	X								
Goal: Graduates will understand managerial practices with respect to the management of the human resource function and an introduction to the topic of human resource management as an occupational choice. Outcome: Graduates will apply managerial practices to the major areas of recruitment and selection, training and development, compensation and benefits administration and work force integration and maintenance.		X							
Goal: Graduates will understand the implications of communication as it relates to management contexts, processes, and activities. Outcome: Graduates will develop communication expertise in the functions necessary for effective organizational administration, management, and leadership.			X						
Goal: Graduates will demonstrate an additional competency in a specialized area. Outcome: Graduates will have a working knowledge of ethics; negotiation and dispute resolution; project management; communication and Conflict Resolution; Advanced Leadership Theory and Practice; or Public Personnel Management.				X	X	X	X	X	X

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015, 018,	Fall 2023
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015, 018,	Fall 2023

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (5)

DATE: March 29-30, 2023

SUBJECT

New Graduate Certificate Request – USD – Dyslexia

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a Dyslexia graduate certificate. The proposed certificate would prepare practicing teachers to effectively teach and meet the needs of readers with dyslexia. Teachers with the certificate would possess the knowledge and skills needed to help close the persistent achievement gap between readers with dyslexia and typical readers. These gaps often lead to lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lower college attainment among readers with dyslexia.

IMPACT AND RECOMMENDATION

USD plans to offer the certificate in Dyslexia on campus and online. USD does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: USD – Dyslexia

DRAFT MOTION 20230329_5-C(5):

I move to authorize USD to offer a Dyslexia graduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

UNIVERSITY:	USD
TITLE OF PROPOSED CERTIFICATE:	Dyslexia Graduate Certificate
INTENDED DATE OF IMPLEMENTATION:	May 2023
PROPOSED CIP CODE:	13.1315
UNIVERSITY DEPARTMENT:	Teacher Residency & Education
BANNER DEPARTMENT CODE:	UTRE
UNIVERSITY DIVISION:	SOE
BANNER DIVISION CODE:	2E

x	<p><u>Please check this box to confirm that (place an “X” in the left box):</u></p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.7, which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
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University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	Date
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Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

- 1. Is this a graduate-level certificate or undergraduate-level certificate? (place an “X” before the graduate type)**

Undergraduate Certificate	x	Graduate Certificate
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- 2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

The purpose of this certificate is to prepare practicing teachers to effectively teach and meet the needs of readers with dyslexia. The persistent achievement gap poses serious consequences and challenges for readers with dyslexia, such as lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lower college attainment.

- 3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.**

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:4</u>
DSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:5</u>
NSU:	<u>SDCL § 13-59</u>	<u>BOR Policy 1:10:6</u>
SDSMT:	<u>SDCL § 13-60</u>	<u>BOR Policy 1:10:3</u>
SDSU:	<u>SDCL § 13-58</u>	<u>BOR Policy 1:10:2</u>
USD:	<u>SDCL § 13-57</u>	<u>BOR Policy 1:10:1</u>
<u>Board of Regents Strategic Plan 2014-2020</u>		

The USD School of Education has a MA in Elementary Education with a specialization in Reading Specialist/Literacy Coach.

- 4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential. For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.**

There currently exists a gap between readers with dyslexia and typical readers. This achievement gap poses serious consequences for readers with dyslexia, such as lower rates of high school graduation, higher levels of unemployment, and lower earnings because of lower college attainment¹. Most children can succeed in school with tutoring and specialized instruction aligned to their unique needs; therefore, it is critical that elementary teachers are prepared to implement effective reading instruction and interventions early as it offers the potential to reduce the achievement gap between dyslexic and typical readers²³⁴. The courses included in this graduate certificate program provides elementary teachers the foundational knowledge and skills to effectively meet the needs of dyslexic and struggling learners.

- 5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?**

The intended audience for this certificate program is current elementary teachers.

6. Certificate Design

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

This certificate is intended to provide certified Elementary teachers with the knowledge and skills to use assessment to identify struggling readers with dyslexia and use assessment data to design and deliver effective interventions and instruction matched to student need. The certificate will not add an additional endorsement on a teaching certificate.

¹ Ferrer, E. , Shaywitz, B. A., Holahan, J.M., Marchione, K.E., Michaels, R., & Shaywitz, S.E. (2015). Achievement gap in reading is present as early as first grade and persists through adolescence. *The Journal of Pediatrics*, 167(5): 1121.

² Mather, N. & Welding, B. J. (2012). *Essentials of Dyslexia assessment and intervention*. John Wiley & Sons.

³ Moats, L.C. (1999). *Teaching reading is rocket science: What expert teachers know and should be able to do (Item No. 39-0372)*. American Federation of Teachers.

⁴ Moats, L.C. & Dakin, K.E. (2008). *Basic facts about dyslexia and other reading problems*. The International Dyslexia Association.

B. Is the certificate a value-added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.

This certificate would be valued added to the following programs:

- Elementary Education, Master of Arts;
- Special Education, Master of Arts;
- Curriculum and Instruction, Doctor of Education;
- Speech – Language Pathology, Master of Arts.

C. Is the certificate a stackable credential with credits that apply to a higher-level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.

This certificate is stackable with the ELED MA Reading Specialist/Literacy Coach Specialization. All 12 credits can apply towards either a required or elective credit.

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).** *Certificate programs by design are limited in the number of credit hours required for completion. Certificate programs consist of nine (9) to twelve (12) credit hours, including prerequisite courses. In addition, certificates typically involve existing courses. If the curriculum consists of more than twelve (12) credit hours (including prerequisites) or includes new courses, please provide explanation and justification below.*

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
ELED	757	Assessment and Interventions for Struggling and Dyslexic Readers	None	3	No
ELED	781	Theoretical Foundations of Literacy and Dyslexia	None	3	No
ELED	795	Practicum	None	3	No
SPED	731	Educating Students with Learning Disabilities	None	3	No
Subtotal				12	

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.”

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation? The knowledge and competencies should be specific to the program and not routinely expected of all university graduates.

Describe typical and atypical language development and the ways in which learning disabilities can interact with an individual's understanding and use of language. Demonstrate the skill of observing and recording reading and writing behaviors of children.

Demonstrate knowledge in how to design and monitor a system of on-going assessments to determine changes in literacy over time for struggling readers and writers, and for students with learning disabilities.

Determine the ways in which the major theoretical, conceptual, historical, and evidence-based foundations of literacy and language relate.

Collaborate with school-based educators in selecting and implementing literacy instructional practices and interventions.

Administer, interpret, communicate, and use data for decision making about student assessment, instruction, intervention, and evaluation for individuals and groups of students.

- B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row.** *Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.*

Individual Student Outcome	Program Courses that Address the Outcomes			
	ELED 757	ELED 781	ELED 795	SPED 731
Describe, select, and implement literacy assessments to assess literacy performance and identify the needs of struggling readers, writers, and students with learning disabilities.	x		x	x
Describe typical and atypical language development and the ways in which learning disabilities can interact with an individual's understanding and use of language.		X		x
Describe, select, and implement evidence-based practices and interventions for struggling readers, writers, and students with learning disabilities.	x			x
Demonstrate the skill of observing and recording reading and writing behaviors of children.			x	x
Demonstrate knowledge in how to design and monitor a system of on-going assessments to determine changes in literacy over time for struggling readers and writers, and for students with learning disabilities.	x			x
Determine the ways in which the major theoretical, conceptual, historical, and evidence-based foundations of literacy and language relate.		X		
Collaborate with school-based educators in selecting and implementing literacy instructional practices and interventions.			x	
Administer, interpret, communicate, and use data for decision making about student assessment, instruction, intervention, and evaluation for individuals and groups of students.			x	

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off-campus location (e.g., USD-Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	<i>Intended Start Date</i>
On campus	No	

	Yes/No	<i>If Yes, list location(s)</i>	<i>Intended Start Date</i>
Off campus	No		

	Yes/No	<i>If Yes, identify delivery methods</i> <i>Delivery methods are defined in</i> <i>AAC Guideline 5.5.</i>	<i>Intended Start Date</i>
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous 018 Internet Synchronous	May 2023
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)?**

	Yes/No	<i>If Yes, identify delivery methods</i>	<i>Intended Start Date</i>
Distance Delivery (online/other distance delivery methods)	No		

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – C (6)

DATE: March 29-30, 2023

SUBJECT

New Graduate Certificate Request – USD – SPED Alternative Teaching

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a SPED Alternative Teaching graduate certificate. The proposed certificate is specifically designed to meet the South Dakota Department of Education’s requirements for the Alternative Teacher Certification in Special Education. The certificate is geared toward teachers looking to become certified Special Education teachers.

USD requests an exception to the 12 credit hour limit for certificates, in order to meet the licensure requirements for the Alternative Teacher Certification, which requires 15 credit hours.

IMPACT AND RECOMMENDATION

USD plans to offer the certificate in SPED Alternative Teaching on campus and online. USD does not request new state resources. No new courses will be required.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Certificate Request Form: USD – SPED Alternative Teaching

DRAFT MOTION 20230329_5-C(6):

I move to authorize USD to offer a SPED Alternative Teaching graduate certificate, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Certificate

UNIVERSITY:	University of South Dakota
TITLE OF PROPOSED CERTIFICATE:	SPED Alternative Teaching Graduate Certificate
INTENDED DATE OF IMPLEMENTATION:	SU 2023
PROPOSED CIP CODE:	13.1001
UNIVERSITY DEPARTMENT:	Teacher Residency & Education
BANNER DEPARTMENT CODE:	UCIN
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

X	<p><u>Please check this box to confirm that</u> (place an “X” in the left box):</p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.7, which pertains to new certificate requests, and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
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University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

<i>Elizabeth M. Freeburg</i> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	11/17/2022 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
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Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

- 1. Is this a graduate-level certificate or undergraduate-level certificate? (place an “X” before the graduate type)**

Undergraduate Certificate	X	Graduate Certificate
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- 2. What is the nature/ purpose of the proposed certificate? Please include a brief (1-2 sentence) description of the academic field in this certificate.**

The purpose of this graduate certificate is to meet the State of South Dakota coursework requirements for Alternative Teacher Certification in Special Education.

3. If you do not have a major in this field, explain how the proposed certificate relates to your university mission and strategic plan, and to the current Board of Regents Strategic Plan 2014-2020.

Links to the applicable State statute, Board Policy, and the Board of Regents Strategic Plan are listed below for each campus.

BHSU:	SDCL § 13-59	BOR Policy 1:10:4
DSU:	SDCL § 13-59	BOR Policy 1:10:5
NSU:	SDCL § 13-59	BOR Policy 1:10:6
SDSMT:	SDCL § 13-60	BOR Policy 1:10:3
SDSU:	SDCL § 13-58	BOR Policy 1:10:2
USD:	SDCL § 13-57	BOR Policy 1:10:1
	Board of Regents Strategic Plan 2014-2020	

USD currently has both an undergraduate and two graduate majors in Special Education.

4. Provide a justification for the certificate program, including the potential benefits to students and potential workforce demand for those who graduate with the credential. For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

Currently in the State of South Dakota, there is a high need for Special Education teachers. As of September 1, 2022, the Associated School Boards of South Dakota website had 17 Special Education Teacher FTE positions posted as immediate openings for the 2022-23 school year that began in August¹. This number is up from what was reported by the organization on August 1, 2022². According to the South Dakota Department of Education, the Federal government has identified Special Education is one of many teaching disciplines experiencing a teacher shortage³. Further exacerbating the teacher shortage is that the need for special education teachers is projected to grow nationally by 8% through at least 2030⁴. Through this graduate certificate program, the University of South Dakota will be able to better serve the state by preparing more Special Education teachers and do so in an expedited fashion through the State of South Dakota's Alternative Teacher Certification program. In addition, students enrolled in the SPED Alternative Teaching Graduate Certificate program will benefit from having a faculty advisor that will be able to assist with course registration and other questions they may have. This graduate certificate program will also allow students to qualify for the reduced tuition rate available to teachers in the State of South Dakota⁵.

5. Who is the intended audience for the certificate program (including but not limited to the majors/degree programs from which students are expected)?

This graduate certificate program is intended for current teacher interested in becoming a Special Education teacher in the State of South Dakota.

¹ <https://teacher.asbsd.org>

² <https://asbsd.org/index.php/plenty-of-concern/>

³ <https://doe.sd.gov/oatq/shortageareas.aspx>

⁴ <https://www.bls.gov/ooh/education-training-and-library/special-education-teachers.htm>

⁵ SDCL § 13-55-23 through § 13-55-28

6. Certificate Design

- A. Is the certificate designed as a stand-alone education credential option for students not seeking additional credentials (i.e., a bachelor's or master's degree)? If so, what areas of high workforce demand or specialized body of knowledge will be addressed through this certificate?**

This certificate is designed to be a stand-alone option for students who currently hold a valid teaching credential in the state of South Dakota. Students can complete this certificate program and become certified to teach K-12 Special Education in South Dakota.

- B. Is the certificate a value-added credential that supplements a student's major field of study? If so, list the majors/programs from which students would most benefit from adding the certificate.**

This certificate is designed to add value to the student's knowledge to ensure they are not only highly qualified in teaching in the general education classroom, but so that they will also be highly qualified to teach individuals with special needs.

- C. Is the certificate a stackable credential with credits that apply to a higher-level credential (i.e., associate, bachelor's, or master's degree)? If so, indicate the program(s) to which the certificate stacks and the number of credits from the certificate that can be applied to the program.**

Although this graduate certificate program can be a stand-alone option for students, it is stackable with the Master's of Arts in Special Education, Advanced Specialist in Disability Specialization. Students can apply 12 credits from the graduate certificate program to the SPED MA program.

- 7. List the courses required for completion of the certificate in the table below (if any new courses are proposed for the certificate, please attach the new course requests to this form).**

Prefix	Number	Course Title	Prerequisites for Course	Credit Hours	New (yes, no)
SPED	795	Practicum in Special Education	Instructor Permission	6	No
SPED	711	Educating Students with Cognitive Disabilities	None	3	No
SPED	780	Assessment of Persons with Disabilities	None	3	No
EDAD	720	Special Education Law for School Administrators	None	3	No
Subtotal				15	

This certificate requires more than the allowed 12 credit hours due to licensure requirements for the Alternative Certification program in South Dakota, which requires 15 credit hours in the courses listed above.

8. Student Outcome and Demonstration of Individual Achievement.

Board Policy 2:23 requires certificate programs to “have specifically defined student learning outcomes.”

A. What specific knowledge and competencies, including technology competencies, will all students demonstrate before graduation? The knowledge and competencies should be specific to the program and not routinely expected of all university graduates.

Students will be expected to demonstrate mastery of the following competencies:

- Understand the legal and ethical procedures related to the assessment, eligibility, and identification of individuals with exceptional learning needs, including Federal and State laws governing programs for individuals with disabilities.
- Critically examine school-based policies and procedures to determine if they protect the welfare and safety of students and staff in the school.
- Communicate and collaborate effectively with other school and agency personnel, and families of individuals with exceptional learning needs.
- Administer, interpret, and analyze assessments to inform instructional recommendations to meet the needs of individuals with exceptional learning needs.
- Design and modify instruction that reflects an ability to implement appropriate curriculum content in special education.
- Use a variety of instructional strategies to assist individuals with cognitive disabilities to acquire and generalize skills in academic, functional, and social skills areas.
- Develop and provide leadership in the implementation of IESs/IFSPs/ITPs that demonstrate skills in assessment, classroom management, technology use, and accommodations for diversity.

B. Complete the table below to list specific learning outcomes – knowledge and competencies – for courses in the proposed program in each row. *Label each column heading with a course prefix and number. Indicate required courses with an asterisk (*). Indicate with an X in the corresponding table cell for any student outcomes that will be met by the courses included. All students should acquire the program knowledge and competencies regardless of the electives selected. Modify the table as necessary to provide the requested information for the proposed program.*

Individual Student Outcome	Program Courses that Address the Outcomes			
	SPED 711*	SPED 780*	SPED 795*	EDAD 720*
Understand the legal and ethical procedures related to the assessment, eligibility, and identification of individuals with exceptional learning needs, including Federal and State laws governing programs for individuals with disabilities.		X		X
Critically examine school-based policies and procedures to determine if they protect the welfare and safety of students and staff in the school.				X
Communicate and collaborate effectively with other school and agency personnel, and families of individuals with exceptional learning needs.	X	X	X	
Administer, interpret, and analyze assessments to inform instructional recommendations to		X	X	X

Individual Student Outcome	Program Courses that Address the Outcomes			
	SPED 711*	SPED 780*	SPED 795*	EDAD 720*
meet the needs of individuals with exceptional learning needs.				
Design and modify instruction that reflects an ability to implement appropriate curriculum content in special education.	X	X	X	
Use a variety of instructional strategies to assist individuals with cognitive disabilities to acquire and generalize skills in academic, functional, and social skills areas.	X		X	
Develop and provide leadership in the implementation of IESs/IFSPs/ITPs that demonstrate skills in assessment, classroom management, technology use, and accommodations for diversity.		X	X	

9. Delivery Location.

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

- A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., USD Community College for Sioux Falls, Black Hills State University-Rapid City, Capital City Campus, etc.) or deliver the entire program through distance technology (e.g., as an on-line program)?**

	Yes/No	Intended Start Date
On campus	No	

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous – Term Based Instruction	Summer 2023
Does another BOR institution already have authorization to offer the program online?	No	If yes, identify institutions:	

- B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the certificate through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.**

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – D (1)

DATE: March 29-30, 2023

SUBJECT

New Specialization Request – USD – Specialization in Business Leadership – Master of Business Administration

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests and Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a specialization in Business Leadership within the Master of Business Administration (MBA) program. The proposed specialization provides a path for students to enhance their leadership expertise within the current MBA program. The specialization will primarily help meet the needs of working professionals who wish to pursue a narrowly targeted specialized curriculum in this area.

IMPACT AND RECOMMENDATION

USD requests authorization to offer the specialization on campus and online. USD is not requesting additional state resources to offer the program. No new courses will be required.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: USD – Business Leadership – Master of Business Administration (MBA)

DRAFT MOTION 20230329_5-D(1):

I move to authorize USD to offer a specialization in Business Leadership within the Master of Business Administration (MBA) program, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	USD
TITLE OF PROPOSED SPECIALIZATION:	Business Leadership
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	Master of Business Administration
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	52.0213
UNIVERSITY DEPARTMENT:	Entrepreneurship, Management, and Marketing
BANNER DEPARTMENT CODE:	UEMM
UNIVERSITY DIVISION:	School of Business
BANNER DIVISION CODE:	2B

X	<p><u>Please check this box to confirm that</u> (place an “X” in the left box):</p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.6, which pertains to new specialization requests, and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
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University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

Elizabeth M. Freeburg <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	1/19/2023 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
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1. Level of the Specialization (place an “X” before the specialization):

Baccalaureate	<input checked="" type="checkbox"/>	Master's	<input type="checkbox"/>	Doctoral
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2. What is the nature/purpose of the proposed specialization? Please include a brief (1-2 sentence) description of the academic field in this specialization.

While several of our successful specialization graduates pursued the current five specialization programs, our industry partners are seeking graduates who aspire to leadership-focused positions to work in consulting or management advisory services areas. The Business Leadership Specialization will help those aspirants.

3. Provide a justification for the specialization, including the potential benefits to students and potential workforce demand for those who graduate with the credential.

For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

The full Master of Business Administration (MBA) Degree in the school of business does provide a path to leadership expertise. However, those who seek to enhance their leadership expertise will be able to do so through the Business Leadership Specialization. Following the South Dakota legislature's directives, the BOR policies and strategic plans, as well as USD's strategic plans, this specialization will help meet the needs of mainly working professionals who wish to pursue a narrowly targeted specialization curriculum.

The South Dakota legislature has established the University of South Dakota's mission, which includes that it is *to provide professional education in business*. The BOR has recognized USD as *the comprehensive university of the South Dakota System of Higher Education*. The BOR's strategic plan for 2014-2020 seeks *to expand educational access as one of the action steps for student success goals*. USD's strategic theme six, which seeks *to provide access to a first-class education efficiently and effectively*, is a focus of this proposed leadership specialization.

Today's competitive market demands that agencies maximize opportunities. To do so, they must pivot quickly to improve resource management and growth. To succeed, they need trained leadership. Exceptional leaders engage, guide, promote change, and employ decision-making strategies that maintain gains. Employers look to educators to provide the training that purposeful leaders need to remain ahead of the competitive curve. Skillsets in competitive advantage, challenge anticipation, and data-driven decision-making are rooted in methodologies trained business educators can teach. The Business Leadership Specialization enables the realization of that goal.

According to the South Dakota Department of Labor, there are three broad divisions of industry types: non-agricultural, agricultural, and nonfarm. Considering the nature of business education, each of these three types, as well as state and local government, can benefit from the MBA degree with Leadership specialization as proposed here. While some industry sub-divisions or sub-sectors here in the State of Dakota are projected to experience a reduced need for workers moving from 2020 to 2030, other industries are expected to need upwards of 20% additional prepared workforce¹. For instance, the North American Industry Classification System (NAICS) code assigned to *Management of Companies and Enterprises* is 551. This sub-sector's needs will grow by 11.8% between 2020 and 2030, or an additional 605 persons, according to this report published in 2016. Exceptional business leadership is needed across all of those sub-sectors. The urgency of these needs is exemplified by the March 2022 551-classification projection of a 4.3% increase from 2021 to 2023. That increase will result in the need for an additional 221 managers. The NAICS classification system, which has 70 sub-sectors plus three sectors designated for federal, state, and local government needs, still does not account for sub-sectors with less than 200 employees. These statistics do not describe the need among smaller agencies, rural-based companies, family-

¹ Statewide South Dakota Employment Projections by Industry. (2016). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from:

[industry-projections-2020-2030-statewide-south-dakota.pdf \(sd.gov\)](https://labor.sd.gov/industry-projections-2020-2030-statewide-south-dakota.pdf)

Statewide South Dakota Employment Projections by Industry. (2022). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from: [short-term-industry-projections-2021-2023.pdf \(sd.gov\)](https://labor.sd.gov/short-term-industry-projections-2021-2023.pdf)

owned businesses, entrepreneurs, and innovators, which has the potential to be numerous. The Business Leadership Specialization will offer the skillset needed for leaders and managers for these industries.

4. List the proposed curriculum for the specialization (including the requirements for completing the major – highlight courses in the specialization):

Prefix	Number	Course Title	Credit Hours	New (yes, no)
Supportive Coursework: Required only for students with non-business baccalaureates				
BADM	501	Business Essentials I	3	
BADM	502	Business Essentials II	3	
Coursework for the Major				
ACCT	781	Managerial Accounting	3	
BADM	710	Managerial Finance	3	
BADM	720	Quantitative Analysis	3	
BADM	761	Leadership Development	3	
BADM	762	Business and its Environment	3	
BADM	770	Managerial Marketing	3	
BADM	780	Strategic Management	3	
ECON	782	Managerial Economics	3	
BADM	761	Leadership Development (counts for both the major and the specialization)	3	
Coursework for the Specialization				
HRM	560	Human Resource Management	3	
CMST	754	Managerial Communication	3	
Select one course (3 credits):				
BADM	557	Business Ethics	3	
MGMT	568	Negotiation / Dispute Resolution	3	
DSCI	541	Project Management	3	
CMST	585	Communication and Conflict Resolution	3	
LDR	501	Advanced Leadership Theory and Practice	3	
POLS	723	Public Personnel Management	3	

Total number of hours required for completion of specialization

12

Total number of hours required for completion of major

33

Total number of hours required for completion of degree

42-48

5. Delivery Location

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., UC Sioux Falls, Capital University Center, Black Hills State University-Rapid City, etc.) or deliver the entire specialization through distance technology (e.g., as an on-line program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous 018 Internet Synchronous	Fall 2023

B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the specialization through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous 018 Internet Synchronous	Fall 2023

6. Additional Information:

Intended Audience: The intended students for this graduate specialization program include business industry working professionals which covers a broad potential audience; and students considering a graduate degree in business.

Value-Add: Students completing the sustainability specialization will have additional competencies in sustainability topics that are not covered in the current MBA program. Students enrolled in the MBA would benefit from this specialization.

Stackable: Students completing the MBA with Sustainability Specialization may decide to use those credits to pursue an MS in Sustainability with USD, or additional specializations or certifications with the school of business or across campus.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – D (2)

DATE: March 29-30, 2023

SUBJECT

New Specialization Request – USD – Specialization in Sustainability – Master of Business Administration

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests and Inactivation/Termination

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests authorization to offer a specialization in Sustainability within the Master of Business Administration (MBA) program. A sustainability specialization, as proposed here, prepares graduates for careers in the areas of governmental, corporate and university sustainability offices; sustainability consulting; with policy making and regulatory agencies; and more. The specialization will teach business administration students how to identify needs, create long-term value, and improve stakeholder relationships across environmental, social, financial, and social practices of an agency.

IMPACT AND RECOMMENDATION

USD requests authorization to offer the specialization on campus and online. USD is not requesting additional state resources to offer the program. One new course will be required.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: USD – Sustainability – Master of Business Administration (MBA)

DRAFT MOTION 20230329_5-D(2):

I move to authorize USD to offer a specialization in Sustainability within the Master of Business Administration (MBA) program, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	USD
TITLE OF PROPOSED SPECIALIZATION:	Sustainability
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	UMBA.BSA
INTENDED DATE OF IMPLEMENTATION:	Fall 2023
PROPOSED CIP CODE:	30.3301 Sustainability Studies
UNIVERSITY DEPARTMENT:	Entrepreneurship, Management, and Marketing
BANNER DEPARTMENT CODE:	UEMM
UNIVERSITY DIVISION:	Beacom School of Business
BANNER DIVISION CODE:	2B

X	<p><u>Please check this box to confirm that</u> (place an “X” in the left box):</p> <ul style="list-style-type: none"> The individual preparing this request has read AAC Guideline 2.6, which pertains to new specialization requests, and that this request meets the requirements outlined in the guidelines. This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.
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University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

<i>Elizabeth M. Freeburg</i> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Institutional Approval Signature <i>President or Chief Academic Officer of the University</i>	1/19/2023 <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date
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1. Level of the Specialization (place an “X” before the specialization):

Baccalaureate	<input checked="" type="checkbox"/>	Master’s	<input type="checkbox"/>	Doctoral
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2. What is the nature/purpose of the proposed specialization? Please include a brief (1-2 sentence) description of the academic field in this specialization.

Sustainability is a framework through which to explore complex, interdisciplinary systems. The sustainability specialization will teach business administration students this framework to identify needs, create long-term value, and improve stakeholder relationships across environmental, social, financial, and social practices of an agency.

3. Provide a justification for the specialization, including the potential benefits to students and potential workforce demand for those who graduate with the credential.

For workforce related information, please provide data and examples. Data may include, but are not limited to the South Dakota Department of Labor, the US Bureau of Labor Statistics, Regental system dashboards, etc. Please cite any sources in a footnote.

Sustainability is about finding solutions to challenges and exploring how to effect change that makes a positive impact on the world. A sustainability specialization, as proposed here, prepares graduates for careers in the areas of governmental, corporate and university sustainability offices; sustainability consulting; with policy making and regulatory agencies; and more.

Sustainability is a key driver for both business development and growth. High level consulting firms are sought out to identify areas where agencies could benefit from the implementation of sustainability-focused efforts, and they are doing so using current research models¹. Companies therefore need prepared leaders who can predict, locate, enhance, and align sustainability in their strategic planning efforts. This proposed specialization in sustainability for the MBA program will prepare individuals to recognize the interconnectedness of business at the management and leadership level; the need for innovation; and the benefits of stakeholder assessments, each of which drives profitability when applied correctly. Preparing an individual for addressing sustainability efforts across an agency requires an enhanced knowledge level of overall business acumen. This specialization offers a very directed path to building the characteristics for understanding sustainability and the role it plays in business.

According to the South Dakota Department of Labor, there are 3 broad divisions of industry types: non-agricultural, agricultural, and nonfarm. Considering the overall nature of sustainable business education, each of these 3 types as well as federal, state, and local government can benefit from a specialization as proposed here. While some industry sub-divisions or sub-sectors in South Dakota are projected to experience a reduced need for workers moving from the year 2020 to 2030, other industries are expected to need upwards of 20% additional prepared workforce². For instance, the North American Industry Classification System (NAICS) code assigned to Management of Companies and Enterprises is 551. This sub-sector's needs will grow by 11.8% between 2020 and 2030, or an additional 605 persons according to this report published in 2016. Of importance is that business sustainability is needed across all of those sub-sectors. In consideration of the more urgent needs published in March 2022, the projection for the 551 classification expects a 4.3% increase from 2021 to 2023 or a need for an additional 221 persons. The NAICS classification system, which has 70 sub-sectors, plus 3 sectors designated for federal, state, and local government needs, still does not account for sub-sectors with less

¹ Russell Reynolds Associates. (2022). Seize the Sustainability Opportunity. Retrieved from https://www.russellreynolds.com/en/insights/campaigns/sustainability-opportunity?gclid=CjwKCAjw-rOaBhA9EiwAUkLV4gSIYdbEiAyF_iTF4Vj86S18bmQPq2T6qpIjnHJf_pn_NXO_eh04hRoCFzsQAvD_BwE

² Statewide South Dakota Employment Projections by Industry. (2016). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from: [industry-projections-2020-2030-statewide-south-dakota.pdf \(sd.gov\)](https://sd.gov/industry-projections-2020-2030-statewide-south-dakota.pdf)

Statewide South Dakota Employment Projections by Industry. (2022). Labor Market Information Center. South Dakota Department of Labor and Regulation. Retrieved from: [short-term-industry-projections-2021-2023.pdf \(sd.gov\)](https://sd.gov/short-term-industry-projections-2021-2023.pdf)

than 200 employees. The need among smaller agencies, rural based companies, family-owned businesses, entrepreneurs, and innovators which help shape South Dakota, are not clearly expressed in these statistics. This specialization will offer the skillset needed for leaders and managers for these industries.

4. List the proposed curriculum for the specialization (including the requirements for completing the major – highlight courses in the specialization):

Prefix	Number	Course Title	Credit Hours	New (yes, no)
Supportive Coursework: Required only for students with non-business baccalaureates				
BADM	501	Business Essentials I	3	
BADM	502	Business Essentials II	3	
Coursework for the Major				
ACCT	781	Managerial Accounting	3	
BADM	710	Managerial Finance	3	
BADM	720	Quantitative Analysis	3	
BADM	761	Leadership Development	3	
BADM	762	Business and its Environment	3	
BADM	770	Managerial Marketing	3	
BADM	780	Strategic Management	3	
ECON	782	Managerial Economics	3	
BADM	760	Operations Management (<i>counts for both the major and the specialization</i>)	3	no
Coursework for the Specialization				
SUST	705	Sustainability & Complexity	3	no
SUST	706	Sustainable Futures	3	yes
Select 3 credits				
SUST	707	Sustainability Innovations, Opportunities, and Challenges	3	no
SUST	715	Research for Sustainability	3	no
SUST	790	Seminar	1	no
SUST	794	Internship	1-3	no

Total number of hours required for completion of specialization

12

Total number of hours required for completion of major

33

Total number of hours required for completion of degree

42-48

5. Delivery Location

Note: The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

A. Complete the following charts to indicate if the university seeks authorization to deliver the entire program on campus, at any off campus location (e.g., UC Sioux Falls, Capital University Center, Black Hills State University-Rapid City, etc.) or deliver the entire specialization through distance technology (e.g., as an on-line program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2023

	Yes/No	If Yes, list location(s)	Intended Start Date
Off campus	No		

	Yes/No	If Yes, identify delivery methods <i>Delivery methods are defined in AAC Guideline 5.5.</i>	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous 018 Internet Synchronous	Fall 2023

B. Complete the following chart to indicate if the university seeks authorization to deliver more than 50% but less than 100% of the specialization through distance learning (e.g., as an on-line program)? This question responds to HLC definitions for distance delivery.

	Yes/No	If Yes, identify delivery methods	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes	015 Internet Asynchronous 018 Internet Synchronous	Fall 2023

6. Additional Information:

Intended Audience: The intended students for this graduate specialization program include business industry working professionals which covers a broad potential audience; and students considering a graduate degree in business.

Value-Add: Students completing the sustainability specialization will have additional competencies in sustainability topics that are not covered in the current MBA program. Students enrolled in the MBA would benefit from this specialization.

Stackable: Students completing the MBA with Sustainability Specialization may decide to use those credits to pursue an MS in Sustainability with USD, or additional specializations or certifications with the school of business or across campus.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – E (1)
DATE: March 29-30, 2023

SUBJECT

New Site Request – DSU – Minor in Computer Forensics (Online)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

[BOR Policy 2:12](#) – Distance Education

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests approval to offer the minor in Computer Forensics online. Currently DSU offers all courses required for the minor online, but the program is not formally recognized as an online program. No other university in the system offers this minor online.

IMPACT AND RECOMMENDATION

The university requests no new resources, and there will be no new costs associated with offering the minor online.

Board office staff recommends approval to offer the program at the proposed sites.

ATTACHMENTS

Attachment I – New Site Request: DSU – Minor in Computer Forensics

DRAFT MOTION 20230329_5-E(1):

I move to approve DSU's new site proposal to offer the minor in Computer Forensics online, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Site Request

Use this form to request authorization to deliver an entire existing degree program (graduate program, undergraduate major or minor, certificate, or specialization) at a new site or by distance delivery (including online delivery). Board of Regents approval is required for a university to offer programs off-campus and through distance delivery. The Board of Regents, Executive Director, and/or their designees may request additional information about the proposal. After the university President approves the proposal, submit a signed copy to the Executive Director through the system Chief Academic Officer. Only post the New Site Request Form to the university website for review by other universities after approval by the Executive Director and Chief Academic Officer.

UNIVERSITY:	DSU
DEGREE(S) AND PROGRAM:	Computer Forensics Minor
NEW SITE(S): <i>Include address of new physical locations. Delivery methods are defined in AAC Guideline 5.5.</i>	Internet 015
INTENDED DATE OF IMPLEMENTATION:	Summer 2023
CIP CODE:	111003
UNIVERSITY DEPARTMENT:	The Beacom College of Computer and Cyber Sciences
BANNER DEPARTMENT CODE:	8N
UNIVERSITY DIVISION:	Computer Science
BANNER DIVISION CODE:	DSCI

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2:11](#), which pertains to new site requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University

11/17/2022

Date

Note: In the responses below, references to external sources, including data sources, should be documented with a footnote (including web addresses where applicable).

1. What is the need for offering the program at the new physical site or through distance delivery?

Dakota State University requests authorization to deliver the Computer Forensics minor via online delivery. All programs in the Beacom College of Computer and Cyber Sciences are offered online. All courses in the Computer Forensics minor are offered online as part of the course rotation. Moving this certificate to online delivery will allow the university include this minor as an online program.

- 2. Are any other Regental universities authorized to offer a similar program at the proposed site(s) or through distance delivery? If “yes,” identify the institutions and programs and explain why authorization is requested.**

No other university in the system offer this minor online.

- 3. Are students enrolling in the program expected to be new to the university or redirected from other existing programs at the university? Complete the table below and explain the methodology used in developing the estimates (*replace “XX” in the table with the appropriate year*).**

The university does not expect new or redirected students taking this minor. We anticipate online students being aware that this minor is open to them as an online minor.

- 4. What is the perceived impact of this request on existing programs in the Regental system?**

There should be no impact on other programs outside of DSU. At DSU, the minor will be more visible as an optional program for students.

- 5. Complete the table and explain any special circumstances. Attach a copy of the program as it appears in the current catalog. If there are corresponding program modifications requested, please attach the associated form. Explain the delivery of the new courses and attach any associated new course request forms.**

Computer Forensics Minor	Credit hours	Credit hours currently available from this university at this site	Credit hours currently available from other universities available at this site	Credit hours currently available via distance	Credit hours new to this university
System General Education Requirements					
<i>Subtotal, Degree Requirements</i>					
Required Support Courses					
Major Requirements	18	18	0	18	0
Major Electives or Minor					
<i>Subtotal, Requirements of the Proposed Major</i>					
Free Electives					
<i>Total, Degree with Proposed Major</i>	18	18	0	18	0

*If the major will be available in more than one degree (e.g., BA, BS, BS Ed) at the new site(s) and the number or distribution of credits will vary with the degree, provide a separate table for each degree.

6. How will the university provide student services comparable to those available for students on the main campus?

All courses are current available online. DSU has developed a robust infrastructure to ensure online students have access to hands-on applied labs. This provides students with a consistent experience regardless of class deliver mode.

7. Is this program accredited by a specialized accrediting body? If so, address any program accreditation issues and costs related to offering the program at the new site(s).

None

8. Does the university request any exceptions to Board policy for delivery at the new site(s)? Explain requests for exceptions to Board policy.

No

9. Cost, Budget, and Resources related to new courses at the site: Explain the amount and source(s) of any one-time and continuing investments in personnel, professional development, release time, time redirected from other assignments, instructional technology & software, other operations and maintenance, facilities, etc., needed to implement the proposed minor. Complete Appendix B – Budget using the system form.

All courses in the minor are currently offered online and used in other majors. There are no new costs associated with this proposal to request a new site.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – E (2)

DATE: March 29-30, 2023

SUBJECT

New Site Request – SDSU – AS/BS in Respiratory Care (Brookings, Huron, and Madison)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

[BOR Policy 2:12](#) – Distance Education

BACKGROUND / DISCUSSION

South Dakota State University (SDSU) requests approval to offer the AS & BS in Respiratory Care at three new locations: Huron Regional Medical Center, Madison Regional Health System, and Brookings Health System. The Community Practice Innovation Center within the College of Pharmacy and Allied Health Professions at SDSU has received a three-year, \$1.545 million federal grant from the Health Resources and Services Administration. The project aims to increase workforce awareness and provide educational opportunities through recruitment, training, and job placement for respiratory therapists in rural South Dakota communities. SDSU would be partnering with the Northern Plains Network (Brookings, Huron, and Madison) to expand access to rural communities and give them the opportunity to complete their Respiratory Care degrees. Currently, the program is only available in Rapid City and Sioux Falls. The new sites would expand the program's reach into rural areas across South Dakota, helping contribute to the workforce shortages in those areas.

IMPACT AND RECOMMENDATION

SDSU anticipates 64 enrollments and 32 graduates after four years of the program being at the three new locations. The university requests no new resources.

Board office staff recommends approval to offer the program at the proposed sites.

ATTACHMENTS

Attachment I – New Site Request: SDSU – AS/BS in Respiratory Care

DRAFT MOTION 20230329_5-E(2):

I move to approve SDSU's new site proposal to offer the AS and BS in Respiratory Care at Huron Regional Medical Center, Madison Regional Health System, and Brookings Health System, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Site Request


UNIVERSITY:	SDSU
DEGREE(S) AND PROGRAM:	Respiratory Care (A.S. & B.S.)
NEW SITE(S): <i>Include address of new physical locations. Delivery methods are defined in AAC Guideline 5.5.</i>	Huron Regional Medical Center 172 4th St SE, Huron, SD 57350 Madison Regional Health System 323 10th St SW, Madison, SD 57042 Brookings Health System 300 22nd Ave, Brookings, SD 57006
INTENDED DATE OF IMPLEMENTATION:	2023-2024 Academic Year
CIP CODE:	51.0908
UNIVERSITY DEPARTMENT:	Allied & Population Health
BANNER DEPARTMENT CODE:	SAPH
UNIVERSITY DIVISION:	College of Pharmacy & Allied Health Professions
BANNER DIVISION CODE:	3P

☒ **Please check this box to confirm that:**

- The individual preparing this request has read [AAC Guideline 2:11](#), which pertains to new site requests, and that this request meets the requirements outlined in the guidelines.
- This request will not be posted to the university website for review of the Academic Affairs Committee until it is approved by the Executive Director and Chief Academic Officer.

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President of the University

12/28/2022

Date

1. What is the need for offering the program at the new physical site or through distance delivery?

South Dakota State University (SDSU) requests authorization to offer the A.S. and B.S. in Respiratory Care at the Brookings Health System, Huron Regional Medical Center, and Madison Regional Health System. The Community Practice Innovation Center within the College of Pharmacy and Allied Health Professions at SDSU has received a three-year, \$1.545 million federal grant from the Health Resources and Services Administration. The project aims

to increase workforce awareness and provide educational opportunities through recruitment, training, and job placement for respiratory therapists in rural South Dakota communities. SDSU would be partnering with the Northern Plains Network (Brookings, Huron, and Madison) to expand access to rural communities and give them the opportunity to complete their Respiratory Care degrees. Currently, the professional program is limited to the urban areas in SD (Rapid City and Sioux Falls). A large majority of SDSU students gain employment at the clinical affiliate sites post-graduation. For some prospective students, moving from rural communities to earn a Respiratory Care degree is not always feasible. Expanding the program's reach across SD will give more students the opportunity to earn their degree and contribute to the workforce shortages in those areas.

The project focuses on developing local training pathways in rural communities for respiratory therapists, who were found to be in high demand during the pandemic. SDSU's partner sites have reported that they all have been operating at about 50% of staffing levels for respiratory therapists throughout the pandemic. During the height of the pandemic there were not enough respiratory therapists to see all patients, requiring other healthcare workers who lack specialty training, including nurses and paramedics, to provide respiratory care services. This stopgap solution highlighted the need to expand the respiratory therapy workforce in rural counties. It is also estimated that over 90,000 respiratory therapists will leave the profession by 2030 due to retirements, further contributing to the workforce gap.¹ The U.S. Bureau of Labor Statistics predicts that between 2021 and 2031, openings for respiratory therapists will grow by 14%, faster than the average for all healthcare occupations.² This is due primarily to factors including an aging population, elevated patient acuity, and increased cases of respiratory illness. With demand projected to continue increasing, it is paramount that the state develops pathways to recruit and train local people to fill these positions, as they will be more likely to remain in rural areas.

Coursework and clinical experiences will be offered at the three sites; some coursework will also be offered online. Students can complete general education requirements online, at the SDSU Brookings main campus, or at Dakota State University in Madison. The university does not request new state resources or new student fees to support delivery in Brookings, Huron, or Madison.

2. Are any other Regental universities authorized to offer a similar program at the proposed site(s) or through distance delivery? If "yes," identify the institutions and programs and explain why authorization is requested.

No other Regental universities offer respiratory care programs.

3. Are students enrolling in the program expected to be new to the university or redirected from other existing programs at the university? Complete the table below and explain the methodology used in developing the estimates.

Students enrolling at the additional sites will be new to the university. The program is projected to enroll 16 new/additional students each year combined across the three sites. The first A.S. students from the additional sites will graduate in 2024. These graduates will then have the

¹ National Board for Respiratory Care. Why the World Needs More RTs, and How You Can Help. <https://www.nbrc.org/why-the-world-needs-more-rt-and-how-you-can-help>

² Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Respiratory Therapists, at <https://www.bls.gov/ooh/healthcare/respiratory-therapists.htm> (visited October 05, 2022).

option to continue toward completion of the B.S. in Respiratory Care. The first B.S. graduates would complete in 2026.

Program credit hours are based on each year of the 4-year degree: Year 1= 29 credits, Year 2= 39 credits, Year 3= 25, Year 4= 27.

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 23	FY 24	FY 25	FY 26
Students new to the university	16	16	16	16
Students from other university programs	0	0	0	0
=Total students in the program at the site	16	32	48	64
Program credit hours (major courses)**	464	1,088	1,488	1,920
Graduates	0	16	16	32

4. What is the perceived impact of this request on existing programs in the Regental system?

No impact on existing Regental programs is anticipated.

5. Complete the table and explain any special circumstances. Attach a copy of the program as it appears in the current catalog. If there are corresponding program modifications requested, please attach the associated form. Explain the delivery of the new courses and attach any associated new course request forms.

The Respiratory Care major courses will be delivered via a combination of online courses and face-to-face lecture and clinical courses at the Brookings Health System, Huron Regional Medical Center, and Madison Regional Health System. Students can complete the system general education requirements, supporting courses, and electives via distance education or at the SDSU Brookings main campus or at Dakota State University in Madison.

	Credit hours	Credit hours currently available from this university at this site	Credit hours currently available from other universities available at this site	Credit hours currently available online	Credit hours new to this university
Respiratory Care (A.S.)					
System General Education Requirements	20	0	20	20	0
<i>Subtotal, Degree Requirements</i>	20	0	20	20	0
Major Requirements	48	0	0	7	41
<i>Subtotal, Requirements of the Proposed Major</i>	48	0	0	7	41
Free Electives	0	0	0	0	0
<i>Total, Degree with Proposed Major</i>	68				

Requirements for the Respiratory Care (A.S.)

System General Requirements

- Goal #1 Written Communication: ENGL 101 – Composition I (COM) [SGR #1] Credits: 3
- Goal #2 Oral Communication: SGR #2 Elective Credits: 3
- Goal #3 Social Sciences/Diversity: PSYC 101 – General Psychology (COM) [SGR #3]

Credits: 3

- Goal #5 Mathematics: MATH 114 – College Algebra (COM) [SGR #5] Credits: 3
- Goal #6 Natural Sciences:
 - BIOL 151 – General Biology I (COM) [SGR #6] Credits: 4 and BIOL 151L – General Biology I Lab (COM) [SGR #6] Credits: 0
 - CHEM 106 – Chemistry Survey (COM) [SGR #6] Credits: 3 and CHEM 106L – Chemistry Survey Lab (COM) [SGR #6] Credits: 1
or CHEM 112 – General Chemistry I (COM) [SGR #6] Credits: 3 and CHEM 112L – General Chemistry I Lab (COM) [SGR #6] Credits: 1

Major Requirements

- BIOL 221 – Human Anatomy (COM) Credits: 4
- BIOL 221L – Human Anatomy Lab (COM) Credits: 0
- RESP 105 – Respiratory Care Physical Science Credits: 3
- RESP 110 – Introduction to Respiratory Care Credits: 4
- RESP 110L – Introduction to Respiratory Care Lab Credits: 2
- RESP 119 – Introduction to the Respiratory Care Profession Credits: 2
- RESP 150 – Clinical Experience I Credits: 4
- RESP 180 – Pathophysiology for Respiratory Care I Credits: 2
- RESP 210 – Respiratory Critical Care Credits: 3
- RESP 210L – Respiratory Critical Care Lab Credits: 2
- RESP 250 – Clinical Experience II Credits: 5
- RESP 280 – Pathophysiology for Respiratory Care II Credits: 3
- RESP 310 – Advanced Respiratory Care Credits: 4
- RESP 350 – Clinical Experience III Credits: 5
- RESP 355 – Respiratory Care in Clinical Medicine Credits: 3
- RESP 395 – Practicum (COM) Credits: 2

Total required credits: 68

	Credit hours	Credit hours currently available from this university at this site	Credit hours currently available from other universities available at this site	Credit hours currently available online	Credit hours new to this university
Respiratory Care (B.S.)					
System General Education Requirements	32	0	32	32	0
<i>Subtotal, Degree Requirements</i>	32	0	32	32	0
Major Requirements	88	0	0	47	41
<i>Subtotal, Requirements of the Proposed Major</i>	88	0	0	47	41
Free Electives	0	0	0	0	0
<i>Total, Degree with Proposed Major</i>	120				

Requirements for the Respiratory Care (B.S.)

System General Requirements

- Goal #1 Written Communication: ENGL 101 – Composition I (COM) [SGR #1] Credits: 3 and ENGL 201 – Composition II (COM) [SGR #1] Credits: 3
- Goal #2 Oral Communication: SGR #2 Elective Credits: 3
- Goal #3 Social Sciences/Diversity: PSYC 101 – General Psychology (COM) [SGR #3] Credits: 3 and SGR #3 Electives Credits: 3

- Goal #4 Arts and Humanities/Diversity: SGR #4 Electives Credits: 6
- Goal #5 Mathematics: MATH 114 – College Algebra (COM) [SGR #5] Credits: 3
- Goal #6 Natural Sciences:
 - BIOL 151 – General Biology I (COM) [SGR #6] Credits: 4 and BIOL 151L – General Biology I Lab (COM) [SGR #6] Credits: 0 *
 - CHEM 106 – Chemistry Survey (COM) [SGR #6] Credits: 3 and CHEM 106L – Chemistry Survey Lab (COM) [SGR #6] Credits: 1
or CHEM 112 – General Chemistry I (COM) [SGR #6] Credits: 3 and CHEM 112L – General Chemistry I Lab (COM) [SGR #6] Credits: 1

Major Requirements

- BIOL 221 – Human Anatomy (COM) Credits: 4
- BIOL 221L – Human Anatomy Lab (COM) Credits: 0
- MICR 231 – General Microbiology (COM) [SGR #6] Credits: 4
- MICR 231L – General Microbiology Lab (COM) [SGR #6] Credits: 0
- PHA 330 – Pharmacology for Allied Health Professions Credits: 3
- RESP 105 – Respiratory Care Physical Science Credits: 3
- RESP 110 – Introduction to Respiratory Care Credits: 4
- RESP 110L – Introduction to Respiratory Care Lab Credits: 2
- RESP 119 – Introduction to the Respiratory Care Profession Credits: 2
- RESP 150 – Clinical Experience I Credits: 4
- RESP 180 – Pathophysiology for Respiratory Care I Credits: 2
- RESP 210 – Respiratory Critical Care Credits: 3
- RESP 210L – Respiratory Critical Care Lab Credits: 2
- RESP 250 – Clinical Experience II Credits: 5
- RESP 280 – Pathophysiology for Respiratory Care II Credits: 3
- RESP 310 – Advanced Respiratory Care Credits: 4
- RESP 350 – Clinical Experience III Credits: 5
- RESP 355 – Respiratory Care in Clinical Medicine Credits: 3
- RESP 360 – Communication Skills for Respiratory Care Credits: 3
- RESP 380 – Respiratory Care for Special Populations Credits: 3
- RESP 395 – Practicum (COM) Credits: 2
- RESP 420 – Critical Review of Healthcare Research Credits: 3
- RESP 440 – Ethics for Health Professionals Credits: 4
- RESP 450 – Advanced Concepts in Adult and Neonatal/Pediatric Respiratory Care Credits: 3
- RESP 460 – Current Issues in Respiratory Care Credits: 4
- RESP 489 – Capstone Project Credits: 3
- RESP 495 – Practicum (COM) Credits: 3
- STAT 281 – Introduction to Statistics (COM) [SGR #5] Credits: 3

Total required credits: 120

6. How will the university provide student services comparable to those available for students on the main campus?

Students will have timely access to faculty and academic support services for help with their academic concerns and problems regardless of location of instruction. The Office of Student Services for the College of Pharmacy and Allied Health Professions offers virtual office hours for students at remote locations. An academic advisor will be assigned to those distance students in the major. They will connect with the students using e-mail, phone, Zoom, and

other technologies as they communicate. An enrollment and student success coach is housed in Continuing and Distance Education and is available to assist students with the onboarding process through orientation for online learners and connecting to necessary resources online and on campus. Finally, online tutoring support is available through Smarthinking (Pearson Education) and student services such as disability services accommodations will be available to students upon request.

Students have online access to resources through the South Dakota State University Hilton M. Briggs Library and the Wegner Health Science Information Center. The Hilton M. Briggs library has long served students engaged in coursework away from campus. This includes students enrolled online. Library support services will be available to students through a variety of means:

- Students can contact librarians for research assistance. The librarian provides online research guides and is available for consultations with faculty and students.
- Distance Library Services include book and article delivery for materials owned by the library. Students may request materials not held by the library through interlibrary loan.
- SDSU students have online access to research databases such as Web of Science, EBSCOhost MegaFILE, and JSTOR.

Students will have access to technical support provided by SDSU's Information Technology Services and to academic support services such as the writing center. Students close in proximity to the main SDSU campus will have access to all university services offered to on-campus students.

7. Is this program accredited by a specialized accrediting body? If so, address any program accreditation issues and costs related to offering the program at the new site(s).

The A.S. in Respiratory Care is accredited by the Commission on Accreditation for Respiratory Care (CoARC). The program will seek approval from CoARC for an increase in enrollment and site additions.

8. Does the university request any exceptions to Board policy for delivery at the new site(s)? Explain requests for exceptions to Board policy.

The program has prior approval for an exception on the number of general education credits required to obtain the A.S. degree. This exception was based on the number of major courses required by accreditation standards. No curriculum modifications are proposed for the additional sites.

9. Cost, Budget, and Resources related to new courses at the site: Explain the amount and source(s) of any one-time and continuing investments in personnel, professional development, release time, time redirected from other assignments, instructional technology & software, other operations and maintenance, facilities, etc., needed to implement the proposed minor. Complete Appendix B – Budget using the system form.

The College of Pharmacy and Allied Health Professions does not request additional state resources to support delivery of the respiratory care program (A.S. and B.S) in Brookings, Huron, or Madison. The Community Practice Innovation Center within the College of Pharmacy and Allied Health Professions at SDSU has received a three-year, \$1.545 million federal grant from the Health Resources and Services Administration to increase workforce

awareness and provide educational opportunities through recruitment, training, and job placement for respiratory therapists in rural South Dakota communities. The grant provides initial funding to start the program at the three sites. This includes hiring a new faculty member as well as technology and equipment costs to enhance teaching in classroom, clinical, and laboratory instruction. Equipment to be purchased with the grant funding includes a pediatric simulator mannequin, EKG, cardiac simulator, neonatal ventilator, noninvasive ventilator, and oximeter. Following completion of the grant, tuition and fee revenue will be utilized to sustain the additional sites.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – F
DATE: March 29-30, 2023

SUBJECT

General Education Revisions

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:7](#) – Undergraduate General Education Requirements
[AAC Guideline 8.3](#) – General Education Curriculum Requirements
[AAC Guideline 8.1](#) – General Education Implementation Guidelines

BACKGROUND / DISCUSSION

The System General Education Committee discussed a proposal from South Dakota School of Mines & Technology for General Education course revisions, and *recommended approval* of the following:

DAKOTA STATE UNIVERSITY

Revision(s) to SGR #6:

- Add – [PHYS 207/L: Fundamentals of Physics I/Lab](#)
- Add – [PHYS 209/L: Fundamentals of Physics II/Lab](#)

IMPACT AND RECOMMENDATION

The recommendation from the System General Education Committee was further supported by AAC. Approval would allow students to select one of these courses to meet the General Education goals beginning Fall 2023. Since this new course is a common course, it will also be added to the General Education requirements for both NSU & SDSU.

Board staff recommends approval.

ATTACHMENTS

None

DRAFT MOTION 20230329_5-F:

I move to approve the revisions to system General Education course options as presented, effective Fall 2023.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – G
DATE: March 29-30, 2023

SUBJECT

Program Modifications Requiring Board Approval – DSU

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

[AAC Guideline 2.3](#) – Substantive Program Modifications

[AAC Guideline 2.3.A](#) – Institutional Substantive Program Modification Requests
Summary

BACKGROUND / DISCUSSION

Dakota State University has submitted the following program modification proposal provided in Attachment I. Per AAC Guideline 2.3, certain substantive program modifications may require Board approval. Institutions may submit substantive program modifications to the Board after approval from the Executive Director, following a review by the System Associate VP for Academic Programming. These requests are also available on the [Institutional Substantive Program Modification Requests Webpage](#).

Existing Program: Substantive Program Modifications Requiring Board Approval

- Elementary/Special Education (BSEd) – *request for modification requiring Board of Regents approval. DSU is currently approved to offer a BSEd in Elementary/Special Education and a BSEd in Elementary Education. The program modification will allow DSU to offer a stand-alone BSEd in Special Education, which they already offer combined with Elementary Education.*

IMPACT AND RECOMMENDATION

Upon approval by the Board, the proposals will move forward for implementation and entry into Banner.

ATTACHMENTS

Attachment I – DSU: Substantive Program Modification Requests Summary Form

DRAFT MOTION 20230329_5-G:

I move to approve DSU's program modification requests for the BSEd in Elementary/Special Education, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

Institutional Substantive Program Modification Requests

Institution: Dakota State University **Date:** 2-2-2023

Institutional representatives should provide direct links to PDF documents for each of the program modification requests represented below. All requests should be posted on the campus Curriculum and Instruction website one week prior to the Academic Affairs Council meeting where the program modification request is being considered.

<i>Program Title (Substantive Changes Requiring Board Approval)</i>	<i>BOR Meeting</i>	<i>BOR Action</i>
<u>BSEd Special Education</u>		

Program modifications referenced above require review by the Academic Affairs Council and approval from the Board of Regents before they may be advanced forward for entry in the student information system. They should be listed separately in posting prior to the Academic Affairs Council meeting.

<i>Program Title (Substantive Changes Not Requiring Board Approval)</i>		<i>Approval</i>
<u>Computer Forensics Minor</u>		

Program modifications referenced above for approval have been reviewed by the Academic Affairs Council and the System Vice President for Academic Affairs and may be advanced forward for entry in the student information system. For those program modifications listed above that did not receive approval, additional clarification or justification will be necessary and should be re-routed through the review process on a separate "Institutional Substantive Program Modification Requests" form once all issues have been resolved.

Signature: System Vice President for Academic Affairs

Date



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

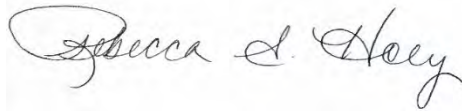
Substantive Program Modification Form

Use this form to request minor changes in existing programs (majors, minors, certificates, or specializations).

UNIVERSITY:	DSU
CURRENT PROGRAM DEGREE:	Bachelor of Science in Education
CURRENT PROGRAM MAJOR/MINOR:	Special Education
CURRENT SPECIALIZATION (If applicable):	None
CIP CODE:	13.1099
UNIVERSITY DEPARTMENT:	Education
BANNER DEPARTMENT CODE:	DEDUC
UNIVERSITY COLLEGE:	Education
BANNER COLLEGE CODE:	8E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



Vice President of Academic Affairs or
President of the University

1/25/2023

Date

1. This modification addresses a change in (place an "X" in the appropriate box):

- | | |
|---|--|
| <input type="checkbox"/> Total credits required within the discipline | <input type="checkbox"/> Total credits of supportive course work |
| <input type="checkbox"/> Total credits of elective course work | <input type="checkbox"/> Total credits required for program |
| <input type="checkbox"/> Program name | <input type="checkbox"/> Existing specialization |
| <input type="checkbox"/> CIP Code | <input checked="" type="checkbox"/> Other (explain below) |
| <input checked="" type="checkbox"/> Modification requiring Board of Regents approval
<i>Must have prior approval from Executive Director or designee</i> | |

DSU is currently approved to offer the BSEd in Elementary/Special Education double major and the BSEd in Elementary Education. The Elementary/Special Education double-major consists of 142 credits. The Elementary Education major is 120 credits. As we prepare for the Teacher Apprenticeship Program with the Department of Education and Department of Labor, our stakeholders have noted there is no current path for students who wish to just major in Special Education as opposed to the double major option. As we already separate out Elementary Education, we wish to separate out Special Education as well. Since the special education major is already approved by the Board of Regents as part of the double major, DSU requests a substantive program modification to ensure students have the option of taking the BSEd in Special Education as a stand-alone major.

2. Effective date of change: 5/8/2023

3. Program Degree Level (place an “X” in the appropriate box):

Associate ☐ Bachelor’s ☒ Master’s ☐ Doctoral ☐

4. Category (place an “X” in the appropriate box):

Certificate ☐ Specialization ☐ Minor ☐ Major ☒

5. If a name change is proposed, the change will occur (place an “X” in the appropriate box):

- ☐ On the effective date for all students
- ☐ On the effective date for students new to the program (enrolled students will graduate from existing program)

Proposed new name: _____

Reminder: Name changes may require updating related articulation agreements, site approvals, etc.

6. Is the program being modified associated with a current articulation agreement?

Yes ☐ No ☒

- a. If yes, will the articulation agreement need to be updated with the partner institution following the approve of the program change? Please explain:**

7. Primary Aspects of the Modification (add lines or adjust cell size as needed):

*Existing Curriculum –
Elem Ed + Special Ed Double Major*

*Proposed Curriculum –
BSEd in Special Education standalone program
(highlight changes)*

Pref.	Nu m.	Title	Cr. Hrs.	Pref.	Nu m.	Title	Cr. Hrs.
		General Education*	21*			General Education*	21*
*Majors must take MATH 114 or a course requiring MATH 114 as a prerequisite, INED 211, and HIST				*Majors must take MATH 114 or a course requiring MATH 114 as a prerequisite, INED 211, and HIST			

151 as part of the system-wide general education requirement.				151 as part of the system-wide general education requirement.			
MATH	114	College Algebra*	3	MATH	114	College Algebra*	3
INED	211	South Dakota American Indian Culture and Education*	3	INED	211	South Dakota American Indian Culture and Education*	3
HIST	151	US History I*	3	HIST	151	US History I*	3
Required Courses			105	Required Courses			84
CSC	105	Introduction to Computers	3	CSC	105	Introduction to Computers	3
CIS	123	Problem-Solving & Programming OR	3	CIS	123	Problem-Solving & Programming OR	3
CIS	130	Visual Basic Programming OR		CIS	130	Visual Basic Programming OR	
CSC	150	Computer Science I		CSC	150	Computer Science I	
EDFN	295	Pre-Admission Practicum	1	EDFN	295	Pre-Admission Practicum	1
EDFN	300	Survey of Middle Level Education	1	EDFN	300	Survey of Middle Level Education	1
EDFN	338	Foundations of American Education	2	EDFN	338	Foundations of American Education	2
EDFN	365	Computer-Based Technology and Learning	3	EDFN	365	Computer-Based Technology and Learning	3
ELED	303	Earth & Physical Science for Elementary Teachers/Lab	4				
ELED	361	Social Studies for Elementary Teachers	2				
EPSY	210	Lifespan Development	3	EPSY	210	Lifespan Development	3
EPSY	302	Educational Psychology	3	EPSY	302	Educational Psychology	3
LIBM	205	Children's Literature	2				
MATH	341	Mathematical Concepts for Teachers I	3	MATH	341	Mathematical Concepts for Teachers I	3
MATH	342	Mathematical Concepts for Teachers II	3	MATH	342	Mathematical Concepts for Teachers II	3
SPED	100	Introduction to Persons with Exceptionalities	3	SPED	100	Introduction to Persons with Exceptionalities	3
Admission to Teacher Education Program required for the remaining courses				Admission to Teacher Education Program required for the remaining courses			
EDFN	440	Classroom Management	2	EDFN	440	Classroom Management	2
EDFN	475	Human Relations	3	EDFN	475	Human Relations	3
ELED	310	K-8 Methods of Music, Art & Drama	2				
ELED	320	K-8 Science Methods	3				
ELED	330	K-8 Math Methods	3	ELED	330	K-8 Math Methods	3
ELED	360	K-8 Social Science Methods	2	ELED	360	K-8 Social Science Methods	2
ELED	440	K-8 Language Arts Methods	2	ELED	440	K-8 Language Arts Methods	2
ELED	455	Evidence-Based Reading (K-3)	3	ELED	455	Evidence-Based Reading (K-3)	3
ELED	456	Evidence-Based Reading (4-8)	3	ELED	456	Evidence-Based Reading (4-8)	3
ELED	459	Intro to Literacy Assessment and Remediation	3	ELED	459	Intro to Literacy Assessment and Remediation	3
ELED	462	Teaching English: New Language	2	ELED	462	Teaching English: New Language	2
ELED	488	K-8 Student Teaching	6				
HLTH	420	K-12 Methods of Health Instruction	1				
PE	360	K-8 Physical Education	1				

SEED	450	Reading and Content Literacy	3	SEED	450	Reading and Content Literacy	3
SPED	410	Behavior Management of Exceptional Children	3	SPED	410	Behavior Management of Exceptional Children	3
SPED	413	Serving Students with MR, DD, and Severe Disabilities	3	SPED	413	Serving Students with MR, DD, and Severe Disabilities	3
SPED	417	Vocational-Transitional Programming	2	SPED	417	Vocational-Transitional Programming	2
SPED	420	K-12 Curriculum & Instructional Strategies	3	SPED	420	K-12 Curriculum & Instructional Strategies	3
SPED	431	Identification and Assessment in Spec. Ed	3	SPED	431	Identification and Assessment in Spec. Ed	3
SPED	442	Serving Students with Learning Disabilities	2	SPED	442	Serving Students with Learning Disabilities	2
SPED	443	Serving Students with Learning Disabilities Practicum	1	SPED	443	Serving Students with Learning Disabilities Practicum	1
SPED	460	Family Systems and Professional Collaboration	2	SPED	460	Family Systems and Professional Collaboration	2
SPED	465	Computer Applications Special Education	3	SPED	465	Computer Applications Special Education	3
SPED	488	Student Teaching Special Education	8	SPED	488	Student Teaching Special Education	8
Elective			7	Elective			6
Total number of hours required for major, minor, or specialization				Total number of hours required for major, minor, or specialization			
Total number of hours required for degree			142	Total number of hours required for degree			120

8. Explanation of the Change:

This proposal is to allow students to major only in the BSEd in Special Education, as opposed to the current double major of Elementary Education/Special Education. This option would require only 120 credits as opposed to the current 142 credit route, speeding up the time students could enter the workforce. This is particularly important given the teacher shortage in South Dakota. The university already offers all the courses and is approved to offer the major within the double major.

For substantial modifications requiring Board approval, complete the items below. References to external sources should be documented with a footnote (including web addresses where applicable).

9. Date of approval from the Executive Director or designee. The approval date was January 20, 2023.

10. Identify the program modification requested.

Allow students to major in the BSEd in Special Education on its own, which is currently offered as a double major in Elementary Education/Special Education at this time. We are not requesting the removal of the Elementary/Special Education double major, but simply allowing the option of students to major in only Special Education if they wish.

11. Provide justification for the desired modification.

Dakota State currently offers a Bachelor of Science in Education, in Elementary Education (Fall 22 enrollment is 126) and a Bachelor of Science in Education in Elementary Education/Special Education (Fall 22 enrollment is 80). The Elementary Education/Special Education major is a double major with 142 credits to complete. This proposal is to create a new Bachelor of Science in Education, in Special Education.

In December of 2022, the College of Education at Dakota State University was awarded a grant from the South Dakota Department of Labor and Regulation regarding the Start Today SD Pathway Partnership Initiative. As part of the Department of Labor and Regulation's ongoing registered apprenticeship efforts, this grant will help DSU become a federally registered teacher apprenticeship site. This Bachelor of Science in Education degree in Special Education will be part of the teacher apprenticeship program and will hopefully help more paraprofessionals in South Dakota earn their K-12 special education degree.

The university already offers all the courses, so no new courses are being proposed. Breaking out the special education component to a separate major will provide students who want special education a choice to major in either the double major or this new major.

Both the Elementary Education major and the Elementary Education/Special Education major are offered on campus and online. The new BSEd in Special Education will also be offered on campus and online.

To determine which courses should be removed from the double major, the College of Education researched the coursework offered by similar Bachelors in Special Education programs in Iowa, Nebraska, and South Dakota. After revising accordingly, the proposed curriculum was then sent to the Student Assessment & Monitoring (SAM) Committee, which consists of K-12 South Dakota teachers, South Dakota principals, the DSU Registrar, and the DSU Assessment Director. All approved of the selection of courses.

12. Would the requested modification require a change to the catalog description and/or the program learning outcomes? If so, describe.

Yes, new learning outcomes have been developed when planning the curriculum to reflect only the special education major, as opposed to the current double major.

13. Indicate the number of students currently enrolled in the program.

Fall 22 enrollment in the BSEd. in Elementary Education/Special Education is 80. Some of those students may opt to change their major to Special Education as opposed to the double major.

The target audience for the teacher apprenticeship pathway is current paraprofessionals in South Dakota. It is estimated that there are between 2,000 – 3,000 paraprofessionals in South Dakota. If 1% of these paraprofessionals are interested in earning their teaching degree, a teacher apprenticeship pathway would serve approximately 20 – 30 paraprofessionals each year. If 2% are interested, then a teacher apprenticeship pathway would serve approximately 40

– 60 paraprofessionals each year. A majority of the paraprofessionals in South Dakota work in special education.

14. Describe the real impact to students.

The BSEd in Special Education would allow students the option to major in just special education. Right now, those students can only take the double major. We do anticipate there may be some students in the Elementary Education/Special Education major who may switch to this new major. For example, a paraprofessional in a middle school setting (who is in our current program) may prefer a stand-alone special education degree in order to become a middle school special education teacher.

The benefits of a teacher apprenticeship pathway include on-the-job training, where current paraprofessionals work with students each day. The skills they learn in their courses will apply to their current work as a paraprofessional and as a future teacher. Since paraprofessionals need flexibility in the format of courses, all online courses in the education department will transition from a 16-week format to an 8-week format.

15. Describe the real impact to the university.

The university may have to change course rotation depending on the enrollments. Current faculty members are sufficient. DSU has worked closely with the South Dakota Department of Education, and no approval is needed. DSU has also worked closely with our accrediting body of the Council for the Accreditation of Educator Preparation (CAEP), and no approval is needed.

16. Describe any cost associated with the program modification.

The courses are currently being taught and have room to grow in the courses. There may have to be changes in the rotation schedule. We anticipated no increase in faculty needed to teach these courses.

17. Describe any risks and unintended consequences associated with the program modification.

The university does not foresee any risks or unintended consequences.

18. Would this modification be effective for current and future students, or only students who enroll following the change?

Summer 2023 for new students in the major.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – H
DATE: March 29-30, 2023

SUBJECT

Inactive Status and Program Termination Requests – NSU, SDSMT, SDSU & USD

CONTROLLING STATUTE, RULE, OR POLICY

[AAC Guideline 2.12](#) – Programs on Inactive Status

[AAC Guideline 2.13](#) – Program Termination

BACKGROUND / DISCUSSION

Northern State University has submitted a request asking that the following programs be terminated (see Attachment I).

- Degree Program: Business Administration – MIS Specialization (AS)
Justification: This program will be replaced with a digital entrepreneurship associate's degree. Currently no students are enrolled.

South Dakota School of Mines and Technology has submitted a request asking that the following programs be terminated (see Attachment II).

- Degree Program: eSports Undergraduate Certificate
Justification: No students have enrolled in the certificate in the four years it has been available and the full-time faculty member who developed it and taught the one required course (HUM 376; see associated request to delete this course) passed away in July 2022.att

South Dakota State University has submitted a request asking that the following programs be terminated (see Attachment III).

- Degree Program: MS in Human Sciences – Merchandising Specialization
Justification: The faculty member who taught the courses for this specialization has retired, and the position was eliminated due to budget reductions. SDSU has no students enrolled in the program.

(Continued)

DRAFT MOTION 20230329_5-H:

I move to approve the program inactivation and termination requests from NSU, SDSMT, SDSU, and USD, as presented in Attachments I through IV.

- Degree Program: Merchandising Graduate Certificate
Justification: The faculty member who taught the courses for this certificate has retired, and the position was eliminated due to budget reductions. SDSU has no students enrolled in the program.

The University of South Dakota has submitted a request asking that the following programs be inactivated (see Attachment IV).

- Degree Program: Undergraduate Certificates in Introduction to Child Life and Advanced Child Life
Justification: USD is not aware of any students who have enrolled in these two certificate programs since their launch. Since USD does not have the resources to offer all of the courses needed for national child life certification, the certificate programs are not competitive with programs at other regional institutions that are endorsed by the national organization such as the University of Iowa and University of Minnesota.
- Degree Program: Culturally & Linguistically Diverse Learners Specialization in Elementary Education and Secondary Education (MA) (And Accelerated Tracks)
Justification: The Culturally and Linguistically Diverse Specialization in the ELED and SEED MA programs [UMA.ELE-CLD and UMA.ELE-C.AP accelerated] and [UMA.SED-CLD and UMA.SED-C.AP accelerated] has struggled to grow as a program. In addition, the faculty member with the expertise in this area left the university and has yet to be replaced. This has resulted in adjunct faculty members teaching all major courses in this program. We are seeking to put this specialization in the ELED and SEED MA programs on inactive status until a new faculty member can be hired and the program revised to make it more appealing to prospective students.
- Degree Program: Counselor Education Specialization in Counseling and Psychology in Education (Ed.S.)
Justification: Due to lack of enrollment for the past three years, the counselor education program faculty ask to move the specialist program to inactive status for up to five years. Inactive status will allow us ample time in which to rebrand and relaunch a more robust and competitive program and curriculum.

The University of South Dakota has submitted a request asking that the following programs be terminated (see Attachment IV).

- Degree Program: Early Childhood Specialization in Elementary Education (MA)
Justification: The Early Childhood Specialization [UMA.ELE-ECE] has been low enrolled for several years, resulting in students struggling to enroll in courses that are frequently canceled.
- Degree Program: Early Childhood SPED Specialization in Special Education (MA)
Justification: The SPED MA Early Childhood SPED Specialization [UMA.SPE-ECS] has been low enrolled for several years, resulting in students struggling to enroll in courses that are frequently canceled.

Inactivation/Termination

March 29-30, 2023

Page 3 of 3

IMPACT AND RECOMMENDATION

Board staff recommends approval.

ATTACHMENTS

Attachment I – NSU Program Termination Requests

Attachment II – SDSMT Program Termination Requests

Attachment III – SDSU Program Termination Requests

Attachment IV – USD Program Inactivation & Termination Requests




SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS Program Termination or Placement on Inactive Status

Use this form to request termination or inactive status for an existing program (graduate program, undergraduate major or minor, certificate, or specialization). The Board of Regents, Executive Director, and/or their designees may request additional information about the proposal. After the university President approves the proposal, submit a signed copy to the Executive Director through the system Chief Academic Officer. Only post the form to the university website for review by other universities after approval by the Executive Director and Chief Academic Officer.

UNIVERSITY:	NSU
DEGREE(S) AND PROGRAM:	AS-Business Administration/MIS Specialization
CIP CODE:	520201/111099
UNIVERSITY DEPARTMENT:	Management, Marketing, MIS
BANNER DEPARTMENT CODE:	NMIS
UNIVERSITY DIVISION:	School of Business
BANNER DIVISION CODE:	5B

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President (or Designee) of the University

11/8/2022

Date

1. Program Degree Level (place an "X" in the appropriate box):

Associate ☒ Bachelor's ☐ Master's ☐ Doctoral ☐

2. Category (place an "X" in the appropriate box):¹

Certificate ☐ Specialization ☒ Minor ☐ Major ☐

3. The program action proposed is (place an "X" in the appropriate box):²

Inactive Status ☐ Termination ☒

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

See question 4

See questions 5 and 6

4. INACTIVE STATUS

- A. Provide a justification for inactivating the program:**
- B. If there are current students in the program, what are the implications of placing the program on inactive status?**
- C. What is the last date (day/month/year) by which a student can graduate in the program?**
- D. What is the proposed date (day/month/year) inactive status takes effect (the proposed date for inactive status is also the last date a student may enroll in or declare the program)?**

5. TERMINATION WITH ENROLLED STUDENTS

- A. Provide a justification for terminating the program:**
- B. What is the plan for completion of the program by current students?**
- C. What is the proposed date (day/month/year) program termination status begins (program status in the database changes to *Phasing Out* and last date a student may enroll in or declare the program)?**
- D. What is the last date (day/month/year) in which a student may enroll in the program (program status in the database changes to *Phase Out*)?**
- E. What is the last term or date (day/month/year) by which a student can graduate from the program?**
- F. What are the potential cost savings of terminating the program and what are the planned uses of the savings?**
- G. What are the resulting employee terminations and other possible implications including impact on other programs?**

6. TERMINATION WITHOUT ENROLLED STUDENTS**A. Provide a justification for terminating the program:**

Replaced with a digital entrepreneurship associate's degree.

B. What is the proposed date (day/month/year) for the program to terminate (program status in the database changes to *Deleted*)?

October 27, 2022

C. What are the potential cost savings of terminating the program and what are the planned uses of the savings?

No cost savings.

D. What are the resulting employee terminations and other possible implications including impact on other programs?

No employee terminations or impact on other programs.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS Program Termination or Placement on Inactive Status

Use this form to request termination or inactive status for an existing program (graduate program, undergraduate major or minor, certificate, or specialization). The Board of Regents, Executive Director, and/or their designees may request additional information about the proposal. After the university President approves the proposal, submit a signed copy to the Executive Director through the system Chief Academic Officer. Only post the form to the university website for review by other universities after approval by the Executive Director and Chief Academic Officer.

UNIVERSITY:	SDSM&T
DEGREE(S) AND PROGRAM:	eSports Certificate
CIP CODE:	500411
UNIVERSITY DEPARTMENT:	Humanities and Social Sciences
BANNER DEPARTMENT CODE:	MHSS
UNIVERSITY DIVISION:	4L
BANNER DIVISION CODE:	4L

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University	Click here to enter a date. Date
-----------------------------	---

1. Program Degree Level (place an "X" in the appropriate box):

Associate ☐ Bachelor's ☒ Master's ☐ Doctoral ☐

2. Category (place an "X" in the appropriate box):¹

Certificate ☒ Specialization ☐ Minor ☐ Major ☐

3. The program action proposed is (place an "X" in the appropriate box):²

Inactive Status ☐ Termination ☒
See question 4 *See questions 5 and 6*

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

4. INACTIVE STATUS

- A. Provide a justification for inactivating the program:**

- B. If there are current students in the program, what are the implications of placing the program on inactive status?**

- C. What is the last date (day/month/year) by which a student can graduate in the program?**

- D. What is the proposed date (day/month/year) inactive status takes effect (the proposed date for inactive status is also the last date a student may enroll in or declare the program)?**

5. TERMINATION WITH ENROLLED STUDENTS

- A. Provide a justification for terminating the program:**

- B. What is the plan for completion of the program by current students?**

- C. What is the proposed date (day/month/year) program termination status begins (program status in the database changes to *Phasing Out* and last date a student may enroll in or declare the program)?**

- D. What is the last date (day/month/year) in which a student may enroll in the program (program status in the database changes to *Phase Out*)?**

- E. What is the last term or date (day/month/year) by which a student can graduate from the program?**

- F. What are the potential cost savings of terminating the program and what are the planned uses of the savings?**

- G. What are the resulting employee terminations and other possible implications including impact on other programs?**

6. TERMINATION WITHOUT ENROLLED STUDENTS

- A. Provide a justification for terminating the program:** No students have enrolled in the certificate in the four years it has been available and the full-time faculty member who developed it and taught the one required course (HUM 376; see associated request to delete this course) passed away in July 2022.
- B. What is the proposed date (day/month/year) for the program to terminate (program status in the database changes to *Deleted*)?** 8/1/2023
- C. What are the potential cost savings of terminating the program and what are the planned uses of the savings?** None
- D. What are the resulting employee terminations and other possible implications including impact on other programs?** None



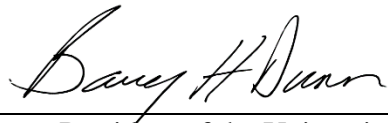
SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

Program Termination or Placement on Inactive Status

UNIVERSITY:	SDSU
DEGREE(S) AND PROGRAM:	Human Sciences (M.S.) - Merchandising Specialization
CIP CODE:	19.0101 – Human Sciences CIP 52.1899 – Merchandising Specialization CIP
UNIVERSITY DEPARTMENT:	School of Education, Counseling and Human Development
BANNER DEPARTMENT CODE:	SECH
UNIVERSITY DIVISION:	Education & Human Sciences
BANNER DIVISION CODE:	3H

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President of the University

1/25/23

Date

1. Program Degree Level: Associate ☐ Bachelor's ☐ Master's ☒ Doctoral ☐

2. Category:¹ Certificate ☐ Specialization ☒ Minor ☐ Major ☐

3. The program action proposed is:² Inactive Status ☐ Termination ☒

6. TERMINATION WITHOUT ENROLLED STUDENTS

A. Provide a justification for terminating the program:

The College of Education and Human Sciences requests to terminate the Human Sciences (M.S.) – Merchandising Specialization. The M.S. in Human Sciences – Merchandising Specialization is a graduate program offered through the Great Plains Interactive Distance Education Alliance (GPIDEA). The faculty member who taught the courses for SDSU retired. The position was eliminated due to budget reductions. SDSU has no students enrolled in the program.

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

B. What is the proposed date (day/month/year) for the program to terminate (program status in the database changes to *Deleted*)?

Summer 2023

C. What are the potential cost savings of terminating the program and what are the planned uses of the savings?

There are no cost savings from terminating the specialization.

D. What are the resulting employee terminations and other possible implications including impact on other programs?

The faculty member who taught in the program retired. The position was eliminated due to budget reductions. SDSU notified the Great Plains Interactive Distance Education Alliance (GPIDEA) of the intent to withdraw from participating in the program. Other institutions are prepared to teach the two classes that were taught by SDSU.



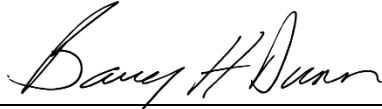
SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

Program Termination or Placement on Inactive Status

UNIVERSITY:	SDSU
DEGREE(S) AND PROGRAM:	Merchandizing Certificate
CIP CODE:	52.1899
UNIVERSITY DEPARTMENT:	School of Health & Consumer Sciences
BANNER DEPARTMENT CODE:	SHCS
UNIVERSITY DIVISION:	Education & Human Sciences
BANNER DIVISION CODE:	3H

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President of the University

1/25/23

Date

1. **Program Degree Level:** Associate ☐ Bachelor's ☐ Master's ☒ Doctoral ☐

2. **Category:**¹ Certificate ☒ Specialization ☐ Minor ☐ Major ☐

3. **The program action proposed is:**² Inactive Status ☐ Termination ☒

6. TERMINATION WITHOUT ENROLLED STUDENTS

A. Provide a justification for terminating the program:

The College of Education and Human Sciences requests to terminate the Merchandising Certificate. The graduate certificate in Merchandising is offered through the Great Plains Interactive Distance Education Alliance (GPIDEA). The faculty member who taught the courses for SDSU retired. The position was eliminated due to budget reductions. SDSU has no students enrolled in the certificate.

B. What is the proposed date (day/month/year) for the program to terminate (program status in the database changes to *Deleted*)?

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

Summer 2023

C. What are the potential cost savings of terminating the program and what are the planned uses of the savings?

There are no cost savings from terminating the certificate.

D. What are the resulting employee terminations and other possible implications including impact on other programs?

The faculty member who taught in the program retired. The position was eliminated due to budget reductions. SDSU notified the Great Plains Interactive Distance Education Alliance (GPIDEA) of the intent to withdraw from participating in the certificate.



SOUTH DAKOTA BOARD OF REGENTS
ACADEMIC AFFAIRS FORMS
Program Termination or
Placement on Inactive Status

UNIVERSITY:	University of South Dakota
DEGREE(S) AND PROGRAM:	Certificates - Introduction to Child Life and Advanced Child Life [UCERTU.CHI and UCERTU.CHA]
CIP CODE:	42.2703
UNIVERSITY DEPARTMENT:	Counseling and Psychology in Education
BANNER DEPARTMENT CODE:	UCPE
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

 President of the University

 Date

1. Program Degree Level (place an "X" in the appropriate box before the category):

<input type="checkbox"/>	Associate	<input checked="" type="checkbox"/>	Bachelor's	<input type="checkbox"/>	Master's	<input type="checkbox"/>	Doctoral
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2. Category (place an "X" in the appropriate box before the category):

<input checked="" type="checkbox"/>	Certificate	<input type="checkbox"/>	Specialization	<input type="checkbox"/>	Minor	<input type="checkbox"/>	Major
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3. The program action proposed is (place an "X" in the appropriate box following the action):¹

Inactive Status	<input checked="" type="checkbox"/>	Termination	<input type="checkbox"/>
<i>See question 4</i>		<i>See question 5 and 6</i>	

4. INACTIVE STATUS

A. Provide a justification for inactivating the program:

We are not aware of any students who have enrolled in the certificate programs since their launch. Since we do not have the resources to offer all of the courses needed for national child life certification, our certificate programs are not competitive with programs at other regional institutions that are endorsed by the national organization such as the University of Iowa and University of Minnesota.

B. If there are current students in the program, what are the implications of placing the program on inactive status?

There are no current students in the certificate programs.

¹ Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

C. What is the last date (day/month/year) by which a student can graduate in the program?

May 15, 2026

D. What is the proposed date (day/month/year) inactive status takes effect (the proposed date for inactive status is also the last date a student may enroll in or declare the program)?

May 15, 2023



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS Program Termination or Placement on Inactive Status

UNIVERSITY:	University of South Dakota
DEGREE(S) AND PROGRAM:	M.A. Elementary Education and Secondary Education programs with Culturally & Linguistically Diverse Learners Specialization only plus accelerated tracks [UMA.ELE-CLD and UMA.ELE-C.AP accelerated] and [UMA.SED-CLD and UMA.SED-C.AP accelerated]
CIP CODE:	13.0202
UNIVERSITY DEPARTMENT:	Teacher Residency & Education
BANNER DEPARTMENT CODE:	UTRE
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University

Date

1. Program Degree Level (place an "X" in the appropriate box before the category):

<input type="checkbox"/>	Associate	<input type="checkbox"/>	Bachelor's	<input checked="" type="checkbox"/>	Master's	<input type="checkbox"/>	Doctoral
--------------------------	-----------	--------------------------	------------	-------------------------------------	----------	--------------------------	----------

2. Category (place an "X" in the appropriate box before the category):¹

<input type="checkbox"/>	Certificate	<input checked="" type="checkbox"/>	Specialization	<input type="checkbox"/>	Minor	<input type="checkbox"/>	Major
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3. The program action proposed is (place an "X" in the appropriate box following the action):²

Inactive Status

See question 4

☒

Termination

See question 5 and 6

☐

4. INACTIVE STATUS

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

A. Provide a justification for inactivating the program:

The Culturally and Linguistically Diverse Specialization in the ELED and SEED MA programs [UMA.ELE-CLD and UMA.ELE-C.AP accelerated] and [UMA.SED-CLD and UMA.SED-C.AP accelerated] has struggled to grow as a program. In addition, the faculty member with the expertise in this area left the university and has yet to be replaced. This has resulted in adjunct faculty members teaching all major courses in this program. We are seeking to put this specialization in the ELED and SEED MA programs on inactive status until a new faculty member can be hired and the program revised to make it more appealing to prospective students.

B. If there are current students in the program, what are the implications of placing the program on inactive status?

The current students in the program will be allowed to complete the remaining courses in their program to ensure they are able to graduate as planned. Students will be advised to complete courses in this program when they are offered next to avoid any potential delays in completing their program.

C. What is the last date (day/month/year) by which a student can graduate in the program?

20/12/2024

D. What is the proposed date (day/month/year) inactive status takes effect (the proposed date for inactive status is also the last date a student may enroll in or declare the program)?

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.



SOUTH DAKOTA BOARD OF REGENTS

ACADEMIC AFFAIRS FORMS

Program Termination or Placement on Inactive Status

UNIVERSITY:	University of South Dakota
DEGREE(S) AND PROGRAM:	Ed.S. in Counseling and Psychology in Education with Counselor Education Specialization only [UEDS.CPE-CNE]
CIP CODE:	42.2803
UNIVERSITY DEPARTMENT:	Counseling and Psychology in Education
BANNER DEPARTMENT CODE:	UCPE
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University

Date

1. Program Degree Level (*place an "X" in the appropriate box before the category*):

<input type="checkbox"/> Associate	<input type="checkbox"/> Bachelor's	<input type="checkbox"/> Master's	<input checked="" type="checkbox"/> Doctoral
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2. Category (*place an "X" in the appropriate box before the category*):¹

<input type="checkbox"/> Certificate	<input checked="" type="checkbox"/> Specialization	<input type="checkbox"/> Minor	<input type="checkbox"/> Major
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3. The program action proposed is (*place an "X" in the appropriate box following the action*):²

Inactive Status <i>See question 4</i>	<input checked="" type="checkbox"/>	Termination <i>See question 5 and 6</i>	<input type="checkbox"/>
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4. INACTIVE STATUS

A. Provide a justification for inactivating the program:

Due to lack of enrollment for the past three years, the counselor education program faculty ask to move the specialist program to inactive status for up to five years. Inactive status will allow us ample time in which to rebrand and relaunch a more robust and competitive program and curriculum.

¹ Note: Certificates, specializations, and minors may only be terminated and not placed on inactive status due to limitations in the student information system.

² Note: An inactive program is a program a university has authority to offer, but the program is not admitting new students and has not formally terminated. A presumption exists that inactive status is a temporary status; universities review inactive programs periodically to determine the feasibility of reactivating or terminating the program. Programs can remain inactive for five (5) consecutive years at which time a university must terminate the program. A terminated program is a program for which a university ceases to have authority to offer. Reinstatement of a terminated program requires university and BOR approval through the prescribed new program approval processes.

B. If there are current students in the program, what are the implications of placing the program on inactive status?

There are no current students in the Ed. S program. [UEDS.CPE-CNE]

C. What is the last date (day/month/year) by which a student can graduate in the program?

5/31/2025.

D. What is the proposed date (day/month/year) inactive status takes effect (the proposed date for inactive status is also the last date a student may enroll in or declare the program)?

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.



SOUTH DAKOTA BOARD OF REGENTS
ACADEMIC AFFAIRS FORMS
Program Termination or
Placement on Inactive Status

UNIVERSITY:	University of South Dakota
DEGREE(S) AND PROGRAM:	M.A. Elementary Education with Early Childhood Specialization only [UMA.ELE-ECE]
CIP CODE:	13.1210
UNIVERSITY DEPARTMENT:	Teacher Residency & Education
BANNER DEPARTMENT CODE:	UTRE
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

 President of the University

 Date

1. Program Degree Level (place an "X" in the appropriate box before the category):

<input type="checkbox"/> Associate	<input type="checkbox"/> Bachelor's	<input checked="" type="checkbox"/> Master's	<input type="checkbox"/> Doctoral
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2. Category (place an "X" in the appropriate box before the category):

<input type="checkbox"/> Certificate	<input checked="" type="checkbox"/> Specialization	<input type="checkbox"/> Minor	<input type="checkbox"/> Major
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3. The program action proposed is (place an "X" in the appropriate box following the action):

Inactive Status
 See question 4

☐

Termination

See question 5 and 6

☒

5. TERMINATION WITH ENROLLED STUDENTS

A. Provide a justification for terminating the program:

The Early Childhood Specialization [UMA.ELE-ECE] has been low enrolled for several years, resulting in students struggling to enroll in courses that are frequently canceled.

B. What is the plan for completion of the program by current students?

There is currently only 1 student enrolled in the program. This student will graduate at the conclusion of the Fall 2022 semester. Therefore, there are no implications to students enrolled in the program.

- C. What is the proposed date (day/month/year) program termination status begins (program status in the database changes to *Phasing Out* and last date a student may enroll in or declare the program)?**

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.

- D. What is the last date (day/month/year) in which a student may enroll in the program (program status in the database changes to *Phase Out*)?**

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.

- E. What is the last term or date (day/month/year) by which a student can graduate from the program?**

Through Spring 2025, if necessary. If no students as of SU23, it can be terminated.

- F. What are the potential cost savings of terminating the program and what are the planned uses of the savings?**

Potential cost savings include the cost of adjunct faculty and the reallocation of faculty workload to different courses by not offering low enrolled courses.

- G. What are the resulting employee terminations and other possible implications including impact on other programs?**

There will be no employee terminations or implications on other programs.



SOUTH DAKOTA BOARD OF REGENTS
ACADEMIC AFFAIRS FORMS
Program Termination or
Placement on Inactive Status

UNIVERSITY:	University of South Dakota
DEGREE(S) AND PROGRAM:	M.A. Special Education with Early Childhood SPED Specialization only [UMA.SPE-ECS]
CIP CODE:	13.1015
UNIVERSITY DEPARTMENT:	Teacher Residency & Education
BANNER DEPARTMENT CODE:	UTRE
UNIVERSITY DIVISION:	School of Education
BANNER DIVISION CODE:	2E

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

 President of the University

 Date

1. Program Degree Level (place an "X" in the appropriate box before the category):

<input type="checkbox"/> Associate	<input type="checkbox"/> Bachelor's	<input checked="" type="checkbox"/> x	<input type="checkbox"/> Master's	<input type="checkbox"/> Doctoral
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2. Category (place an "X" in the appropriate box before the category):

<input type="checkbox"/> Certificate	<input checked="" type="checkbox"/> x	<input type="checkbox"/> Specialization	<input type="checkbox"/> Minor	<input type="checkbox"/> Major
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3. The program action proposed is (place an "X" in the appropriate box following the action):

Inactive Status

☐

Termination

☒ X

See question 5 and 6

5. TERMINATION WITH ENROLLED STUDENTS

A. Provide a justification for terminating the program:

The SPED MA Early Childhood SPED Specialization [UMA.SPE-ECS] has been low enrolled for several years, resulting in students struggling to enroll in courses that are frequently canceled.

B. What is the plan for completion of the program by current students?

There is currently only 1 student enrolled in the program. This student will graduate at the conclusion of the Fall 2022 semester. Therefore, there are no implications to students enrolled in the program.

- C. What is the proposed date (day/month/year) program termination status begins (program status in the database changes to *Phasing Out* and last date a student may enroll in or declare the program)?**

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.

- D. What is the last date (day/month/year) in which a student may enroll in the program (program status in the database changes to *Phase Out*)?**

Through Spring 2023, date April 30, 2023. As of SU23, the students may not enroll in this program.

- E. What is the last term or date (day/month/year) by which a student can graduate from the program?**

Through Spring 2025, if necessary. If no students as of SU23, it can be terminated.

- F. What are the potential cost savings of terminating the program and what are the planned uses of the savings?**

Potential cost savings include the cost of adjunct faculty and the reallocation of faculty workload to different courses by not offering low enrolled courses.

- G. What are the resulting employee terminations and other possible implications including impact on other programs?**

There will be no employee terminations or implications on other programs.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – I (1)

DATE: March 29-30, 2023

SUBJECT

Agreements on Academic Cooperation – NSU

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

BOR Policy 5:3 requires board action on a range of items including “Affiliative agreements and other agreements that provide for joint sponsorship of educational programing for which credit shall be awarded.” To comply with this requirement, Northern State University (NSU) seeks approval to enter into an agreement on academic cooperation and student exchange with Magdeburg-Stendal University of Applied Sciences, located in Magdeburg, Germany.

IMPACT AND RECOMMENDATION

The agreement results in the opportunity for student exchange, for a period not to exceed one academic year. Students will pay tuition at their home campus, and students will be responsible for all fees and expenses required by the host institution.

Board staff recommends approval.

ATTACHMENTS

Attachment I – Agreement on Academic Cooperation: Magdeburg-Stendal University of Applied Sciences

DRAFT MOTION 20230329_5-I(1):

I move to approve Northern State University’s agreement on academic cooperation with Magdeburg-Stendal University of Applied Sciences, as presented.



Student Exchange Agreement
between
**Northern State University and
Magdeburg-Stendal University of Applied Sciences**



Northern State University and Magdeburg-Stendal University of Applied Sciences conclude this Agreement to promote student exchange, based upon the Memorandum of Understanding (MoU) between Northern State University and Magdeburg-Stendal University of Applied Sciences.

1. Duration of Stay

The duration of stay for exchange students shall not exceed a period of one academic year and shall be subject to the agreement of the host institutions.

2. Numbers of Exchange Students

Each institution will work with the host institution on acceptance. The institutions undertake to balance the numbers of students from each institution over the term of the Agreement. With the agreement of the host institution, the number of student exchanges in a particular year may change where it is necessary to “balance” the numbers of exchange students.

3. Status of Exchange Students

Each institution shall normally accept incoming exchange students as visiting students who do not plan to obtain a degree from the host university.

4. Acceptance Procedures

The students participating in the exchange program under the terms of this Agreement shall be selected initially by the home institutions, and the host institution shall make the final admission decisions in each case.

5. Study Program

Each exchange student shall determine the study program at the host institution in consultation with academic advisors at both the home and host institutions. Depending on the study program, language requirements and/or other prerequisites may be imposed in accordance with the regulations of the host institutions. Exchange students will normally be permitted to enter a program in which there is space and no limits on access, provided the student meets the stipulated prerequisite requirements. Academic advisor contact information must be given to the host institution each semester.

6. Academic Record and Accreditation

The host institutions shall evaluate the academic performance of each exchange student according to its rules. Students shall be responsible for requesting that transcripts be sent, at their expense, to their home University. The home institution may give credit to each student according to its regulations.

7. Tuition, Fees, and Expenses:

Students from partner institutions pay tuition at their home campus. Therefore, they are not required to pay tuition at the host institution. Exchange students will be responsible for all fees and expenses required by the host institution. A list of required fees will be provided by the host institution each semester. In addition, all incoming exchange students to NSU will be required to pay the following:

- Round-trip airfare
- Mandatory university room or housing
- Mandatory meal plan as stipulated by university regulations
- Required South Dakota regental approved medical insurance
- Textbooks and living expenses
- Expenses related to entry and departure from the country
- All visa related fees
- Any fees associated with targeted courses at the host institution and required support fees.

8. Government Requirements

Exchange students will meet all requirements of the host country as regards immigration, including where appropriate, arrangements for their families and dependents. Exchange students shall ensure that they keep their host institution fully informed of their movements and their contact details during the period of their exchange. The host institution will act as the point of contact with the student.

9. Financial Responsibility

Exchange students shall take out comprehensive health insurance which is valid in the host country and host institution. Exchange students shall be responsible for their own expenses, including travel expenses, food, accommodation costs, and health care fees. The host institution will assist the exchange student to find initial accommodation wherever necessary.

10. Program Administration

Each institution shall designate an officer for general program administration, and shall inform the other institution of any changes in these arrangements. The officers shall be in regular contact with each other to make arrangements necessary to implement this Agreement. All programs are subject to the regulations and conditions as set forth by the Office of International Programs at Northern State University and the Office of International Affairs at Magdeburg-Stendal University of Applied Sciences.

11. Indemnification

Magdeburg-Stendal University of Applied Sciences agrees to indemnify and hold the State of South Dakota, the System/University, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability, or other proceedings that may arise as the result of performing services hereunder. This section does not require Magdeburg-Stendal University of Applied Sciences to be responsible for or defend against claims or damages arising solely from errors or omissions of the State of South Dakota, the System/University, its officers, agents, or employees as set forth by South Dakota Codified

Law Ch. 3-21 and its related coverage documents.

12. Good Faith Resolution

The Parties agree that they shall endeavor to settle any dispute relating to this Agreement by negotiating with each other in good faith.

13. Continued Authorization

The Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for the intended purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, the Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

14. Commencement and Duration of the Agreement

The Agreement shall enter into force on the date of its signing by both institutions and shall remain in force for five years.

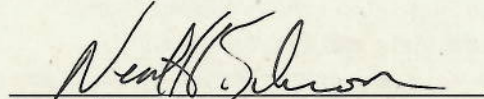
Either institution may, by giving six months written notice to the other institution, terminate the Agreement. In the absence of such and early termination, the renewal of this Agreement shall be reviewed by the two institutions no less than six months prior to the natural termination of the current Agreement.

In the event that either party terminates the Agreement, the host institution shall honor the terms of the Agreement for students whose exchange has been approved prior to the termination, as if the Agreement remained in force for the period of exchange.

The terms of this Agreement may be revised or modified at any time through joint review and recommendation by both institutions. No revision or modification shall come into effect until such time as both institutions have signed a letter agreeing to the revision or modification.

The following signatures are affixed as acknowledgment and acceptance of the terms of this Agreement:

For Northern State University:



Dr. Neal H. Schnoor
President
Northern State University
USA

Date: 11-28-22

For Magdeburg-Stendal University of Applied Sciences:



Prof. Dr. Manuela Schwartz
President
Magdeburg-Stendal University of Applied Sciences
Federal Republic of Germany

Date: 26.9.22

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – I (2)

DATE: March 29-30, 2023

SUBJECT

Agreements on Academic Cooperation – SDSU

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

BOR Policy 5:3 requires board action on a range of items including “Affiliative agreements and other agreements that provide for joint sponsorship of educational programing for which credit shall be awarded.” To comply with this requirement, South Dakota State University (SDSU) seeks approval to enter into an agreement on academic cooperation with Chitkara University, located in Chandigarh, India.

IMPACT AND RECOMMENDATION

The agreement results in the opportunity for joint research, faculty collaboration, and potential student and faculty exchange. The academic disciplines for collaboration may specifically include Agricultural and Biosystems Engineering, Civil and Environmental Engineering, Construction and Operations Management, Electrical Engineering and Computer Sciences, Mathematics and Statistics, and Mechanical Engineering.

Additionally, the agreement includes an Articulation Agreement creating a 2+2 collaborative undergraduate degree program. Students at Chitkara University will be able to complete the first two years of undergraduate studies, students would be able to enroll and complete the bachelor’s degree in Agricultural and Biosystems Engineering, Civil and Environmental Engineering, Construction and Operations Management, Electrical Engineering and Computer Science, Mathematics and Statistics, and Mechanical Engineering.

Board staff recommends approval.

ATTACHMENTS

Attachment I – Agreement on Academic Cooperation: Chitkara University

DRAFT MOTION 20230329_5-I(2):

I move to approve South Dakota State University’s agreement on academic cooperation with Chitkara University, as presented.

**AGREEMENT ON ACADEMIC COOPERATION
BETWEEN
SOUTH DAKOTA STATE UNIVERSITY
AND
CHITKARA UNIVERSITY**

On the basis of a mutual commitment to further international understanding and friendship, to share academic knowledge and to establish and develop mutually beneficial academic contacts, South Dakota State University (SDSU) and the Chitkara University (ChitkaraU) agree to the following:

I. Scope of the Cooperation

- Article 1. The institutions agree to exchange experience and information on questions of pedagogy, organization and contents of instruction, and the training of faculty and students, as appropriate. The area of exchange shall cover academic disciplines to be determined and negotiated by both parties, and may specifically include Agricultural and Biosystems Engineering, Civil and Environmental Engineering, Construction and Operations Management, Electrical Engineering and Computer Science, Mathematics and Statistics, and Mechanical Engineering.
- Article 2. The institutions agree to exchange scientific and technical expertise, educational practices, as well as exhibitions and other materials, as appropriate, illustrating the activities and achievements of both institutions.
- Article 3. The institutions agree, as appropriate, to help faculty member of both parties conduct joint research projects.
- Article 4. Both institutions agree to discuss other proposals relating to future collaborations and exchange, including the possibility of brief exchange visits, joint publication of research, student and faculty exchange, and other similar projects as appropriate.

II. Appointment of Coordinators

- Article 5. Each institution shall designate an individual who will serve as coordinator for this agreement. The coordinator will be responsible for maintaining, revising, and/or and renewing the agreement, as appropriate. In addition, each institution shall name at least one academic contact, and this person will coordinate the specific aspects of the agreement.
- Article 6. The following individuals at each institution will be responsible for coordinating this agreement:

<p>South Dakota State University</p> <p>PRIMARY CONTACT FOR AGREEMENT Name: Sally A. Gillman, Ph.D. Title: Director for Education Abroad Office: Office of International Affairs Mailing Address: Briggs Library, Suite 119 Brookings, SD 57007 Email: sally.gillman@sdstate.edu Telephone: 605-688-6094 Fax: 605-688-6540</p> <p>ACADEMIC UNIT CONTACT Name: Rajesh Kavasseri, Ph.D. Title: Associate Dean for Research Office: Jerome J. Lohr College of Engineering Mailing Address: Crothers Engineering Hall 201(E) Brookings, SD 57007 Email: Rajesh.Kavasseri@sdstate.edu Telephone: 605-688-4371 Fax: 605-688-5878</p>	<p>Chitkara University, Punjab and Himachal Pradesh</p> <p>PRIMARY CONTACT FOR AGREEMENT Name: Sangeet Jaura Title: Pro-Vice Chancellor Office: Office of International Affairs Mailing Address: SCO 160-161, Sector 9 C, Chandigarh – 160009, India Email: sangeet.jaura@chitkara.edu.in Telephone: +91 98760 47895 Fax: NA</p> <p>ACADEMIC UNIT CONTACT Name: Dr. Rajnish Sharma Title: Pro-Vice Chancellor Office: Academic Mailing Address: Chandigarh-Patiala, National Highway (NH-64), Near Rajpura – 140401, Punjab, India Email: acadaffairs.cuiet@chitkara.edu.in Telephone: +91 97794 50706 Fax: NA</p>
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Article 7. The individuals in the positions listed above agree to respond to inquiries and correspondence from the partner institution in a timely and efficient manner.

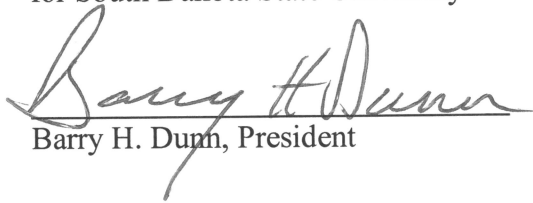
VI. Terms of Agreement

- Article 8. This agreement shall be valid for a period of five years. This agreement will be effective upon signature of the responsible authority of each institution and may be terminated by either party by giving written notice to the other institution six months in advance of the date of termination. A termination of the agreement will not affect persons who have already begun an exchange under its provisions.
- Article 9. Matters not provided in this agreement shall be decided by mutual agreement between the two institutions. Additional joint activities, such as student or faculty exchange, will require the execution of a separate agreement.
- Article 10. Modifications of this agreement shall be made in the form of a written addendum signed by both parties.
- Article 11. Nothing in the above agreement shall be construed as being legally binding.

Article 12. This agreement depends upon the continued availability of appropriated funds and expenditure authority for this purpose from the Legislature of the State of South Dakota. If for any reason the Legislature fails to appropriate or grant expenditure authority or if funds become unavailable by operation of law or federal funds reductions, this agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

In the spirit of international friendship and cooperation, we hereby set our signatures:

for South Dakota State University


Barry H. Dunn, President

11-19-2022
Date:

for Chitkara University

Dr. Madhu Chitkara, Pro- Chancellor

Date:

**ARTICULATION AGREEMENT
BETWEEN
SOUTH DAKOTA STATE UNIVERSITY, USA AND
CHITKARA UNIVERSITY, INDIA**

Chitkara University (ChitkaraU) and South Dakota State University (SDSU), through its Jerome J. Lohr College of Engineering, in order to enrich their educational and research programs and to strengthen cooperation between both universities (Parties), hereby agree to establish a collaborative undergraduate degree program in the field of Engineering and Computer Science under the conditions set forth by this agreement.

I. SCOPE OF THE COOPERATION

The Parties agree to establish a collaborative undergraduate degree program, a so-called 2+2 program (the Program) in the following majors in the College of Engineering: Agricultural and Biosystems Engineering, Civil and Environmental Engineering, Construction and Operations Management, Electrical Engineering and Computer Science, Mathematics and Statistics, and Mechanical Engineering. Under this Program, ChitkaraU students will commence and complete the first two years of their undergraduate studies at ChitkaraU where they will be advised to take as many of the available courses at ChitkaraU as possible that would be required for their intended major at South Dakota State University. Upon successful completion of the first two years and meeting all Program and SDSU admission requirements, ChitkaraU students participating in the Program will be allowed to transfer to SDSU where they will complete their undergraduate studies in Engineering or Computer Science from SDSU. Students who successfully complete the Program will earn a Bachelor of Science degree from SDSU Jerome J. Lohr College of Engineering.

II. ADMISSION PROCEDURE

- A. ChitkaraU will ask each participant fill out an SDSU online transfer student application form.
- B. ChitkaraU will advise each student to pay the application fee directly to SDSU.
- C. To help insure the success of the students, it is the responsibility of ChitkaraU to nominate students for the Program with a minimum cumulative GPA of 2.0 on a scale of 4.0. All applicants who are not native speakers of English must demonstrate proficiency in English with one of the following: Internet-based TOEFL Test (iBT) score, minimum-61, Paper-based TOEFL Test (PBT) score, minimum-500, and IELTS score, minimum-5.5, or a minimum TOEIC score of

650. TOEFL or IELTS or TOEIC scores must be submitted within two years of examination date.

- D. After all application materials have been submitted and reviewed, SDSU will admit qualified ChitkaraU students to the Program for full-time degree study in Agricultural and Biosystems Engineering, Civil and Environmental Engineering, Construction and Operations Management, Electrical Engineering and Computer Science, Mathematics and Statistics, and/or Mechanical Engineering..

III. SDSU'S PROGRAM IMPLEMENTATION

- A. SDSU will accept qualified ChitkaraU students to the Program each academic year.
- B. SDSU Jerome J. Lohr College of Engineering will provide academic advising.
- C. SDSU will appoint an administrator or faculty member to oversee the overall academic program and well-being of the students, and to work directly with ChitkaraU.
- D. SDSU-Office of International Affairs (SDSU-OIA) will provide ChitkaraU with a list of anticipated costs each year.
- E. SDSU-OIA will provide ChitkaraU with application materials, updated cost information and pre-departure information by email.
- F. SDSU-OIA will provide each admitted student with the documents necessary to apply for a U.S. student visa at the appropriate U.S. Embassy or Consulate overseas. The visa type will be a F-1.
- G. SDSU-OIA will provide orientation activities during the first days of the ChitkaraU students' arrival to include introductions to staff/teachers, academic orientation, orientation to housing and meals, review of the schedule, orientation to campus facilities, explanation of rules and regulations, and campus tour.
- H. SDSU-OIA will arrange for airport pickup on arrival day each semester.

III. CU RESPONSIBILITIES:

- A. **ChitkaraU** will have each participant fill out an SDSU application form and Residential room application form and will submit all necessary application documents.
- B. **ChitkaraU** will have each participant pay the applicable tuition, fees, and related costs for the credits in which they enroll at SDSU, directly to SDSU. The rate of tuition charged will be non-resident, and all mandatory and course/discipline fees will be assessed.

- C. **ChitkaraU** will have each participant provide for the international travel costs of the **ChitkaraU** group to and from Brookings, SD, including all airport transfers and taxes.
- D. **ChitkaraU** will have each participant arrange for visas and related travel documents.
- E. Each student will pay directly and separately to their student account designated by SDSU.
- F. **ChitkaraU** students will obtain major medical insurance coverage through SDSU's International Student Accident & Medical Insurance Plan.
- G. **ChitkaraU** will have participants comply with all university rules and regulations.

IV. APPOINTMENT OF COORDINATORS

Each institution shall designate an individual who will serve as coordinator for this agreement. The coordinator will be responsible for maintaining, revising, and/or and renewing the agreement, as appropriate. In addition, each institution shall name at least one academic contact, and this person will coordinate the specific aspects of the agreement.

The following individuals at each institution will be responsible for coordinating this agreement:

<p>SOUTH DAKOTA STATE UNIVERSITY PRIMARY CONTACT FOR AGREEMENT Name: Sally A. Gillman, Ph.D. Title: Director for Education Abroad Office: Office of International Affairs Mailing Address: Briggs Library, Suite 119, Box 2115, Brookings, SD 57007 USA Email: sally.gillman@sdstate.edu Telephone: 605-688-6094</p> <p>ACADEMIC UNIT CONTACT Name: Sanjeev Kumar, PhD, PE, F.ASCE Title: Jerome J. Lohr Endowed Dean/Professor Office: Jerome J. Lohr College of Engineering Mailing Address: Crothers Engineering Hall 201(E) Box 2219, Brookings, SD 57007 USA Email: Sanjeev.Kumar@sdstate.edu</p>	<p>CHITKARA UNIVERSITY PRIMARY CONTACT FOR AGREEMENT Name: Sangeet Jaura Title: Pro-Vice Chancellor Office: Office of International Affairs Mailing Address: Chandigarh-Patiala National Highway (NH-64), Near Rajpura, Punjab, India Email: sangeet.jaura@chitkara.edu.in Telephone: +91 98760 47895</p> <p>ACADEMIC UNIT CONTACT Name: Dr. Rajnish Sharma Title: Pro-Vice Chancellor Office: Academic Mailing Address: Chandigarh-Patiala National highway (NH-64), Near Rajpura, Punjab, India Email: acadaffairs.cuiet@chitkara.edu.in</p>
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Telephone: 605-688-4161

Telephone: +91 97794 50706

The individuals in the positions listed above agree to respond to inquiries and correspondence from the partner institution in a timely and efficient manner.

V. TERMS OF AGREEMENT

- A. This agreement shall be valid for a period of five years. This agreement will be effective upon signature of the responsible authority of each institution and may be terminated by either party by given written notice to the other institution six months in advance of the date of termination. A termination of the agreement will not affect persons who have already begun a 2+2 program under its provisions.
- B. Matters not provided in this agreement shall be decided by mutual agreement between the two institutions. Additional joint activities, such as student or faculty exchange, will require the execution of a separate agreement.
- C. Modifications of this agreement shall be made in the form of a written addendum signed by both parties.
- D. Nothing in the above agreement shall be construed as being legally binding.
- E. This agreement depends upon the continued availability of appropriated funds and expenditure authority for this purpose from the Legislature of the State of South Dakota. If for any reason the Legislature fails to appropriate or grant expenditure authority or if funds become unavailable by operation of law or federal funds reductions, this agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

In the spirit of international friendship and cooperation, we hereby set our signatures:

for South Dakota State University

for Chitkara University



Barry H. Dunn, President

11-18-2022

Date:

Dr. Madhu Chitkara, Pro-Chancellor

Date:

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs **Consent**

AGENDA ITEM: 5 – J (1)

DATE: March 29-30, 2023

SUBJECT

Articulation Agreements – DSU

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:5](#) – Seamless Transfer of Credit

[BOR Policy 2:5:2](#) – External (Non-Regental System) Accredited University/College
Transfer of Credit

BACKGROUND / DISCUSSION

BOR Policy 2:5 – Seamless Transfer of Credit establishes requirements for institutions seeking to develop program level agreements for interested transfer students. The policy further establishes the distinction between AA, AS, and AAS degrees which are classified as transferable, terminal, or non-transferable degrees (respectively). However, the AAS is “transferable when a specific degree articulation agreement exists between a given A.A.S. degree and a specific Baccalaureate degree.” Agreements established with regionally accredited institutions must be developed in conjunction with the faculty, following all institutional guidelines and are monitored as a function of the institutional program review process. Once approved, the agreements apply only at Regental institutions with equivalent programs.

IMPACT AND RECOMMENDATION

To comply with BOR Policy 2:5, Dakota State University requests approval for the following articulation agreements:

- For National Security Agency (NSA) sponsored coursework and/or coursework through its National Cryptologic University (NCU), DSU may accept up to 90 semester hours of transfer credit from an approved four-year college or university and other non-traditional sources towards a Bachelor’s degree. A maximum of 60 semester hours may be transferred from approved two-year community colleges. Of these 90/60 credit hours, up to 45 credits may come from military training as specified in the agreement. DSU may accept up to 12 semester hours of transfer

(Continued)

DRAFT MOTION 20230329_5-J(1):

I move to approve Dakota State University’s articulation agreement with the National Security Agency, as presented.

credit from an approved institution toward a Master's degree if the credits are related to a student's program of study.

Board staff recommends approval.

ATTACHMENTS

Attachment I – DSU Articulation Agreement: National Security Agency

DELIBERATIVE

ARTICULATION AGREEMENT

Between the

NATIONAL SECURITY AGENCY

and

Dakota State University

THIS AGREEMENT made and entered into as of the 18th of January, 2023 by and between the National Security Agency (“NSA”) on behalf of its National Cryptologic University (hereinafter “NCU”) located at 9800 Savage Road, Fort George G. Meade, MD 20755 and Dakota State University (hereinafter “DSU”) located at 820 Washington Ave N, Madison, SD 57042, jointly referred to as the “Parties” and each a “Party.”

WHEREAS, NCU is seeking to expand the educational opportunities for its students; and

WHEREAS, the Parties seek to recognize the complementary nature of the NSA and DSU programs; and

WHEREAS, the Parties seek to provide students who have completed certain NSA-sponsored coursework an opportunity to more efficiently earn DSU degrees.

NOW, THEREFORE, on the terms and subject to condition herein contained, the Parties agree as follows:

I. Academic Program

- A. Requirements to be completed toward certain DSU degrees that are outlined in **Appendices A-D.**
- B. DSU may accept up to 90 semester hours of transfer credit from an approved four-year college or university and other non-traditional sources toward a Bachelor’s degree. A maximum of 60 semester hours may be transferred from approved two-year community colleges. Of these (90/60), up to 45 credits may come from military training as specified in the appendices. DSU may accept up to 12 semester hours of transfer credit from an approved institution toward a Master’s degree if the credits are related to a student’s program of study.
- C. Students must meet all DSU and South Dakota Board of Regents (SDBOR) policies, admissions requirements, and graduation requirements in order to receive a degree.
- D. Additional Requirements:
 - 1. Students will submit an admissions application to DSU. DSU will evaluate the application and offer or deny admission in accordance with DSU standard policies and procedures. NSA acknowledges that students admitted to DSU are subject to DSU and SDBOR policies and procedures applicable to all students.
 - 2. DSU will waive the admissions requirements that a student is to provide their high school transcript or GED with scores based on military admissions requirements.

GOVERNMENT PROPRIETARY

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3. Students shall submit official transcripts from other accredited undergraduate institutions and official documentation of applicable coursework from the NCU, which will be reviewed in accordance with the parameters specified in **Appendices A-D**. DSU policies and procedures regarding transfer credit and academic credit for prior learning and military experience apply to students seeking credit for NCU courses. No more than ten (10) years have passed since the completion of the course.
4. Students admitted to DSU will be charged tuition and applicable fees based on their state of residency for the duration of their enrollment. DSU established a reduced tuition rate for active duty service-members and DoD civilians of \$250 per credit for undergraduate tuition, and all fees are waived. Graduate-level nonresident active military members and DoD civilians are charged the graduate tuition rate, and all fees are waived. Updated tuition and fees are published at <https://www.sdbor.edu/student-information/Pages/Tuition-and-Fees.aspx>.
5. DSU will maintain metrics on NCU students, including GPA, plan of study, and overall academic progress. NCU acknowledges and understands that disclosure of information about individual Program Participants is limited by the Federal Family Educational Rights and Privacy Act (FERPA), South Dakota state law, and DSU policies and procedures. If NCU requests information specific to individual students, any such release of information is conditioned upon the execution of written form of approval from the student. NCU shall arrange to have an authorization form submitted to DSU.

II. Promoting the Agreement

- A. DSU and NSA agree to promote and publicize this Agreement. DSU shall obtain written approval from NSA Public Affairs prior to any marketing external to NSA. In addition, DSU shall obtain written approval from NSA Public Affairs prior to any use of NSA's name, initials, and/or seal or quotes from NSA's officials.
- B. Neither party shall use i) the Marks of the other, ii) the name and or likeness of any student or iii) the name or likeness of an employee or officer of the other in connection with any product, service, promotion, news release or other publicity without the prior written permission of the other party and of the individual whose name and likeness may be under consideration.

III. Annual Review

The Parties agree to confer with each other as needed or at least on a yearly basis regarding changes in curricula or any matter involved in this articulation agreement.

IV. Modification

This agreement may be modified in writing at any time by Dakota State University, South Dakota Board of Regents, or NSA. Modification may not diminish the entitlements enjoyed by students who have already attended classes delivered under the terms of earlier versions of the agreement, except in rare instances in which retroactive

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implementation of modification may be required to comply with accreditation standards or to conform to professional licensure requirements.

V. Term of Agreement

The effective date of this agreement is the start date of the DSU academic term and shall last for a term of one year. This Agreement shall automatically renew for one-year terms, unless terminated by Parties prior to the expiration of the first or successive one-year terms. This agreement may be terminated at any time without cause by either Party giving written notice at least ninety (90) days prior to the effective date of such termination. Termination shall not affect students enrolled at the time of termination.

VI. No Agency Relationship Between the Parties

Nothing in this agreement is intended to or shall be construed to constitute or establish an agency; employer/employee, partnership, franchise, or fiduciary relationship between the Parties; and neither Party shall have the right or authority or shall hold itself out to have the right or authority to bind the other Party.

VII. Assignment

This agreement may not be assigned by either Party without prior written consent of the other.

VIII. Entire Agreement

This Agreement, together with the documents referred to herein as appendices, constitutes the entire agreement between the Parties with respect to its subject matter and constitutes and supersedes all prior agreements, representations and understandings of the Parties, written or oral.

IX. Preservation and Immunities

Nothing herein shall constitute or be considered to be a limitation upon or waiver of the sovereign immunity of DSU.

X. Notices

Any notices or communication permitted or required between the parties under this Agreement shall be in writing and given by hand delivery, delivery by United States mail, facsimile, or delivery by commercial overnight carrier. Notice shall be effective upon receipt to the person to whom it was addressed or ten (10) days after notice was sent, whichever is earlier. Notice shall be given to the following individuals:

If to NSA:
Accelerated Degree Program
National Security Agency
9800 Savage Road, Suite 6808
Ft. George G. Meade
Maryland, 20755-6808

If to DSU:
Dakota State University
820 Washington Avenue N
Madison, SD 57042
Phone: 605-256-5136
Fax: 605-256-5316

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Phone:

Email: Provost-VPAA@dsu.edu

Fax: 410-854-7835

Email:

Either party may change the notice address set forth in this Agreement by providing notice to the other party.

For DSU:_____
Date: _____

Dr. Rebecca Hoey
Provost/Senior Vice President for Academic
and Student Affairs

For the National Security Agency:_____
Date: _____

Dr. Mark Laurent Asselin
Commandant, National Cryptologic University

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Appendix A

Course Requirements for Cyber Operations Bachelor of Science (120 Credits)

1. The DSU Bachelor of Science degree in Cyber Operations requires the completion of at least one hundred twenty (120) hours of coursework distributed among required core courses and specialization courses.
2. Upon successful completion of the JCAC, CYBR3420, or CYBR3422 program requirements, DSU will accept up to 45 credits from NSA prior to transferring to DSU. JCAC has undergone multiple iterations; for the purpose of this agreement, the following abbreviations will be used in relation to their ACE ID.
 - a. JCACv01 = NV-1402-0296 (10/09 – 12/15)
 - b. JCACv02 = NV-1402-0296 (01/16 – 12/20)
 - c. JCACv03 = NV-1402-0296 (01/21 – present)
3. No more than ten (10) years have passed since the completion of the course to be recorded. Training that is older than 10 years may be approved by the DSU program coordinator if sufficient currency can be shown to have been maintained in the area by the applicant.
4. Students must take the Exit Exam prior to graduation.
5. DSU will waive the graduation requirements that 15 of the last 30 credits for the baccalaureate degree must be earned as institutional credits.
6. DSU will waive the admission requirement that a student to provide their high school transcript or GED with scores based on military admissions requirements.
7. DSU allows degree-seeking students who are currently enrolled to earn academic credit for non-traditional learning experience when those experiences are equivalent to coursework provided at DSU. DSU awards credit for external certifications through non-traditional learning; such certifications will be evaluated on a case-by-case basis.
8. Credits earned through nationally normed exams (AP, CLEP, DSST, etc.) are accepted. The permanent record will show the equivalent course name and a grade of EX for the specific number of credits.

DSU COURSE NUMBER, TITLE and NUMBER of CREDITS			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Cyber Operations Major Content Courses		45			
CSC234	Software Security	3			
CSC250	Computer Science II	3			
CSC300	Data Structures	3			
CSC314	Assembly Language	3			
CSC334	Web Development	3			
CSC404	Foundation of Computation	3			
CSC420	Cellular and Mobile Communications	3			
CSC428	Reverse Engineering	3			
CSC432	Malware Analysis	3			
CSC436	Offensive Network Security	3			
CSC437	Survey of Enterprise Systems	3			
CSC438	Defensive Network Security	3			
CSC439	Threat Hunting and Incident Response	3			
CSC456	Operating Systems	3			
MATH201	Introduction of Discrete Mathematics	3			

Appendix A

Other Coursework with Transferrable Credits					
CSC105	Introduction of Computers	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CSC134	Introductions to Cyber Operations	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CSC150	Computer Science I	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	
CSC163	HW, Virtualization, and Data Comm	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CSC285	Networking I	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CSC321	Information Security Management	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
CSC328	Operating Environments	3	JCAC v01 or CYBR3420 or CYBR3422	Joint Cyber Analysis (10/09-12/15) ROC Foundations Training Computer Network Qualification Course	3
CSC385	Networking II	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
CSC421	Web Software Security	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
CSC388	Computer Forensics Fundamentals	3	JCAC v02 or JCAC v03	Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CIS484	Database Management Systems	3	JCAC v01 or JCAC v02 or JCAC v03	Joint Cyber Analysis (10/09-12/15) Joint Cyber Analysis (01/16-12/20) Joint Cyber Analysis (01/21-Present)	3
CIS487	Database Programming	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
	Free Elective	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
	Free Elective	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
	Free Elective	3	CYBR3420 or CYBR3422	ROC Foundations Training Computer Network Qualification Course	3
General Education Requirements		30			
Written Communication		6			
Oral Communication		3			
Social Science		6			
Art & Humanities		6			
Mathematics		3			
Natural Science		6			
Major content credit required at DSU		45			
General Education Credits Required		30			
Articulated Credits from NSA (up to)		45			
Total for Program		120			

Appendix A

Evaluator		Date	
1.			
2.			
3.			
Student's First Name		Initial	
Student's Last Name			

Appendix B

Course Requirements for Computer Science with No Specialization Master of Science (30 Credits)

1. The DSU Master of Science degree in Computer Science with No Specialization requires the completion of at least thirty (30) hours of course work distributed among required core courses and elective courses.
2. Three (3) graduate credits will be awarded for each eighty (80) contact hours of NSA-sponsored coursework, not to exceed twelve (12) credit hours for any given course or combination of courses.
3. No more than ten (10) years have passed since completion of the course to be recorded. Training that is older than 10 years may be approved by the DSU program coordinator if sufficient currency can be shown to have been maintained in the area by the applicant.
4. Students will complete the remaining eighteen (18) credit hours toward completion of the degree through online course delivery.
5. Letters of recommendation will not be required in the application process.
6. Four (4) of the core courses must be taken through DSU, plus CSC 718 and one (1) Approved elective, totaling eighteen (18) credits
7. The remaining twelve (12) credits may be earned through the articulation agreement between DSU and NCU, offering students a flexible approach to allow them to apply specific work-related training, as defined in this document.
 - a. Twelve (12) graduate credit hours will be granted to enrollees who have completed CYBR3420 or CYBR3422 and have not previously obtained credit as part of an undergraduate degree program. Three (3) credits for CSC 786 Cyber Problems in the core and nine (9) credits of courses of Approved electives.
 - b. For other NCU-sponsored coursework, coursework will be granted on a per-course basis within the parameters of this agreement to 1) enrollees who have not completed CYBR3420 or CYBR3422 and 2) enrollees who have completed CYBR3420 and CYBR3422 programs but have already applied the credits towards an undergraduate degree. (*See Per-course Credit Table below*)
 - c.

DSU COURSE NUMBER, TITLE and NUMBER of CREDITS			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Core Classes		15			
CSC 705	Design and Analysis of Algorithms	3			
CSC 712	Data Structures	3			
CSC 720	Theory of Computation	3			
CSC 722	Machine Learning Fundamentals	3			
CSC 786	Cyber Problems	3			
No Specialization Courses		15			
CSC 718	Operating Systems and Parallel Programming	3			
CSC/INFA /INFS	Approved Elective: 500 – 700 Level Courses	3			
CSC/INFA /INFS	Approved Elective: 500 – 700 Level Courses	3			
CSC/INFA /INFS	Approved Elective: 500 – 700 Level Courses	3			
CSC/INFA /INFS	Approved Elective: 500 – 700 Level Courses	3			
Total Program Credits		30			

Appendix B

			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
	Per-course Credit Table (NCU/DSU <i>Approved Electives</i>)		Course Code	Hours	Transfer Credits
CSC716	Secure Software Engineering	3	CYBR3300 CYBR3400 CYBR3500 CYBR3600 CYBR3700 MATH4330 COMP1022 COMP1023 CYBR2103 CYBR2106	24 Hours 16 Hours 16 Hours 24 Hours 16 Hours 48 Hours 1 Hour 4 Hours 32 Hours 36 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
CSC748	Software Exploitation	3	ATNO3271 ATNO4271 ATNO4273 ATNO4275 CYBR2400 CYBR3000 CYBR3100 CYBR3810 CYBR4200 CYBR4210 CYBR4500 COMP3500 COMP3510	8 Hours 8 Hours 80 Hours 80 Hours 240 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 80 Hours 80 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
INFA723	Cryptography	3	CRYP2650 CRYP2700 CRYP3131 CRYP3132 CRYP3133 CRYP3180 CRYP3190 ATNO4253 IAEC1120 IAEC2300 IAEC3285 IAEC4310 MATH3140 CYBR2102 NETW1100 NETW4001 NETW4211 NETW4220	80 Hours 60 Hours 80 Hours 80 Hours 40 Hours 160 Hours 120 Hours 40 Hours 8 Hours 2 Hours 40 Hours 40 Hours 200 Hours 32 Hours 424 Hours 40 Hours 40 Hours 40 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
INFA773 Or INFS 751	Mobile Communication and Advanced Network Security Wireless Security	3	NPGS4745EC NPGS4770EC CYBR1030 CYBR1330 CYBR2102 CYBR2400 CYBR2450 CYBR3015 NETA2016 NETA3001 NETW1007 NETW1051 NETW1052 NETW2053 NETW3007 NETW3008 NETW3009	3 Credits 3 Credits 40 Hours 32 Hours 32 Hours 240 Hours 520 Hours 40 Hours 4 Hours 240 Hours 8 Hours 48 Hours 40 Hours 40 Hours 32 Hours 40 Hours 24 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits

Appendix B

			NETW3010 NETW3100 NETW3101 NETW3455 NETW4211 NETW4220 NETW4257 NETW4259 SIGC3803	40 Hours 40 Hours 72 Hours 32 Hours 40 Hours 40 Hours 32 Hours 40 Hours 160 Hours	
	Approved Elective	3			80 Aggregate Contact Hours must be completed to receive 3 Credits
Evaluator		Date			
1.					
2.					
3.					
Student's First Name		Initials			
Student's Last Name					

Appendix C

Course Requirements for Cyber Defense – Technical Track Master of Science (30 Credits)

1. The DSU Master of Science degree in Cyber Defense – Technical Track requires the completion of at least thirty (30) hours of course work distributed among required core courses and track courses.
2. Three (3) graduate credits will be awarded for each eighty (80) contact hours of NSA-sponsored coursework, not to exceed twelve (12) credit hours for any given course or combination of courses.
3. No more than ten (10) years have passed since completion of the course to be recorded. Training that is older than 10 years may be approved by the DSU program coordinator if sufficient currency can be shown to have been maintained in the area by the applicant.
4. Students will complete the remaining eighteen (18) credit hours toward completion of the degree through online course delivery.
5. Letters of recommendation will not be required in the application process.
6. The core courses must be taken through DSU totaling twelve (12) credits, plus two (2) of the Cyber Defense Technical track courses for six (6) credits.
7. The remaining twelve (12) credits may be earned through the articulation agreement between DSU and NCU, offering students a flexible approach to allow them to apply specific work-related training, as defined in this document.
 - a. Twelve (12) graduate credit hours will be granted to enrollees who have completed CYBR3420 or CYBR3422 and have not previously obtained credit as part of an undergraduate degree program. Six (6) credits in the Track * and six (6) credits of electives **.
 - b. For other NCU-sponsored coursework, coursework will be granted on a per-course basis within the parameters of this agreement to 1) enrollees who have not completed CYBR3420 or CYBR3422 and 2) enrollees who have completed CYBR3420 and CYBR3422 programs but have already applied the credits towards an undergraduate degree. (*See per-course table below*)

DSU COURSE NUMBER, TITLE and NUMBER of CREDITS			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Core Classes		12			
INFA 702	Data Privacy	3			
INFA 713	Managing Security Risks	3			
INFA 735	Offensive Security	3			
INFA 754	Network Security Monitoring and Intrusion Detection	3			
Technical Track Courses		18			
INFA 721	Computer Forensics	3			
INFA 732	Malware Analysis	3			
INFA 723	Cryptography *	3			
INFA 751	Wireless Security *	3			
	Approved Electives **	6			
Total Program Credits		30			
			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Per-course Credits Table			Course Code	Hours	Transfer Credits
CSC716	Secure Software Engineering**	3	CYBR3300	24 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
			CYBR3400	16 Hours	
			CYBR3500	16 Hours	
			CYBR3600	24 Hours	
			CYBR3700	16 Hours	
			MATH4330	48 Hours	

Appendix C

			COMP1022 COMP1023 CYBR2103 CYBR2106	1 Hour 4 Hours 32 Hours 36 Hours	
CSC748	Software Exploitation**	3	ATNO3271 ATNO4271 ATNO4273 ATNO4275 CYBR2400 CYBR3000 CYBR3100 CYBR3810 CYBR4200 CYBR4210 CYBR4500 COMP3500 COMP3510	8 Hours 8 Hours 80 Hours 80 Hours 240 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 80 Hours 80 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
INFA723	Cryptography*	3	CRYP2650 CRYP2700 CRYP3131 CRYP3132 CRYP3133 CRYP3180 CRYP3190 ATNO4253 IAEC1120 IAEC2300 IAEC3285 IAEC4310 MATH3140 CYBR2102 NETW1100 NETW4001 NETW4211 NETW4220	80 Hours 60 Hours 80 Hours 80 Hours 40 Hours 160 Hours 120 Hours 40 Hours 8 Hours 2 Hours 40 Hours 40 Hours 200 Hours 32 Hours 424 Hours 40 Hours 40 Hours 40 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
INFA751	Wireless Security*	3	NPGS4745EC NPGS4770EC CYBR1030 CYBR1330 CYBR2102 CYBR2400 CYBR2450 CYBR3015 NETA2016 NETA3001 NETW1007 NETW1051 NETW1052 NETW2053 NETW3007 NETW3008 NETW3009 NETW3010 NETW3100 NETW3101 NETW3455 NETW4211 NETW4220 NETW4257 NETW4259 SIGC3803	3 Credits 3 Credits 40 Hours 32 Hours 32 Hours 240 Hours 520 Hours 40 Hours 4 Hours 240 Hours 8 Hours 48 Hours 40 Hours 40 Hours 32 Hours 40 Hours 24 Hours 40 Hours 40 Hours 72 Hours 32 Hours 40 Hours 40 Hours 32 Hours 40 Hours 40 Hours 160 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits

Appendix C

	Elective**	3			80 Aggregate Contact Hours must be completed to receive 3 Credits
Evaluator		Date			
1.					
2.					
3.					
Student's First Name		Initials			
Student's Last Name					

Appendix D

Course Requirements for Computer Science with a Specialization in Cyber Operations Master of Science (30 Credits)

1. The DSU Master of Science degree in Computer Science with a specialization in Cyber Operations requires the completion of at least thirty (30) hours of course work distributed among required core courses and specialization courses.
2. Three (3) graduate credits will be awarded for each eighty (80) contact hours of NSA-sponsored coursework, not to exceed twelve (12) credit hours for any given course or combination of courses.
3. No more than ten (10) years have passed since completion of the course to be recorded. Training that is older than 10 years may be approved by the DSU program coordinator if sufficient currency can be shown to have been maintained in the area by the applicant.
4. Students will complete the remaining eighteen (18) credit hours toward completion of the degree through online course delivery.
5. Letters of recommendation will not be required in the application process.
6. Four (4) of the core courses must be taken through DSU, plus CSC 718 and CSC 723 in the Cyber Specialization courses, totaling eighteen (18) credits
7. The remaining twelve (12) credits may be earned through the articulation agreement between DSU and NCU, offering students a flexible approach to allow them to apply specific work-related training, as defined in this document.
 - a. Twelve (12) graduate credit hours will be granted to enrollees who have completed CYBR3420 or CYBR3422 and have not previously obtained credit as part of an undergraduate degree program. Three credits (3) credits for CSC 786 Cyber Problems * in the Core and nine (9) credits of courses in the Cyber Operations Specialization. *.
 - b. For other NCU-sponsored coursework, coursework will be granted on a per-course basis within the parameters of this agreement to 1) enrollees who have not completed CYBR3420 or CYBR3422 and 2) enrollees who have completed CYBR3420 and CYBR3422 programs but have already applied the credits towards an undergraduate degree. (*See Per-course Credit Table below*)

DSU COURSE NUMBER, TITLE and NUMBER of CREDITS			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Core Classes		15			
CSC 705	Design and Analysis of Algorithms	3			
CSC 712	Data Structures	3			
CSC 720	Theory of Computation	3			
CSC 722	Machine Learning Fundamentals	3			
CSC 786	Cyber Problems *	3			
Cyber Operations Specialization Courses		15			
CSC 718	Operating Systems and Parallel Programming	3			
CSC 723	Machine Learning for Cyber Security	3			
CSC 748	Software Exploitation *	3			
CSC 773	Mobile Communication and Advanced Network Security *	3			
INFA 723	Cryptography *	3			
Total Program Credits		30			
			NCU COURSE NUMBER, TITLE and NUMBER of CREDITS		
Per-course Credit Table			Course Code	Hours	Transfer Credits

Appendix D

CSC748	Software Exploitation	3	ATNO3271 ATNO4271 ATNO4273 ATNO4275 CYBR2400 CYBR3000 CYBR3100 CYBR3810 CYBR4200 CYBR4210 CYBR4500 COMP3500 COMP3510	8 Hours 8 Hours 80 Hours 80 Hours 240 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 40 Hours 80 Hours 80 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
INFA723	Cryptography	3	CRYP2650 CRYP2700 CRYP3131 CRYP3132 CRYP3133 CRYP3180 CRYP3190 ATNO4253 IAEC1120 IAEC2300 IAEC3285 IAEC4310 MATH3140 CYBR2102 NETW1100 NETW4001 NETW4211 NETW4220	80 Hours 60 Hours 80 Hours 80 Hours 40 Hours 160 Hours 120 Hours 40 Hours 8 Hours 2 Hours 40 Hours 40 Hours 200 Hours 32 Hours 424 Hours 40 Hours 40 Hours 40 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
CSC733	Mobile Communication and Advanced Network Security	3	NPGS4745EC NPGS4770EC CYBR1030 CYBR1330 CYBR2102 CYBR2400 CYBR2450 CYBR3015 NETA2016 NETA3001 NETW1007 NETW1051 NETW1052 NETW2053 NETW3007 NETW3008 NETW3009 NETW3010 NETW3100 NETW3101 NETW3455 NETW4211 NETW4220 NETW4257 NETW4259 SIGC3803	3 Credits 3 Credits 40 Hours 32 Hours 32 Hours 240 Hours 520 Hours 40 Hours 4 Hours 240 Hours 8 Hours 48 Hours 40 Hours 40 Hours 32 Hours 40 Hours 24 Hours 40 Hours 40 Hours 72 Hours 32 Hours 40 Hours 40 Hours 32 Hours 40 Hours 160 Hours	80 Aggregate Contact Hours must be completed to receive 3 Credits
		3			80 Aggregate Contact Hours must be completed to receive 3 Credits
	Total Program Credits	30			
Evaluator		Date			

Appendix D

1.		
2.		
3.		
Student's First Name	Initials	
Student's Last Name		

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – J (2)

DATE: March 29-30, 2023

SUBJECT

Articulation Agreements – SDSU

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:5](#) – Seamless Transfer of Credit

[BOR Policy 2:5:2](#) – External (Non-Regental System) Accredited University/College
Transfer of Credit

BACKGROUND / DISCUSSION

BOR Policy 2:5 – Seamless Transfer of Credit requirements for institutions seeking to develop program level agreements for interested transfer students. The policy further establishes the distinction between AA, AS, and AAS degrees which are classified as transferable, terminal, or non-transferable degrees (respectively). However, the AAS is “transferable when a specific degree articulation agreement exists between a given A.A.S. degree and a specific Baccalaureate degree.” Agreements established with regionally accredited institutions must be developed in conjunction with the faculty, following all institutional guidelines and are monitored as a function of the institutional program review process. Once approved, the agreements apply only at Regental institutions with equivalent programs.

IMPACT AND RECOMMENDATION

To comply with BOR Policy 2:5, South Dakota State University requests approval for the following articulation agreement:

- Students who have completed an AAS degree in Registered Nursing at Iowa Lakes Community College (ILCC) may apply up to 80 credits toward the BS in Nursing at SDSU. SDSU was granted a waiver by the System Vice President for Academic Affairs to exceed 60 credits (50% of the degree).

Board staff recommends approval.

ATTACHMENTS

Attachment I – SDSU Articulation Agreement: Iowa Lakes Community College (ILCC)

DRAFT MOTION 20230329_5-J(2):

I move to approve South Dakota State University’s articulation agreement with Iowa Lakes Community College (ILCC), as presented.

PROGRAM TO PROGRAM ARTICULATION AGREEMENT

Between
Iowa Lakes Community College
and
South Dakota State University

Agreement with Respect to Applying the
Associate Degree in Nursing Program
Towards the
Bachelor of Science, major in Nursing
RN to B.S.N. Option

I. Parties

Parties to this agreement are Iowa Lakes Community College (ILCC) and South Dakota State University (SDSU)

II. Purpose

The purpose of this agreement is to:

- A. have a signed articulation agreement that addresses the varying needs of students and complementary nature of the institution's programs.
- B. provide increased educational opportunities for students from South Dakota and the region.
- C. extend and clarify educational opportunities for students; and
- D. provide ILCC graduates of the Associate Degree Registered Nursing (RN) an opportunity to earn a Bachelor of Science degree with a major in Nursing (BSN).

III. Academic Program

- A. Upon successful completion of the major requirements specified in III, SDSU will accept a block of 46 nursing technical course credits from the A.A.S. degree. These nursing technical credits will be placed on the student's transcript as ATIP 292 AAS PROG IN REGISTERED NURSE. Additionally, a block of 11 prerequisite credits will be awarded for ILCC technical coursework related to anatomy and physiology and psychology for a total of 57 block credits.

General education coursework for the A.D. in Nursing at ILCC is specified below. Additional transferrable general education coursework may be transferred if the SD Board of Regents System (SDBOR) and SDSU General Education transfer requirements are met.

No more than a total of 90 credits may be transferred from ILCC to SDSU. At least 30 credits must be completed at SDSU. Students must meet all SDBOR and SDSU policies and graduation requirements to earn the BSN degree.

B. General Education Requirements (SGRs) 23 credits

Transferrable general education requirements required in the ILCC nursing curriculum are *italicized* and listed next to the SDSU requirement in the table below. Additional transferrable general education credits could be transferred if the courses meet SDBOR and SDSU guidelines.

SDSU General Education Requirements			ILCC Required Coursework	
SGR Goal	SDSU Course	Cr	ILCC Course	Cr
SGR Goal #1 Written Communication	ENGL 101 Composition I	3	<i>ENG 105 Composition I</i>	3
	ENGL 201 Composition II	3	<i>ENG 106 Composition II</i>	3
SGR Goal #2 Oral Communication	SPCM 101 Fundamentals of Speech	3	<i>SPC 101 Fundamentals of Oral Communication</i>	3
SGR Goal #3 Social Sciences	SOC 100 Introduction to Sociology	3		
	HDFS 210 Lifespan Development	3	<i>PSY 121 Developmental Psychology</i>	3
SGR Goal #4 Arts and Humanities	Choose 2 courses with different prefixes from approved list in SDSU catalog	6		
SGR Goal #5 Mathematics	MATH 103 or higher	3	<i>MAT 121 College Algebra</i>	3
SGR Goal #6 Natural Sciences	CHEM 106/106L Chemistry Survey and Lab	4	<i>CHM 151 College Chemistry and Lab</i>	4
	MICR 231/231L Microbiology and Lab	4	<i>BIO 186 Microbiology</i>	4

C. General Education and Supporting Requirements to be completed at SDSU or as equivalent courses elsewhere: 9 credits

1. SGR #3 Social Sciences (3 cr)
2. SGR #4 Humanities and Arts/Diversity (6 cr)

D. Major Requirements 24 credits

1. NURS 300: Transition to BSN (3 cr)
2. NURS 461: Vulnerable Populations: Nursing Perspectives (3 cr)
3. NURS 462: Population Health: Nursing Perspectives (3 cr)
4. NURS 463: Health Policy & Economics (3 cr)
5. NURS 464: Genetics & Genomics in Nursing (3 cr)
6. NURS 465: Evidenced-Based Nursing Practice (3 cr)
7. NURS 466: Healthcare Systems & Informatics (3 cr)
8. NURS 469: Nursing Leadership Capstone (3 cr)

E. Electives: 7 credits or as needed to reach 120 credits total

TOTAL ILCC CREDITS: 80

Nursing technical course block credits: 46

Prerequisite technical block credits: 11

Transferrable general education credits: 23

TOTAL SDSU CREDITS: 40

General education and supporting courses: 9

Nursing major requirements: 24

Electives: 7

TOTAL CREDITS REQUIRED: 120

If students have additional credits that meet SDSU and SDBOR guidelines for transfer, additional credits may transfer to SDSU up to 90 credits total. At least 30 credits must be completed at SDSU.

Additional Requirements:

1. Students transferring must meet university transfer requirements.
2. Course grades of “C” and above meet the College of Nursing requirements.
3. Credit for technical course transfer requires that the student has completed A.D. Nursing (RN) degree.
4. Student must be admitted to South Dakota State University.
5. Student must complete all pre-requisite requirements prior to B.S.N. graduation.
6. Student must be admitted to professional RN to B.S.N. option.
7. Student must have unencumbered license in state of practice prior to B.S.N. graduation.

IV. Obligations

Both parties agree to confer with each other on an annual basis regarding changes in curricula involved in this Articulation Agreement.

V. Modifications

This agreement may be modified from time to time by SDSU and ILCC. Modifications may not diminish the entitlements enjoyed by students who have already attended classes delivered under the terms of earlier versions of this agreement, except in rare instances in which retroactive implementations of modifications may be required to comply with accreditation standards or to conform to professional licensure requirements.

VI. Effective Date of Agreement

This agreement shall be in effect upon approval by all parties.

VII. Acceptance of Agreement**For South Dakota State University**

Mary Anne Krogh
Dean of Nursing

Date: _____

Dennis Hedge
Provost/Vice President for Academic Affairs

Date: _____

For Iowa Lakes Community College

Scott Stokes
President of Iowa Lakes Community College

Date: _____

Robert Leifeld
Vice President of Administration/ Chief Academic Officer

Date: _____

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs **Consent**

AGENDA ITEM: 5 – J (3)

DATE: March 29-30, 2023

SUBJECT

Articulation Agreements – USD

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:5](#) – Seamless Transfer of Credit

[BOR Policy 2:5:2](#) – External (Non-Regental System) Accredited University/College
Transfer of Credit

BACKGROUND / DISCUSSION

BOR Policy 2:5 – Seamless Transfer of Credit requirements for institutions seeking to develop program level agreements for interested transfer students. The policy further establishes the distinction between AA, AS, and AAS degrees which are classified as transferable, terminal, or non-transferable degrees (respectively). However, the AAS is “transferable when a specific degree articulation agreement exists between a given A.A.S. degree and a specific Baccalaureate degree.” Agreements established with regionally accredited institutions must be developed in conjunction with the faculty, following all institutional guidelines and are monitored as a function of the institutional program review process. Once approved, the agreements apply only at Regental institutions with equivalent programs.

IMPACT AND RECOMMENDATION

To comply with BOR Policy 2:5, the University of South Dakota requests approval for the following articulation agreement:

- Students who have completed an AS degree in General Science Studies at Nebraska Indian Community College (NICC) may apply up to 67 credits toward the BS in Sustainability program at USD. USD was granted a waiver by the System Vice President for Academic Affairs to exceed 60 credit (50% of the degree).

Board staff recommends approval.

ATTACHMENTS

Attachment I – USD Articulation Agreement: Nebraska Indian Community College (NICC)

DRAFT MOTION 20230329_5-J(3):

I move to approve the University of South Dakota’s articulation agreements with Nebraska Indian Community College (NICC), as presented.

PROGRAM TO PROGRAM ARTICULATION AGREEMENT
NEBRASKA INDIAN COMMUNITY COLLEGE (NICC)
 and
THE UNIVERSITY OF SOUTH DAKOTA (USD)

Agreement with Respect to Applying the
GENERAL SCIENCE STUDIES
Associate of Science Degree Program at NICC
 Towards the
SUSTAINABILITY
Bachelor of Science Degree Program at USD

I. Parties

The parties to this agreement are The University of South Dakota (USD) and Nebraska Indian Community College (NICC).

II. Purpose

The purpose of this agreement is to:

- A. have a signed articulation agreement that addresses the varying needs of students and complementary nature of the institutions' programs;
- B. provide increased educational opportunities for students from South Dakota, Nebraska, Iowa, and the region;
- C. extend and clarify educational opportunities for students;
- D. provide NICC students who have completed the AS degree in General Science Studies a seamless transition to the Bachelor of Science degree with a major in Sustainability.
- E. encourage students to graduate from both the AS (NICC) and Bachelor of Science in Sustainability (USD) program and work collaboratively on marketing and admissions guidance.

III. Academic Program

- A. USD will accept up to 67 course credits from NICC's Associate of Science degree in General Science Studies for students majoring in USD's Bachelor of Science degree in Sustainability. Students must successfully complete the AS degree in General Science Studies from NICC prior to applying to the USD Sustainability degree for this agreement to apply. Students must meet all South Dakota Board of Regents' (SDBOR) policies and university graduation requirements to receive a BS degree from USD.
- B. Requirements to be completed at USD for the Bachelor of Science degree in Sustainability are reflected in the catalog website. Students are eligible to complete either the Environmental Science specialization or Human and Natural Systems specialization.

- C. The general education coursework to meet Regental System General Education Requirements (SGR) must also be completed as outlined below. This coursework may be taken at NICC. Required general education coursework required for the AS degree in Sustainability are identified in the chart below. Additional general education coursework may be transferred if the Regental System General Education transfer requirements are met.

General Education Course Requirements

USD General Education Requirement		Credit Hours	NICC Equivalent	Credit Hours
SGR 1 Written Communication and Literacy Skills	ENGL 101 Composition	3	ENGL 1010 English Composition I	3
	Advanced Comp from SGR 1 list	3	ENGL 1020 English Composition II	3
SGR 2 Oral Communication	CMST 101 Fundamentals of Speech	3	SPCH 1110 Public Speaking	3
SGR 3 Social Sciences	6 credit hours of SGR #3 (in 2 disciplines/prefixes)	6	Approved social sciences options (need to choose 2 in 2 disciplines/prefixes): NASP 1080, 2300, PSYC 1810, 2000, 2030, 2500, SOCI 1010, 1400, ECON 2110, HIST 1110, 1111, 2010, 2020	6
SGR 4 Humanities & Fine Arts/	3 credit hours in Humanities course and 3 credit hours in Fine Arts from SGR 4 list	6	Approved humanities (3) ENGL 2100, 2170 SPAN 1010, 1020, 2010, 2020 NASP 1050, 1130, 1140, 1410, 1420, 1510, 1520, 2110, 2430, 2440, 2530, 2540, BSAD 2310 Approved fine arts (3) NASP 1090, 1100 MUSC 1010, ARTS 1010, 1050, 1060, 1100, 1200, 1300, 1400	6
SGR 5 Mathematics	Any course from SGR 5 list (3 credit hours)	3	MATH 1150 College Algebra	3
SGR 6 Natural Sciences	Two courses from the approved SGR #6 courses (must include a lab)	8	Choose 2 laboratory science courses: BIOS 1010/1014, 1110/1114, 1200/1204, 1210/1214, 2250/2254, 2260/2264, 2460/2464 CHEM 1050/1054, 1090/1094, 1100/1104, PHYS 1100/1104, 1200/1204	8

USD General Education Requirement		Credit Hours	NICC Equivalent	Credit Hours
	Total General Education Credits	32		32

Arts & Sciences Bachelor of Science Degree Requirements		Credit Hours	NICC Equivalent	
	ENGL 210 Introduction to Literature	3	ENGL 2100	3
	Six credit hours of humanities or social science courses	6	Many NICC courses available	6
	Two courses in addition to laboratory courses meeting SGR#6 requirement. (Note: lab is not necessary)	6	BIOS 1010/1014, 1110/1114, 1200/1204, 1210/1214, 2250/2254, 2260/2264, 2460/2464 CHEM 1050/1054, 1090/1094, 1100/1104, PHYS 1100/1104, 1200/1204	6
	Mathematics Grade C or higher in MATH 123 Calculus I Or Approved MATH course and approved statistics course	5-12	Grade C or higher in MATH 1600 Or USD MATH 104 (No NICC equivalent), and MATH 1150 (USD MATH 114), and MATH 2170 (USD MATH 281)	5-12
	Total Arts & Sciences Requirements	20-27		20-27

- D. The Core Course Requirements for the Major and Foundational Course Requirements for the Environmental Science Specialization, if selected, must also be completed as outlined below. This coursework may be taken at NICC if equivalent courses are available and if delivered under the current General Education agreement with the Board of Regents. Foundational coursework required for the BS degree with a major in Sustainability are listed below and be transferred if the Regental System General Education transfer requirements are met. Equivalent courses are identified below:

Core Course Requirements for Major

USD Core Requirements for Major		NICC Equivalent	
BIOL 310 Environmental Science	3	CHEM 1050 Applied Environmental Chemistry & Conservation Biology	3
ECON 201 Principles of Microeconomics	3	ECON 2120 Principles of Microeconomics	3
POLS 226 Introduction to Public Policy	3	NASP 2010 Introduction to Tribal Nation Building OR NASP 2300 Tribal Government and Politics	3
PHIL/BIOL 454 Environmental Ethics	3	BSAD 2310 Ethics	3
Total Core Credits	12		12

Foundational Course Requirements for Environmental Science Specialization

USD Core Requirements for Major		NICC Equivalent	
BIOL 153/L General Biology II/General Biology II Lab	4	BIOS 1010 General Biology BIOS 1014 General Biology Lab	4
ESCI 101/L Dynamic Earth/Dynamic Earth Laboratory	4	BIOS 1210 Introduction to Geology BIOS 1214 Introduction to Geology Laboratory	4
CHEM 11/2/L General Chemistry I/General Chemistry I Laboratory	4	CHEM1090 General Chemistry CHEM1094 General Chemistry Laboratory	4
STAT 281 Introduction to Statistics	3	MATH 2170 Applied Statistics	3
Total Foundational Course Credits	15		15

Course Group Course Requirements for Environmental Science Specialization

USD Core Requirements for Major		NICC Equivalent	
BIOL 311/L Principles of Ecology/Principles of Ecology Lab	4	BIOS 1200 Concepts of Ecology BIOS 1204 Concepts of Ecology Laboratory	4
BIOL 407/L Plants and Civilization/Plants and Civilization Lab	4	BIOS 1110 General Botany BIOS 1114 General Botany Lab	4
Total Foundational Course Credits	8		8

Elective Course Requirements for Human and Natural Systems Specialization

USD Core Requirements for Major		NICC Equivalent	
BIOL 311/L Principles of Ecology/Principles of Ecology Lab	4	BIOS 1200 Concepts of Ecology BIOS 1204 Concepts of Ecology Laboratory	4
BIOL 407/L Plants and Civilization/Plants and Civilization Lab	4	BIOS 1110 General Botany BIOS 1114 General Botany Lab	4
Total Foundational Course Credits	8		8

IV. Pathway: Forward Articulation (completing AS degree in General Science Studies at NICC and transferring to USD to complete the Bachelor of Science degree with a major in Sustainability)

- A. Students may elect to participate in dual advising from NICC and USD while completing the AS in General Science Studies in preparation for the USD Sustainability degree. Students should work jointly with their advisors to ensure all requirements are met for the BS degree from USD.
- B. Students are eligible to apply to the USD Sustainability degree for admission when they have completed all the course requirements for the AS in General Science Studies from NICC and have met all additional program admission criteria. Once accepted into the BS in Sustainability, USD will accept all General Education (32 cr hrs), Sustainability major degree credits (up to 35 credits). A BS degree with a major in Sustainability will be conferred when all remaining courses are completed.
- C. Students must meet all Board of Regents policies and USD graduation requirements to receive a degree. This includes but is not limited to 15 of the last 30 hours in the USD program must be earned from USD. Further, of the total hours for the USD degree, 30 must be earned from USD.

Additional Courses Required for the Sustainability Major Delivered by USD

Course	Course Title	Credits
SUST 111	Sustainable Society	3
SUST 113	Sustainable Environment	3
SUST 113L	Sustainable Environment Lab	1
SUST 489	Sustainability Capstone	2
SUST 494 or 496 or 498	Sustainability Internship, Field Experience, or Undergrad Research/Scholarship	1

Students must select either the Environmental Science or Human and Natural Systems specialization and complete the remaining credits (up to 15 credits) for the selected specialization.

IV. Additional requirements

- A. All Board of Regents policies regarding instructor credentials must be met for general education courses to transfer.
- B. To be eligible for application to USD, students transferring coursework from NICC must meet USD admission criteria.
- C. Students must also complete all degree requirements for a Bachelor of Science degree within the College of Arts & Sciences at USD. This includes completion of a minor at USD.

V. Obligations

Both parties agree to confer with each other on a yearly basis regarding changes in curricula involved in this articulation agreement.

VI. Modification

This agreement may be modified from time to time by the South Dakota Board of Regents.

VII. Termination

This agreement may be terminated by either party upon one year's written notice to the other. Student(s) enrolled in the program at that time shall be allowed to complete the program.

This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate or grant expenditure authority or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by the University of South Dakota. Termination for any of these reasons is not a default by the University of South Dakota nor does it give rise to a claim against the University of South Dakota.

VIII. Effective Date of Agreement:

This agreement applies to students who graduated from NICC 2022 or later with an AS in General Science Studies.

For University of South Dakota:

Date: _____
Dr. John Dudley
Dean, College of Arts & Sciences
University of South Dakota

Date: _____
Sheila K. Gestring
President
University of South Dakota

For Nebraska Indian Community College:

Date: _____
Dr. Kristine Sudbeck
Academic Dean
Nebraska Indian Community College

Date: _____
Dr. Michael Oltrogge
President
Nebraska Indian Community College

APPENDIX A

Students will transfer up to 67 credits towards the 120 BS degree total.

Transfers 32 General Educational Requirements credits

Transfers up to 35 credit hours for the Environmental Science specialization of the Sustainability major – at least 17 credits to be completed at USD for the Environmental Science specialization of the Sustainability major.

Transfers up to 20 credit hours for the Human and Natural Systems specialization of the sustainability major – at least 17 credits to be completed at USD for the Human and Natural Systems specialization of the Sustainability major.

Students will need to complete a USD minor and at least 30 credit hours at the 300/400 level.

USD Year 1 Fall	Credits
SUST 111	3
SUST 113	3
SUST 113L	1
Sustainability course group/elective course	3
Minor course	3
Total credits	13

USD Year 1 Spring	Credits
Sustainability course group/elective course	3
Sustainability course group/elective course	3
Minor course	3
Minor course	3
ENGL 210 Introduction to Literature	3
Total credits	15

USD Year 2 Fall	Credits
Minor course	3
Minor course	3
MATH 104 Finite Mathematics	4
SS or Humanities Elective (if not filled)	3
Total Credits	13

USD Year 2 Spring	Credits
SUST 489	2
SUST 494/496/498	1
Minor course	3
Electives	5
Total Credits	11

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – K (1)

DATE: March 29-30, 2023

SUBJECT

Request to Seek Accreditation – NSU (COSMA)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:10](#) – Relationship of Curriculum and Instruction to Statutory Objectives

BACKGROUND / DISCUSSION

Board of Regents Policy 1:10 specifies that “Each campus must seek and receive Board approval before applying for initial accreditation or an expanded scope of accreditation for academic programs.” In accordance with Board policy, South Dakota State University requests approval to seek accreditation from the following accrediting agencies:

Accrediting Agency: The Commission on Sport Management Accreditation (COSMA)

Program: Sport Marketing and Administration (BS)

Advantages: Accreditation will maintain the quality of the curriculum and uphold the standards of the field. Sport Management as a field has grown significantly in the last decade, and the trajectory is not subsiding. Career opportunities in sports are growing each year. With the legislation in California and policy changes at the NCAA, it is more essential than ever that professionals in sport graduate from reputable programs. An accreditation in COSMA establishes a national presence in sport management. The Annual COSMA report allows for continual assessment and improvement of our Sports Marketing & Administration (SMAD) program to meet the needs of the field.

The Higher Learning Commission (HLC), a regional accrediting agency recognized by the U.S. Department of Education, awards institutional accreditation for higher education institutions in South Dakota. A variety of unique organizations award specialized/program accreditation within distinct programs or departments at Regental institutions. A general reference document on institutional and specialized/program accreditation is available on the BOR website at the link below.

- [Special Analysis: Accreditation in Higher Education](#)

(Continued)

DRAFT MOTION 20230329_5-K(1):

I move to approve NSU’s request to seek accreditation from The Commission on Sport Management Accreditation for their BS in Sport Marketing and Administration.

IMPACT AND RECOMMENDATION

NSU anticipates a one-time application fee of \$1,200 for initial accreditation, and an annual fee of \$1,800 to be covered through department funds. NSU plan to attach a student fee to the prefixes HLTH and PE for in-person classes at NSU. This revenue would be able to maintain the annual fees associated with accreditation. This fee would only be applied once BOR lifts the tuition & fee freeze. Other costs would include roughly \$3,600 for travel expenses for the pre-site visit screening and site visit, as well as \$1,200 for a reaffirmation of accreditation fee every seven years.

Board staff recommends approval.

ATTACHMENTS

Attachment I – NSU Request to Seek Accreditation Form: The Commission on Sport Management Accreditation (COSMA)



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS


Request to Seek Accreditation

Use this form to request permission to seek accreditation of an approved program. Board of Regents (BOR) action is required to seek program accreditation.

UNIVERSITY:	NSU
PROGRAM:	Sport Marketing & Administration
CIP CODE:	310504
UNIVERSITY DEPARTMENT:	Sports Sciences
UNIVERSITY DIVISION:	Millicent Atkins School of Education

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



President (or Designee) of the University

12/8/2022

Date

1. Level of program seeking accreditation (place an "X" in the appropriate box):

- ☐ Certificate
 ☐ Associate
 ☒ Bachelor's
☐ Doctoral
 ☐ Master's

2. Accrediting Agency:

The Commission on Sport Management Accreditation (COSMA)

3. What are the advantages of accreditation?

Maintains the quality of the curriculum, upholds the standards of the field. Sport Management as a field has grown significantly in the last decade. This trajectory is not subsiding. Career opportunities in sport are growing each year. With the legislation of California and the policy changes at the NCAA, it is more essential than ever that professionals in sport graduate from reputable programs. An accreditation in COSMA establishes national presence in sport management. The Annual COSMA report allows for continual assessment and improvement of our Sports Marketing & Administration (SMAD) program to meet the needs of the field.

Additionally, seeking an obtaining accreditation for our SMAD program, allows for our School of Business to seek a higher standard of accreditation. Both lead to great reputation, therefore, increase program enrollment.

4. What are the anticipated costs involved in accreditation, including:**A. Costs involved in undergoing self-study and preparing the application for accreditation:**

- \$1200 Application Fee

B. Out-of-pocket costs related to dues or site visits:

- \$500 Mentoring Fee (Pre-Site Visit Evaluation) – Voluntary
- \$500 Cost of travel, hotel, and food for the one day Mentor Visit
- \$1000 for Travel of Site Team
- \$1000 for Honorarium for Site Visit Evaluators (two days)
- \$600 for Hotel Accommodations and Food for Site Visit Evaluators (two days)

C. Base budget implications including incremental costs and minimum base resources required (dollars and FTE):

Base Costs - \$4800

Application - \$1200

Pre-Site Visit Screening - \$1000

Site Visit - \$2600

Annual Fees

Program Membership - \$1800

Seven Year Rotation

Reaffirmation of Accreditation - \$1200

5. What is the source of the revenue needed?

The Sports Sciences Department plan to increase revenue by attaching student fees to the prefixes of HLTH and PE for in-person classes at Northern State University. The revenue generated will be able to maintain the annual fees associated with the COSMA accreditation. The Board of Regents has prohibited increasing tuition and fees in AY 21-22, once the hold is lifted our fee would apply.

6. What is the estimated date for submission of accreditation application?

AY 22-23 - Seek NSU and SDBOR approval

AY 22-23 – Apply for COSMA Candidacy Status

AY 23-24 - Prepare and submit the COSMA Self-Study

AY 23-24 - Site Visit at Northern State University for two days

Summer 2024 – Accreditation Approval

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – K (2)

DATE: March 29-30, 2023

SUBJECT

Request to Seek Accreditation – SDSU (USGIF)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:10](#) – Relationship of Curriculum and Instruction to Statutory Objectives

BACKGROUND / DISCUSSION

Board of Regents Policy 1:10 specifies that “Each campus must seek and receive Board approval before applying for initial accreditation or an expanded scope of accreditation for academic programs.” In accordance with Board policy, South Dakota State University requests approval to seek accreditation from the following accrediting agencies:

Accrediting Agency: United States Geospatial Intelligence Foundation (USGIF)

Program: Geospatial Intelligence Minor & Geospatial Intelligence Graduate Certificate

Advantages: Accreditation will give students who earn the minor/graduate certificate a credential when seeking jobs in national security, especially by the geospatial intelligence community.

The Higher Learning Commission (HLC), a regional accrediting agency recognized by the U.S. Department of Education, awards institutional accreditation for higher education institutions in South Dakota. A variety of unique organizations award specialized/program accreditation within distinct programs or departments at Regental institutions. A general reference document on institutional and specialized/program accreditation is available on the BOR website at the link below.

- [Special Analysis: Accreditation in Higher Education](#)

IMPACT AND RECOMMENDATION

SDSU anticipates a one-time application fee of \$350 for initial accreditation, and an annual renewal fee of \$2,500 to be covered through department funds. SDSU will also be required

(Continued)

DRAFT MOTION 20230329_5-K(2):

I move to approve SDSU’s request to seek accreditation from the United States Geospatial Intelligence Foundation for their Minor and Graduate Certificate in Geospatial Intelligence.

to pay for travel costs for the required site visit by an accreditation team of three people, which is anticipated to cost \$5,000.

Board staff recommends approval.

ATTACHMENTS

Attachment I – SDSU Request to Seek Accreditation Form: United States Geospatial Intelligence Foundation



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

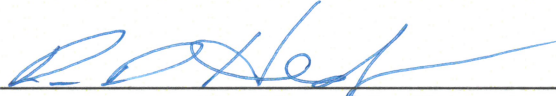
Request to Seek Accreditation

Use this form to request permission to seek accreditation of an approved program. Board of Regents (BOR) action is required to seek program accreditation.

UNIVERSITY:	SDSU
PROGRAM:	Geospatial Intelligence Minor & Geospatial Intelligence Graduate Certificate
CIP CODE:	43.0407
UNIVERSITY DEPARTMENT:	Geography & Geospatial Sciences
UNIVERSITY DIVISION:	Natural Sciences

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.



 President of the University

Click here to enter a
 date 1-4-23

 Date

1. Level of program seeking accreditation (place an "X" in the appropriate box):

- | | | |
|---|------------------------------------|--|
| <input checked="" type="checkbox"/> Certificate | <input type="checkbox"/> Associate | <input checked="" type="checkbox"/> Bachelor's |
| <input type="checkbox"/> Doctoral | <input type="checkbox"/> Master's | |

2. Accrediting Agency: United States Geospatial Intelligence Foundation (USGIF)

3. What are the advantages of accreditation? It will give students who earn the minor/graduate certificate a credential when seeking jobs in national security, especially by the geospatial intelligence community.

4. What are the anticipated costs involved in accreditation, including:

- A. Costs involved in undergoing self-study and preparing the application for accreditation:** No cost. Will be done by department head.
- B. Out-of-pocket costs related to dues or site visits:**
\$350 accreditation application fee.

\$5,000 on site costs for an accreditation team of three people for travel, hotel, and food.

C. Base budget implications including incremental costs and minimum base resources required (dollars and FTE):

The annual accreditation fee for the USGIS beyond the initial fee for the review is \$2,500

5. What is the source of the revenue needed?

Department funds

6. What is the estimated date for submission of accreditation application?

August 20, 2022. Submitted and approved.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 5 – K (3)

DATE: March 29-30, 2023

SUBJECT

Request to Seek Accreditation – SDSU (CoARC)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:10](#) – Relationship of Curriculum and Instruction to Statutory Objectives

BACKGROUND / DISCUSSION

Board of Regents Policy 1:10 specifies that “Each campus must seek and receive Board approval before applying for initial accreditation or an expanded scope of accreditation for academic programs.” In accordance with Board policy, South Dakota State University requests approval to seek accreditation from the following accrediting agencies:

Accrediting Agency: Commission on Accreditation for Respiratory Care (CoARC)

Program: Respiratory Care (BS)

Advantages: Accreditation of the bachelor’s degree is essential as SDSU aligns with the profession’s goal of making all Respiratory Care Programs baccalaureate level entry by 2030. CoARC accreditation is required for students to sit for the credentialing exam offered by the National Board for Respiratory Care (NBRC). A valid credential is a minimum requirement for 49 state licensure boards in the United States.

Accreditation is important to ensuring high quality education is being provided to those seeking their professional degrees in Respiratory Care. Students seeking a bachelor's degree in Respiratory Care often go to the only Respiratory Care accrediting agency in the US to find programs. Currently, SDSU’s associate degree is listed on CoARC’s website. Achieving CoARC accreditation for the bachelor’s degree will ensure SDSU is promoting excellence in Respiratory Care education.

The Higher Learning Commission (HLC), a regional accrediting agency recognized by the U.S. Department of Education, awards institutional accreditation for higher education institutions in South Dakota. A variety of unique organizations award specialized/program accreditation within distinct programs or departments at Regental institutions. A general

(Continued)

DRAFT MOTION 20230329_5-K(3):

I move to approve SDSU’s request to seek accreditation from the Commission on Accreditation for Respiratory Care for their BS in Respiratory Care.

reference document on institutional and specialized/program accreditation is available on the BOR website at the link below.

- [Special Analysis: Accreditation in Higher Education](#)

IMPACT AND RECOMMENDATION

SDSU anticipates a one-time application fee of \$350 for initial accreditation, and an annual renewal fee of \$2,500 to be covered through department funds. SDSU will also be required to pay for travel costs for the required site visit by an accreditation team of three people, which is anticipated to cost \$5,000.

Board staff recommends approval.

ATTACHMENTS

Attachment I – SDSU Request to Seek Accreditation Form: Commission on Accreditation for Respiratory Care



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

Request to Seek Accreditation

Use this form to request permission to seek accreditation of an approved program. Board of Regents (BOR) action is required to seek program accreditation.

UNIVERSITY:	SDSU
PROGRAM:	Respiratory Care Program
CIP CODE:	51.0908
UNIVERSITY DEPARTMENT:	Allied and Population Health
UNIVERSITY DIVISION:	College of Pharmacy & Allied Health Professions

University Approval

To the Board of Regents and the Executive Director: I certify that I have read this proposal, that I believe it to be accurate, and that it has been evaluated and approved as provided by university policy.

President of the University

Click here to enter a
date.

Date: November 3,
2022

1. Level of program seeking accreditation (place an "X" in the appropriate box):

- ☐ Certificate
 ☐ Associate
 ☒ Bachelor's
☐ Doctoral
 ☐ Master's

2. Accrediting Agency:

Commission on Accreditation for Respiratory Care (CoARC)

3. What are the advantages of accreditation?

Accreditation of the bachelor's degree or degree advancement is essential as we align with the profession's goal of making all Respiratory Care Programs baccalaureate level entry by 2030. CoARC accreditation is required for students to sit for the credentialing exam offered by the National Board for Respiratory Care (NBRC). A valid credential is a minimum requirement for 49 state licensure boards in the United States (U.S).

Accreditation is important in ensuring high quality education is being provided to those seeking their professional degrees in Respiratory Care. Students seeking a bachelor's degree in Respiratory Care often go to the only Respiratory Care accrediting agency in the U.S. to find programs. Currently, our associate degree is listed on CoARC's website. Achieving CoARC

accreditation will ensure South Dakota State University is promoting excellence in Respiratory Care education.

4. What are the anticipated costs involved in accreditation, including:

A. Costs involved in undergoing self-study and preparing the application for accreditation:

The Respiratory Care Program currently holds an Associate degree accreditation from CoARC. The fees associated with accreditation would be for degree advancement and would fall under the “add-on degree track.”

Add-on Degree Track	
Letter of Intent	\$1,400.00
Provisional Self-Study Report	\$1,200.00
Continuing Self Study Report	\$950.00
Annual	\$1,200.00
Virtual Site Visit	
Site visit	1,000

B. Out-of-pocket costs related to dues or site visits:

The degree advancement would be offered online so no face-to-face site visit is required. The site visit fee would be associated with the virtual visit, this comes to \$1,000.

C. Base budget implications including incremental costs and minimum base resources required (dollars and FTE): The base budget will not be impacted by accreditation of this program. Current courses and FTE are already in place.

5. What is the source of the revenue needed? Department funds will be used for the site visit and accreditation fees.

6. What is the estimated date for submission of accreditation application?

Pending BOR approval, Spring/Summer 2023.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – L
DATE: March 29-30, 2023

SUBJECT

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

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

According to BOR Policy 6:6 – Maintenance and Repair, projects not on an approved list estimated to cost more than \$250,000 must be submitted for Board approval. Any changes, other than funding realignments and transfers, over \$250,000 to an approved project must be submitted for BOR approval. Below is the list of projects submitted by the Regental institutions.

University of South Dakota requests approval of the following project:

ID Weeks Chiller Replacement – This project is requesting \$540,000 for full design, cost estimate, and contract administration for design and replacement of the failed heat recovery chiller and split bundle chiller and associated items for the ID Weeks building. They will be using a combination of HEFF and General Fund M&R Funding.

South Dakota School of Mines & Technology requests approval of the following project:

Ascent Innovation Building – This project will be using the \$1.9 million in donated CARA funds for the design and construction of space within the newly acquired Ascent Innovation building. The renovation will include demolition, new walls, finishes, flooring, ceiling, lighting, electrical, HVAC, and plumbing.

IMPACT AND RECOMMENDATIONS

Staff recommends approval of these projects.

ATTACHMENTS

None

DRAFT MOTION 20230329_5-L:

I move to approve the requested maintenance and repair projects as described in this item.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – M
DATE: March 29-30, 2023

SUBJECT

City of Brookings Easements – SDSU

CONTROLLING STATUTE, RULE, OR POLICY

SDCL §§ [5-2-10](#) & [5-2-11](#)

BACKGROUND / DISCUSSION

South Dakota State University (SDSU) requests that the Board of Regents adopt the Resolution set forth in Attachment I requesting the grant of various easement to the City of Brookings. Brookings Municipal Utilities has requested various easements on SDSU property as they upgrade the sanitary sewer running under University Boulevard and SDSU property. SDSU will benefit from improved median development and road resurfacing during the project, as well as from the upgraded sanitary sewer. This request includes permanent easements for utility corridors and temporary easements to accommodate construction and road resurfacing.

IMPACT AND RECOMMENDATION

SDSU requests the Board of Regents approve proceeding with the requested permanent and temporary easements for the above-mentioned purposes.

Staff recommends approval.

ATTACHMENTS

Attachment I – Resolution Requesting the Grant of an Easements
Attachment I, Exhibit I – Draft Temporary Construction Easement – 22nd St.
Attachment I, Exhibit II – Draft Temporary Construction Easement – Lift Station
Attachment I, Exhibit III – Draft Temporary Construction Easement – University Blvd.
Attachment I, Exhibit IV – Draft Permanent Easement – Utilities
Attachment I, Exhibit V – Draft Permanent Easement – Access

DRAFT MOTION 20230329_5-M:

I move to 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.

RESOLUTION

Resolution requesting the grant of easements through, under, in, on and across portions of land occupied by South Dakota State University for the use and benefit of the City of Brookings.

The South Dakota Board of Regents (hereinafter referred to as “BOR”), on behalf of South Dakota State University, pursuant to the authority vested in BOR under SDCL § 5-2-11 and other applicable law, hereby requests the Commissioner of School and Public Lands to draw up all necessary documents and to forward them to the Governor to request their execution in order to grant to the City of Brookings, and/or its Municipal Utility Board, various temporary and permanent easements to construct, reconstruct, replace, modify, upgrade, extend, remove, maintain, and operate utilities, and to provide the requisite access associated therewith, through, under, on and across the following described real estate within the City of Brookings, Brookings County, South Dakota:

That portion of the NE ¼ of Section 24, Township 110 North, Range 50 West, as further shown in Exhibit A to Exhibit I, a copy of which is attached hereto and incorporated herein; and

That portion of the N ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West, as further shown in Exhibit A to Exhibit II, a copy of which is attached hereto and incorporated herein; and

That portion of the N ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West, as further shown in Exhibit A to Exhibit III, a copy of which is attached hereto and incorporated herein; and

That portion of the N ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West, as further shown in Exhibit A to Exhibit IV, a copy of which is attached hereto and incorporated herein; and

That portion of the NE ¼ of Section 24, Township 110 North, Range 50 West, as further shown in Exhibit A to Exhibit V, a copy of which is attached hereto and incorporated herein; and

BOR requests that the easement be generally consistent with the drafts attached hereto as Exhibits I – V, without restricting the ability of the parties to further revise the easements to effectuate their intended purposes before executing and filing the same, to include adjusting the easement locations to accommodate the final construction plans.

Dated this ____ day of March, 2023

SOUTH DAKOTA BOARD OF REGENTS

By _____

Pam Roberts
President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at its meeting conducted on the _____ day of March, 2023, and I hereby certify that the same is a true, correct, and complete copy thereof and that the same has not been rescinded.

Dated this _____ day of March, 2023

SOUTH DAKOTA BOARD OF REGENTS

By _____

Secretary

Prepared by:
Banner Associates, Inc.
 409 22nd Avenue S.
 Brookings, SD 57006

STATE OF SOUTH DAKOTA TEMPORARY EASEMENT

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 [the “State”] and the City of Brookings, by and through its Municipal Utility Board, 520 3rd Street, Suite 230, Brookings, South Dakota, 57006 [“the City”].

WHEREAS, The City is desirous of retaining a temporary easement for the construction of utilities, and all necessary and appurtenant structures, fixtures and controls across land belonging to the State, and the State is desirous of cooperating with the City for said easement.

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the State hereby grants and conveys to the City, a temporary easement for the following described purposes: the right to utilities, and all necessary and appurtenant of structures, fixtures and controls associated with the Easement and construction of utilities, through, under, in, on and across the following legally described real estate within the City of Brookings, Brookings County, State of South Dakota (the “Easement Area”):

that portion of the NE ¼ of Section 24, Township 110 North, Range 50 West,

as more fully described Exhibit “A”, a copy of which is attached hereto and incorporated herein by this reference.

2. The easement shall expire on completion of the work.
3. The City agrees that any construction will not diminish nor interfere unnecessarily with the State’s use of its adjoining property and will not endanger nor injure any improvements thereon. The State reserves the right to utilize the Property for all purposes not inconsistent with the easement rights herein conveyed. The State and / or the City may enter upon the above described property for the purposes of effectuating the grant of and reserved rights in this easement.

4. The City further agrees, at no cost to the State, to be responsible for the operation, repair, maintenance, replacement, or removal of the utilities or structures installed by the City and associated with the operation and maintenance of said utilities or structures.
5. The right of way, utilities, or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.
6. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the State to continue use of any existing utilities, access, or State infrastructure. Existing utilities, access, or infrastructure may be relocated with State's permission at the City's expense.
7. The City further understands and agrees, that to the extent provided by South Dakota law, it shall be liable for all damages caused by construction of the utilities or structures installed by the City, and the City agrees to indemnify, defend, and hold the State harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City. City may require contractors and permittees, to defend, indemnify and hold City whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive the State's sovereign immunity.
8. The City further understands and agrees that the State has and retains the right to lease, sell, or otherwise convey the Easement Area, or any part thereof, provided, however, that this Easement shall remain in full force and effect until the expiration of the term hereof notwithstanding such lease, sale or conveyance. In addition, the above-described easement is subject to a reservation of further easements and rights-of-way for irrigation ditches and canals, as provided by South Dakota Codified Laws 5-4-2, so long as they do not infringe upon the rights relating to deposits of coal, ores, metal and other minerals, asphaltum, oil, gas and like substances provided South Dakota Constitution Art. VIII §19, South Dakota Codified Laws 5-7-3 to 5-7-6, inclusive and South Dakota Codified Laws 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.
9. City shall maintain the surface area of the Easement shown in Exhibit "A" following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.
10. This agreement and attachments shall constitute the entire agreement between the State and the City. This agreement supersedes any other written or oral agreements between the State and the City pertaining to the Easement Area, or any portion thereof. This agreement can be modified only in writing and signed by the State and the City or their respective heirs, representatives, executors, administrators, successors and assigns.

11. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of City or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to the State or any person or entity succeeding to its interest.
12. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands, and the Grantee has set its hand and seal this _____ day of _____, 2023.

STATE OF SOUTH DAKOTA

BY: _____
 Kristi Noem
 Governor

ATTEST:

 Brock Greenfield
 Commissioner of School and Public Lands

CITY OF BROOKINGS

BY: _____
 Paul Briseno
 City Manager

ATTEST:

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that she executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner of School and Public Lands, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

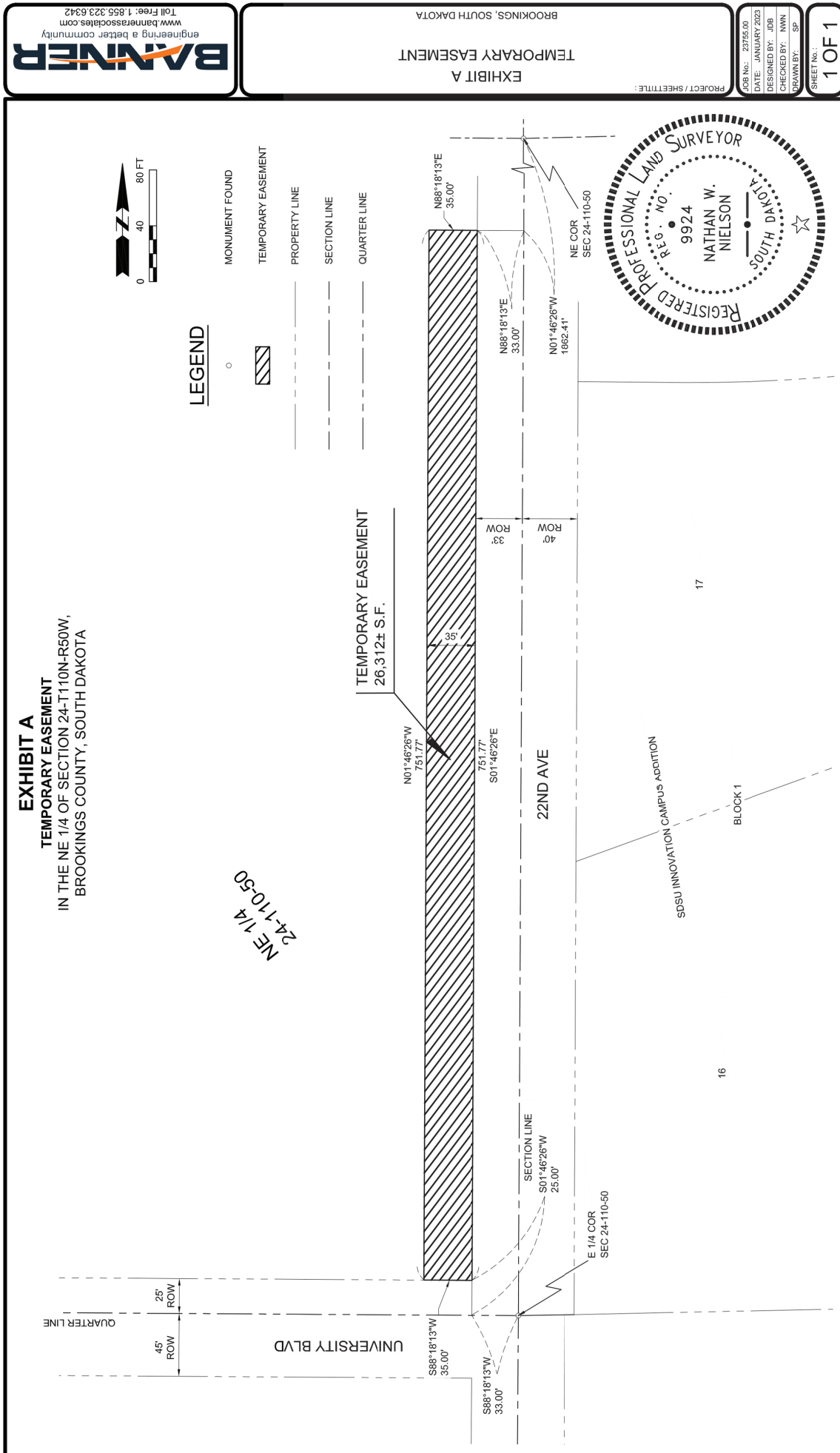
 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Brookings)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Paul Briseno, City Manager of the City of Brookings, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____



Prepared by:
Banner Associates, Inc.
 409 22nd Avenue S.
 Brookings, SD 57006

STATE OF SOUTH DAKOTA TEMPORARY EASEMENT

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 [the “State”] and the City of Brookings, by and through its Municipal Utility Board, 520 3rd Street, Suite 230, Brookings, South Dakota, 57006 [“the City”].

WHEREAS, The City is desirous of retaining a temporary easement for the construction of utilities, and all necessary and appurtenant structures, fixtures and controls across land belonging to the State, and the State is desirous of cooperating with the City for said easement.

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the State hereby grants and conveys to the City, a temporary easement for the following described purposes: the right to utilities, and all necessary and appurtenant of structures, fixtures and controls associated with operation and maintenance of Easement and construction of utilities, through, under, in, on and across the following legally described real estate within the City of Brookings, Brookings County, State of South Dakota (the “Easement Area”):

that portion of the North ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West,

as more fully described in Exhibit “A”, a copy of which is attached hereto and incorporated herein by this reference.

2. The easement shall expire on completion of the work.
3. The City agrees that any construction will not diminish nor interfere unnecessarily with the State’s use of its adjoining property and will not endanger nor injure any improvements thereon. The State reserves the right to utilize the Property for all purposes not inconsistent with the easement rights herein conveyed. The State and / or the City may enter upon the

above described property for the purposes of effectuating the grant of and reserved rights in this easement.

4. The City further agrees, at no cost to the State, to be responsible for the operation, repair, maintenance, replacement, or removal of the utilities or structures installed by the City and associated with the operation and maintenance of said utilities or structures.
5. The right of way, utilities, or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.
6. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the State to continue use of any existing utilities, access, or State infrastructure. Existing utilities, access, or infrastructure may be relocated with State's permission at the City's expense.
7. The City further understands and agrees, that to the extent provided by South Dakota law, it shall be liable for all damages caused by construction of the utilities or structures installed by the City, and the City agrees to indemnify, defend, and hold the State harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City. City may require contractors and permittees, to defend, indemnify and hold City whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive the State's sovereign immunity.
8. The City further understands and agrees that the State has and retains the right to lease, sell, or otherwise convey the Easement Area, or any part thereof, provided, however, that this Easement shall remain in full force and effect until the expiration of the term hereof notwithstanding such lease, sale or conveyance. In addition, the above-described easement is subject to a reservation of further easements and rights-of-way for irrigation ditches and canals, as provided by South Dakota Codified Laws 5-4-2, so long as they do not infringe upon the rights relating to deposits of coal, ores, metal and other minerals, asphaltum, oil, gas and like substances provided South Dakota Constitution Art. VIII §19, South Dakota Codified Laws 5-7-3 to 5-7-6, inclusive and South Dakota Codified Laws 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.
9. City shall maintain the surface area of the Easement shown in Exhibit "A" following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.

10. This agreement and attachments shall constitute the entire agreement between the State and the City. This agreement supersedes any other written or oral agreements between the State and the City pertaining to the Easement Area, or any portion thereof. This agreement can be modified only in writing and signed by the State and the City or their respective heirs, representatives, executors, administrators, successors and assigns.
11. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of City or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to the State or any person or entity succeeding to its interest.
12. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands, and the Grantee has set its hand and seal this _____ day of _____, 2023.

STATE OF SOUTH DAKOTA

BY: _____

Kristi Noem
Governor

ATTEST:

Brock Greenfield
Commissioner of School and Public Lands

CITY OF BROOKINGS

BY: _____

Paul Briseno
City Manager

ATTEST:

State of South Dakota)
 : SS.
County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that she executed the same.

(SEAL)

Notary Public – State of South Dakota
My Commission Expires: _____

State of South Dakota)
 : SS.
County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner of School and Public Lands, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

Notary Public – State of South Dakota
My Commission Expires: _____

State of South Dakota)
 : SS.
County of Brookings)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Paul Briseno, City Manager of the City of Brookings, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

Notary Public – State of South Dakota
My Commission Expires: _____



Prepared by:
Banner Associates, Inc.
 409 22nd Avenue S.
 Brookings, SD 57006

STATE OF SOUTH DAKOTA TEMPORARY EASEMENT

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 [the “State”] and the City of Brookings, 520 3rd Street, Suite 230, Brookings, South Dakota, 57006 [“the City”].

WHEREAS, The City is desirous of retaining a temporary easement for the construction and replacement of a shared use path, across land belonging to the State, and the State is desirous of cooperating with the City for said easement.

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the State hereby grants and conveys to the City, a temporary easement for the following described purposes: the right to construct and replace a shared use path associated with the Easement and construction of utilities, through, under, in, on and across the following legally described real estate within the City of Brookings, Brookings County, State of South Dakota (the “Easement Area”):

that portion of the N ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West,

as more fully described in Exhibit “A”, a copy of which is attached hereto and incorporated herein by this reference.

2. The City agrees that any construction will not diminish nor interfere unnecessarily with the State’s use of its adjoining property and will not endanger or injure any improvements thereon. The State reserves the right to utilize the Property for all purposes not inconsistent with the easement rights herein conveyed. The State and / or the City may enter upon the above described property for the purposes of effectuating the grant of and reserved rights in this easement.
3. The right of way or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.

Easement – N ½ SE ¼ Sec 24 T110N R50W

4. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the State to continue use of any existing utilities, access, or State infrastructure. Existing utilities, access, or infrastructure may be relocated with State's permission at the City's expense.
5. The City further understands and agrees, that to the extent provided by South Dakota law, it shall be liable for all damages caused by construction and replacement of the shared use path installed by the City, and the City agrees to indemnify, defend, and hold the State harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City. City may require contractors and permittees, to defend, indemnify and hold City whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive the State's sovereign immunity.
6. The City further understands and agrees that the State has and retains the right to lease, sell, or otherwise convey the Easement Area, or any part thereof, provided, however, that this Easement shall remain in full force and effect until the expiration of the term hereof notwithstanding such lease, sale or conveyance. In addition, the above-described easement is subject to a reservation of further easements and rights-of-way for irrigation ditches and canals, as provided by South Dakota Codified Laws 5-4-2, so long as they do not infringe upon the rights relating to deposits of coal, ores, metal and other minerals, asphaltum, oil, gas and like substances provided South Dakota Constitution Art. VIII §19, South Dakota Codified Laws 5-7-3 to 5-7-6, inclusive and South Dakota Codified Laws 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.
7. City shall maintain the surface area of the Easement shown in Exhibit "A" following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.
8. This agreement and attachments shall constitute the entire agreement between the State and the City. This agreement supersedes any other written or oral agreements between the State and the City pertaining to the Easement Area, or any portion thereof. This agreement can be modified only in writing and signed by the State and the City or their respective heirs, representatives, executors, administrators, successors and assigns.
9. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of City or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to the State or any person or entity succeeding to its interest.

10. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands, and the Grantee has set its hand and seal this _____ day of _____, 2023.

STATE OF SOUTH DAKOTA

BY: _____

Kristi Noem
Governor

ATTEST:

Brock Greenfield
Commissioner of School and Public Lands

CITY OF BROOKINGS

BY: _____

Paul Briseno
City Manager

ATTEST:

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that she executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner of School and Public Lands, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

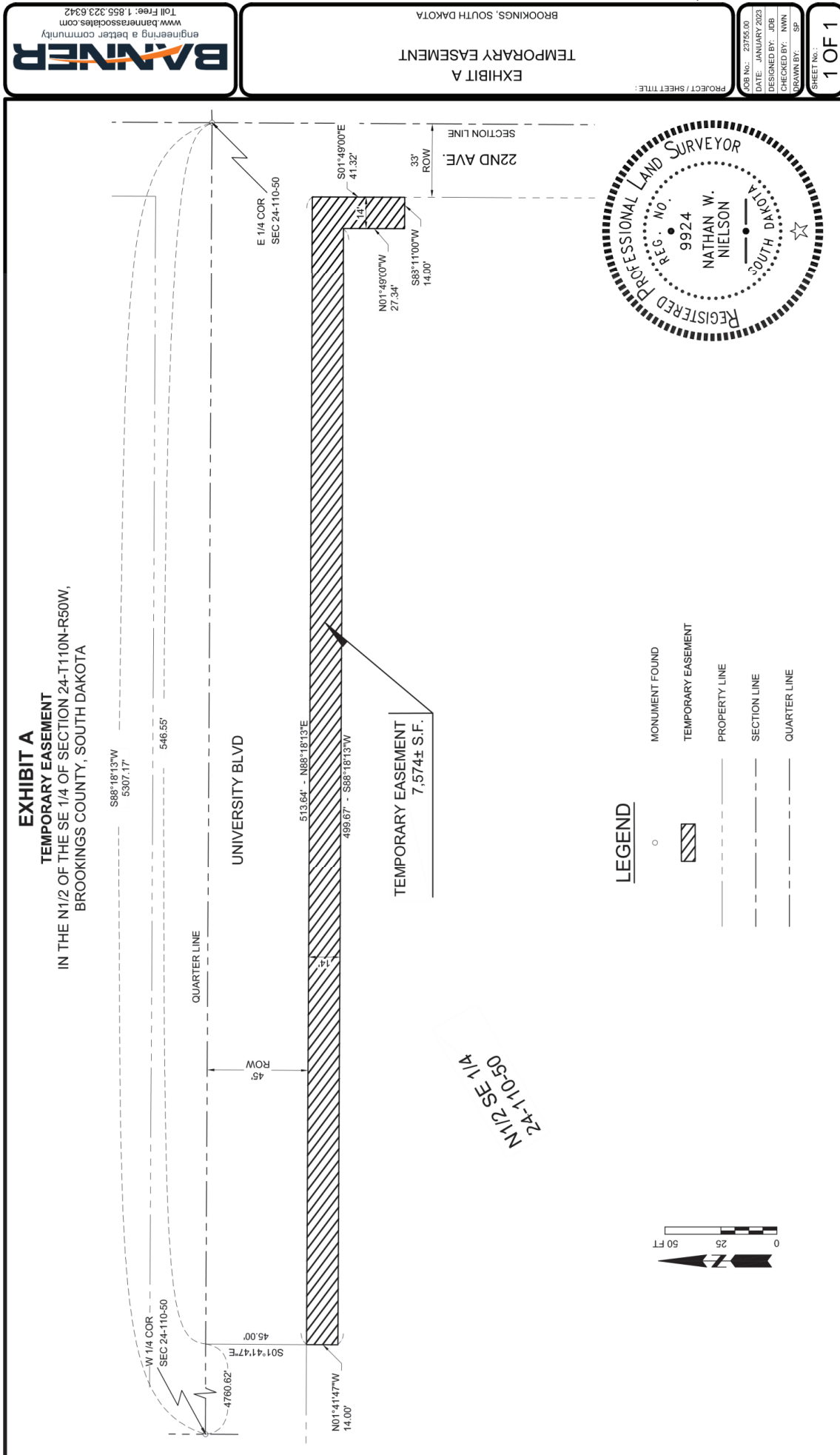
 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Brookings)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Paul Briseno, City Manager of the City of Brookings, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____



Prepared by:
Banner Associates, Inc.
 409 22nd Avenue S.
 Brookings, SD 57006

STATE OF SOUTH DAKOTA PERMANENT UTILITY EASEMENT

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 [the “State”] and the City of Brookings, by and through its Municipal Utility Board, 520 3rd Street, Suite 230, Brookings, South Dakota, 57006 [“the City”].

WHEREAS, The City is desirous of retaining a right-of-way easement for the construction, reconstruction, replacement, modification, upgrading, extension, removal, maintenance, and operation of utilities, and all necessary and appurtenant structures, fixtures and controls across land belonging to the State, and the State is desirous of cooperating with the City for said easement.

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the State hereby grants and conveys to the City, a permanent right-of-way easement for the following described purposes: the right to construction, reconstruct, replace, modify, upgrade, extend, remove, maintain, and operate utilities, and all necessary and appurtenant of structures, fixtures and controls associated with operation and maintenance of Easement and utilities, through, under, in, on and across the following legally described real estate within the City of Brookings, Brookings County, State of South Dakota (the “Easement Area”):

that portion of the North ½ of the SE ¼ of Section 24, Township 110 North, Range 50 West,

as more fully described in Exhibit “A”, a copy of which is attached hereto and incorporated herein by this reference.

2. The City agrees that any construction will not diminish nor interfere unnecessarily with the State’s use of its adjoining property and will not endanger nor injure any improvements thereon. The State reserves the right to utilize the Property for all purposes not inconsistent with the easement rights herein conveyed. The State and / or the City may enter upon the above-described property for the purposes of effectuating the grant of and reserved rights in this easement.

Easement – N ½ SE ¼ Sec 24 T110N R50W

3. The City further agrees, at no cost to the State, to be responsible for the operation, repair, maintenance, replacement, or removal of the utilities or structures installed by the City and associated with the operation and maintenance of said utilities or structures.
4. The right of way, utilities, or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.
5. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the State to continue use of any existing utilities, access, or State infrastructure. Existing utilities, access, or infrastructure may be relocated with State's permission at the City's expense.
6. The City further understands and agrees, that to the extent provided by South Dakota law, it shall be liable for all damages caused by construction, operation, maintenance, enlargement, upgrade, repair, alteration, removal, or replacement of the utilities or structures installed by the City and associated with the operation and maintenance of said utilities or structures, and the City agrees to indemnify, defend, and hold the State harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City. City may require contractors and permittees, to defend, indemnify and hold City whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive the State's sovereign immunity.
7. The City further understands and agrees that the State has and retains the right to lease, sell, or otherwise convey the Easement Area, or any part thereof, provided, however, that this Easement shall remain in full force and effect until the expiration of the term hereof notwithstanding such lease, sale or conveyance. In addition, the above-described easement is subject to a reservation of further easements and rights-of-way for irrigation ditches and canals, as provided by South Dakota Codified Laws 5-4-2, so long as they do not infringe upon the rights relating to deposits of coal, ores, metal and other minerals, asphaltum, oil, gas and like substances provided South Dakota Constitution Art. VIII §19, South Dakota Codified Laws 5-7-3 to 5-7-6, inclusive and South Dakota Codified Laws 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.
8. In consideration of the Easement, the City will not impose special assessments on the State to pay for connection costs to the City that may be associated with the development of the above described area.
9. City shall maintain the surface area of the Easement shown in Exhibit "A" following execution of this Easement. The property which is the subject of this Easement shall be kept

free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.

10. This agreement and attachments shall constitute the entire agreement between the State and the City. This agreement supersedes any other written or oral agreements between the State and the City pertaining to the Easement Area, or any portion thereof. This agreement can be modified only in writing and signed by the State and the City or their respective heirs, representatives, executors, administrators, successors and assigns.
11. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of City or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to the State or any person or entity succeeding to its interest.
12. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands, and the Grantee has set its hand and seal this _____ day of _____, 2023.

STATE OF SOUTH DAKOTA

BY: _____
 Kristi Noem
 Governor

ATTEST:

 Brock Greenfield
 Commissioner of School and Public Lands

CITY OF BROOKINGS

BY: _____
 Paul Briseno
 City Manager

ATTEST:

Easement – N ½ SE ¼ Sec 24 T110N R50W

State of South Dakota)
 :
County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that she executed the same.

(SEAL) Notary Public – State of South Dakota
My Commission Expires: _____

State of South Dakota)
 :
County of Hughes)

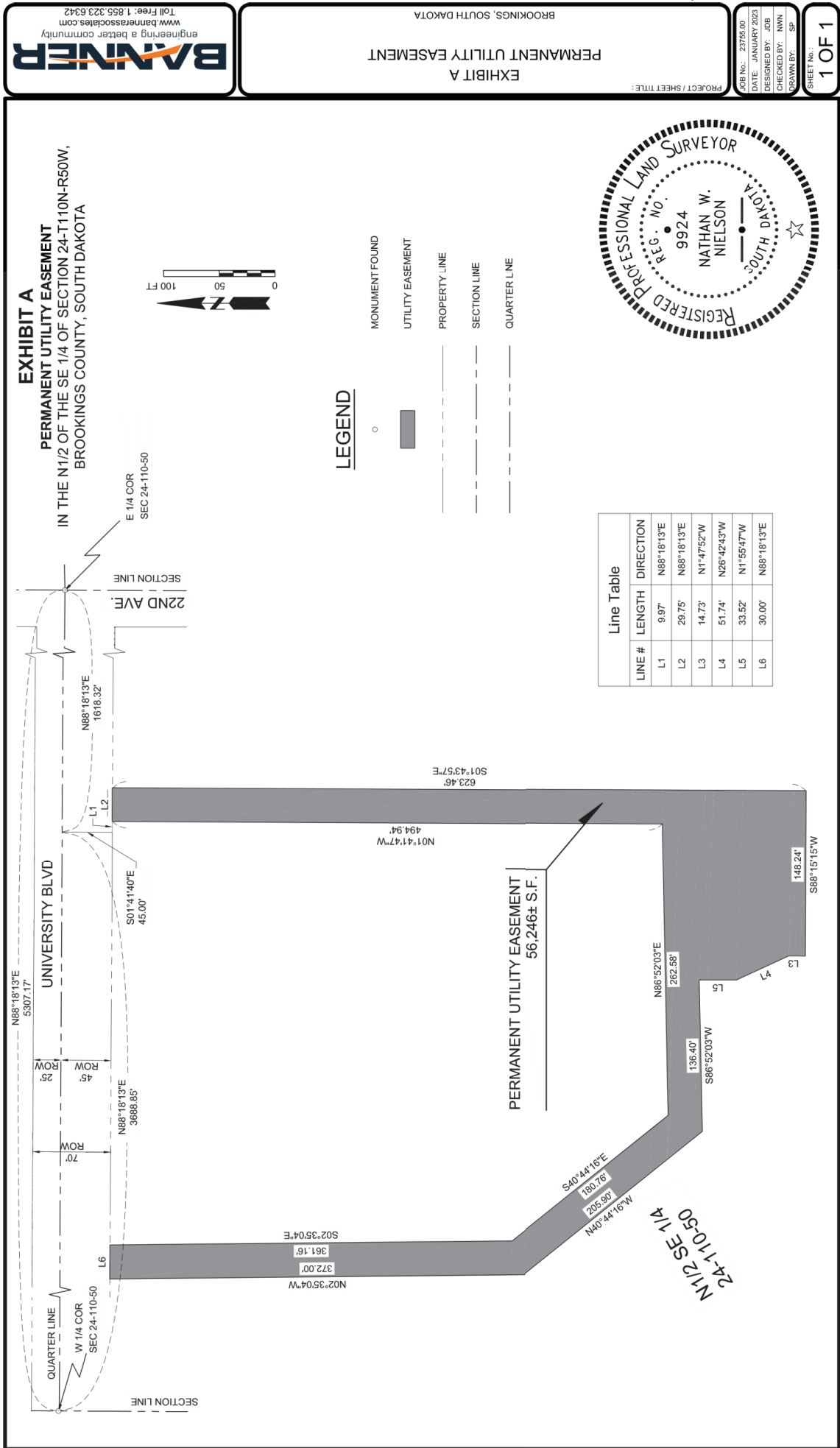
On this ____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner of School and Public Lands, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL) Notary Public – State of South Dakota
My Commission Expires: _____

State of South Dakota)
 :
County of Brookings)

On this ____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Paul Briseno, City Manager of the City of Brookings, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL) _____
Notary Public – State of South Dakota
My Commission Expires: _____



Prepared by:
Banner Associates, Inc.
 409 22nd Avenue S.
 Brookings, SD 57006

STATE OF SOUTH DAKOTA PERMANENT EASEMENT

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 [the “State”] and the City of Brookings, 520 3rd Street, Suite 230, Brookings, South Dakota, 57006 [“the City”].

WHEREAS, The City is desirous of retaining a right-of-way easement for the construction, reconstruction, replacement, modification, upgrading, extension, removal, maintenance, and operation of a shared use path, across land belonging to the State, and the State is desirous of cooperating with the City for said easement.

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the State hereby grants and conveys to the City, a permanent right-of-way easement for the following described purposes: the right to construction, reconstruct, replace, modify, upgrade, extend, remove, maintain, and operate a shared use path associated with operation and maintenance of Easement and utilities, through, under, in, on and across the following legally described real estate within the City of Brookings, Brookings County, State of South Dakota (the “Easement Area”):

that portion of the NE ¼ of Section 24, Township 110 North, Range 50 West,

as more fully described in Exhibit “A”, a copy of which is attached hereto and incorporated herein by this reference.

2. The City agrees that any construction will not diminish nor interfere unnecessarily with the State’s use of its adjoining property and will not endanger nor injure any improvements thereon. The State reserves the right to utilize the Property for all purposes not inconsistent with the easement rights herein conveyed. The State and / or the City may enter upon the above described property for the purposes of effectuating the grant of and reserved rights in this easement.

3. The City further agrees, at no cost to the State, to be responsible for the operation, repair, maintenance, replacement, or removal of the shared use path installed by the City and associated with the operation and maintenance of said shared use path.
4. The right of way, utilities, or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.
5. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the State to continue use of any existing utilities, access, or State infrastructure. Existing utilities, access, or infrastructure may be relocated with State's permission at the City's expense.
6. The City further understands and agrees, that to the extent provided by South Dakota law, it shall be liable for all damages caused by construction, operation, maintenance, enlargement, upgrade, repair, alteration, removal, or replacement of the shared use path installed by the City and associated with the operation and maintenance of said shared use path, and the City agrees to indemnify, defend, and hold the State harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to City. City may require contractors and permittees, to defend, indemnify and hold City whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive the State's sovereign immunity.
7. The City further understands and agrees that the State has and retains the right to lease, sell, or otherwise convey the Easement Area, or any part thereof, provided, however, that this Easement shall remain in full force and effect until the expiration of the term hereof notwithstanding such lease, sale or conveyance. In addition, the above-described easement is subject to a reservation of further easements and rights-of-way for irrigation ditches and canals, as provided by South Dakota Codified Laws 5-4-2, so long as they do not infringe upon the rights relating to deposits of coal, ores, metal and other minerals, asphaltum, oil, gas and like substances provided South Dakota Constitution Art. VIII §19, South Dakota Codified Laws 5-7-3 to 5-7-6, inclusive and South Dakota Codified Laws 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.
8. City shall maintain the surface area of the Easement shown in Exhibit "A" following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.
9. This agreement and attachments shall constitute the entire agreement between the State and the City. This agreement supersedes any other written or oral agreements between the State

and the City pertaining to the Easement Area, or any portion thereof. This agreement can be modified only in writing and signed by the State and the City or their respective heirs, representatives, executors, administrators, successors and assigns.

10. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of City or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to the State or any person or entity succeeding to its interest.
11. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the parties have caused this Easement to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands, and the Grantee has set its hand and seal this _____ day of _____, 2023.

STATE OF SOUTH DAKOTA

BY: _____

Kristi Noem
Governor

ATTEST:

Brock Greenfield
Commissioner of School and Public Lands

CITY OF BROOKINGS

BY: _____

Paul Briseno
City Manager

ATTEST:

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that she executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Hughes)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner of School and Public Lands, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

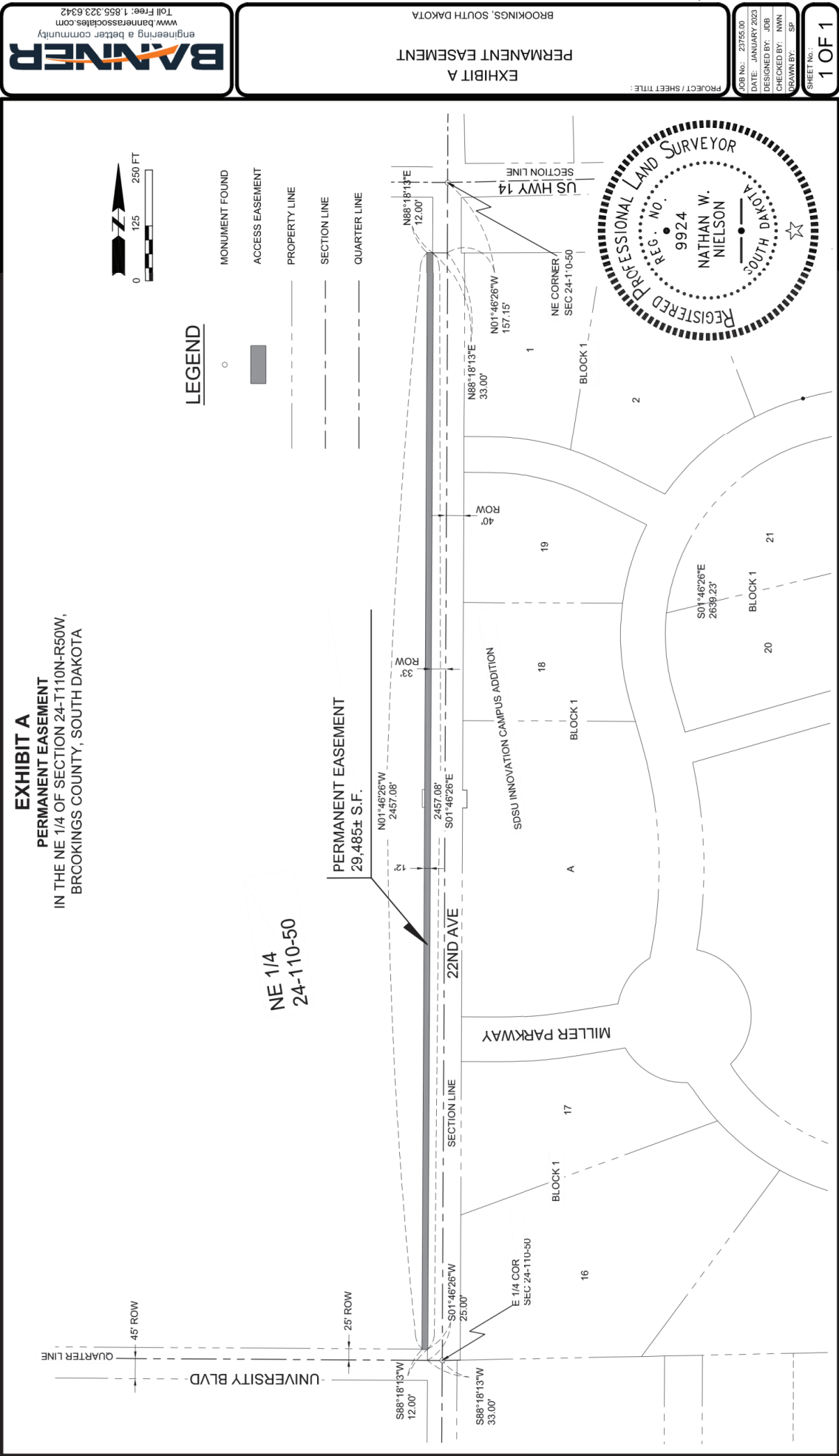
 Notary Public – State of South Dakota
 My Commission Expires: _____

State of South Dakota)
 : SS.
 County of Brookings)

On this _____ day of _____, 2023, before me the undersigned Notary Public within aforesaid County and State, personally appeared Paul Briseno, City Manager of the City of Brookings, known to me to be the person described herein and who executed the within and foregoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

(SEAL)

 Notary Public – State of South Dakota
 My Commission Expires: _____



SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – N
DATE: March 29-30, 2023

SUBJECT

West River Electric Association, Inc. Easements – SDSMT

CONTROLLING STATUTE, RULE, OR POLICY

SDCL §§ [5-2-10](#) & [5-2-11](#)

BACKGROUND / DISCUSSION

The South Dakota School of Mines and Technology (SDSMT) requests that the Board of Regents adopt the Resolution set forth in Attachment I requesting the grant of easements to West River Electric Association, Inc for underground and overhead transmission and/or distribution lines and all necessary appurtenant structures associated with the operation and maintenance thereof, to include the a separate equipment right-of-way easement. The proposed easement is consistent with and supports SDSMT’s campus development plans.

IMPACT AND RECOMMENDATION

SDSMT requests the Board of Regents approve proceeding with the requested easements and adopt the Resolution set forth in Attachment I requesting the grant of easements in favor of West River Electric Association, Inc for underground and overhead transmission and/or distribution lines, an equipment right-of-way, and appurtenant structures associated with the operation and maintenance of the foregoing.

Staff recommends approval.

ATTACHMENTS

Attachment I – Resolution Requesting the Grant of an Easement
Attachment I, Exhibit I – Draft WREA Line Easement
Attachment I, Exhibit II – Draft WREA Equipment Easement

DRAFT MOTION 20230329_5-N:

I move to 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.

RESOLUTION

Resolution requesting the grant of easements through, under, in, on and across portions of land occupied by South Dakota School of Mines and Technology for the use and benefit of the West River Electric Association, Inc.

The South Dakota Board of Regents (hereinafter referred to as “BOR”), on behalf of the South Dakota School of Mines and Technology, pursuant to the authority vested in BOR under SDCL § 5-2-11 and other applicable law, hereby requests the Commissioner of School and Public Lands to draw up all necessary documents and to forward them to the Governor to request their execution in order to grant to the West River Electric Association, Inc. easements to survey, construct, reconstruct, replace, modify, upgrade, extend, remove, maintain, and operate underground and overhead transmission and/or distribution lines, and to provide the necessary right-of-way to maintain and operate the equipment, through, under, on and across the following described real estate in Lake County, South Dakota:

Those portions of Lot B of the NE1/4 of the SW1/4; and Lot C of GL 3 Less Lot H2, located in Section 31, Township 2 North, Range 9 East, as further shown in Exhibit A to Exhibit I, a copy of which is attached hereto and incorporated herein; and

Those portions of Lot B of the NE1/4 of the SW1/4; and Lot C of GL 3 Less Lot H2, located in Section 31, Township 2 North, Range 9 East, as further shown in Exhibit A to Exhibit II, a copy of which is attached hereto and incorporated herein.

BOR requests that the easements be generally consistent with the drafts attached hereto as Exhibit I and Exhibit II, without restricting the ability of the parties to further revise the easements to effectuate their intended purposes before executing and filing the same, to include adjusting the easement locations to accommodate the final construction plans.

Dated this ____ day of March, 2023

SOUTH DAKOTA BOARD OF REGENTS

By _____

Pam Roberts
President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at its meeting conducted on the ____ day of March, 2023, and I hereby certify that the same is a true, correct, and complete copy thereof and that the same has not been rescinded.

Dated this ____ day of March, 2023

SOUTH DAKOTA BOARD OF REGENTS

By _____

Secretary

**This document prepared by:
Office of School and Public Lands
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
(605)773-3303**

**STATE OF SOUTH DAKOTA
PERMANENT UTILITY EASEMENT**

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 (Grantor) and West River Electrical Association, Inc., P.O. Box 412, Wall, South Dakota 57790 (Grantee).

WHEREAS, the Grantee desires to acquire a permanent Easement, as depicted in Exhibit A attached hereto and incorporated herein by this reference, for the purpose of surveying, constructing, reconstructing, upgrading, replacing, operating and maintaining, repairing, altering, inspecting, removing and enhancing underground and overhead transmission and/or distribution lines and associated equipment, and all necessary appurtenant structures, fixtures, and attachments upon, under, through, and across land belonging to Grantor, and the Grantor desires to cooperate with the Grantee for said Easement;

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the Grantor hereby grants and conveys to the Grantee a permanent utility Easement for the following described purposes, to include the right to ingress and egress over adjacent lands of Grantor as necessary to access the Easement: the right to survey, construct, reconstruct, upgrade, replace, operate, and maintain, repair, alter, inspect, remove and enhance underground and overhead transmission and/or distribution lines and associated equipment owned by Grantee and all necessary appurtenant structures, fixtures, attachments upon, under, through, and across the following legally described real estate within the County of Pennington, State of South Dakota:

Those portions of Lot B of the NE1/4 of the SW1/4; and Lot C of GL 3 Less Lot H2, located in Section 31, Township 2 North, Range 9 East, as more fully described and shown on Exhibit A.

2. Grantor agrees that this Easement may not be modified or revised in a manner that would diminish the rights of Grantee, its successors or assigns.

3. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the Grantor to continue use of any existing utilities, access, or Grantor infrastructure. Existing utilities, access, or infrastructure may be relocated with Grantor permission at the Grantee's expense.

4. Grantor reserves the right to utilize the property for all purposes not inconsistent with the Easement rights herein conveyed. Grantor or Grantee may enter upon the above-described property for the purposes of effectuating the grant of and reserved rights in this Easement.

5. The utilities or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.

6. The Grantee further understands and agrees, that to the extent provided by South Dakota law it shall be liable for all damages caused by the construction, operation, maintenance, enlargement, upgrade, repair, alteration, removal or replacement of the street/highway(s), drainage, water, sanitary sewers, and other utilities or structures installed by the Grantee and damages associated with the Grantee's operation and maintenance of the street/highway improvements and the Grantee agrees to indemnify, defend, and hold the Grantor harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the Grantee. The Grantee may require contractors and permittees, to defend, indemnify and hold the Grantee whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive Grantor's or Grantee's sovereign immunity.

7. The Grantee shall maintain the surface area of the Easement shown in Exhibit A following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.

8. Should the above-described real property granted by this Easement cease to be used for the purpose stated herein for two (2) consecutive years, this Easement reverts to the State of South Dakota or its successors or assigns.

9. The Grantor has and retains the right to lease, sell, or otherwise convey the property or any party thereof, subject to the terms of this Easement, provided, however, that this Easement shall remain in full force and effect until the expiration of the terms hereof notwithstanding such a lease, sale or conveyance. This Easement is also subject to reservations and rights relating to deposits of coal, ores, metals and other minerals, asphaltum, oil, gas and other like substances provided by the South Dakota

Constitution Art. VIII, §19, South Dakota Codified Law 5-7-3 to 5-7-6, inclusive, and South Dakota Codified Law § 5-2-12, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.

10. This agreement and attachment(s) shall constitute the entire agreement between Grantor and Grantee. This agreement supersedes any other written or oral agreements between Grantor and Grantee. This agreement can be modified only in writing and signed by the Grantor and Grantee or their respective heirs, representatives, executors, administrators, successors and assigns.

11. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of Grantee or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to Grantor or any person or entity succeeding to its interest.

12. This Easement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the STATE OF SOUTH DAKOTA has caused this Instrument to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands and the Grantee has set its hand and seal this day of , 2023.

APPROVED BY:
GRANTOR
STATE OF SOUTH DAKOTA

ATTEST BY:
OFFICE OF SCHOOL AND PUBLIC LANDS

Kristi Noem, Governor

Brock Greenfield, Commissioner

STATE OF SOUTH DAKOTA)) ss
COUNTY OF HUGHES)

Be it remembered that on this ____ day of _____, 2023, before me a Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person who described in, and who executed the within and forgoing instrument and acknowledged to me that executed the same.

Commission Expires

Commission Expires

On this _____ day of _____, 2023, before me, the undersigned officer, personally appeared _____, who acknowledged themselves to be _____ and that they, being authorized to do so, executed the within and forgoing instrument for the purposes therein contained by signing the name of West River Electrical Association, Inc. by themselves as _____.

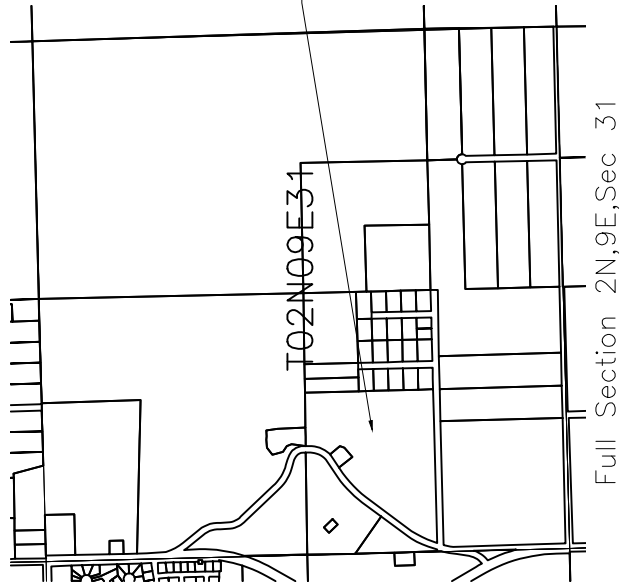
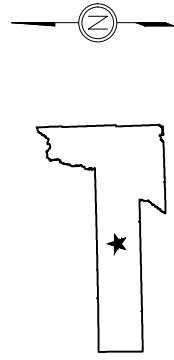
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Notary Seal

Commission Expires

EXHIBIT A
T2N R9E SEC 31



25' Electrical Easement

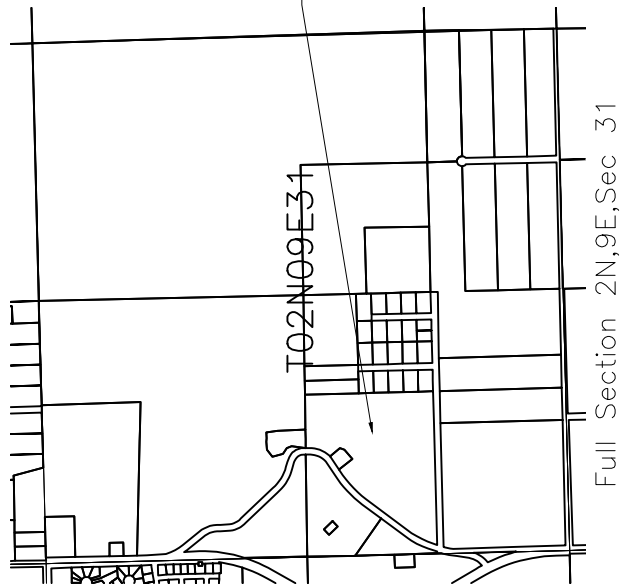
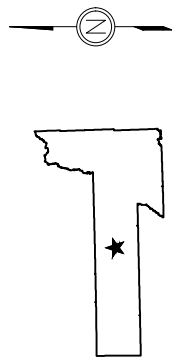
ATTACHMENT I, EXHIBIT I 9

WO# 38426
Parcel ID: 2231302002

Disclaimer: The information contained in this document was NOT obtained using a registered Land Surveyor, therefore its use is for informational purposes only.
October 25, 2022



EXHIBIT A
T2N R9E SEC 31



**This document prepared by:
Office of School and Public Lands
500 East Capitol Avenue
Pierre, South Dakota 57501-5070
(605)773-3303**

**STATE OF SOUTH DAKOTA
PERMANENT UTILITY EASEMENT**

THIS EASEMENT is made and entered by and between the State of South Dakota acting through its Governor and Commissioner of School and Public Lands on behalf of the South Dakota Board of Regents, 500 East Capitol, Pierre, South Dakota, 57501 (Grantor) and West River Electric Association, Inc., P.O. Box 412, Wall, South Dakota 57790 (Grantee).

WHEREAS, the Grantee desires to acquire a permanent Easement, as depicted in Exhibit A attached hereto and incorporated herein by this reference, for the purpose of surveying, constructing, reconstructing, upgrading, replacing, operating and maintaining, repairing, altering, inspecting, removing and enhancing electrical equipment owned by Grantee, and all necessary appurtenant structures, fixtures, and attachments upon, under, through, and across land belonging to Grantor, and the Grantor desires to cooperate with the Grantee for said Easement;

NOW THEREFORE THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. For and in consideration of the sum of One dollar (\$1.00), the receipt of which is hereby acknowledged and other valuable consideration set forth in this Easement, the Grantor hereby grants and conveys to the Grantee a permanent right-of-way Easement for the following described purposes, to include the right to ingress and egress over adjacent lands of Grantor as necessary to access the Easement: the right to survey, construct, reconstruct, upgrade, replace, operate, and maintain, repair, alter, inspect, remove and enhance underground and overhead transmission and/or distribution lines and associated equipment owned by Grantee and all necessary appurtenant structures, fixtures, attachments upon, under, through, and across the following legally described real estate within the County of Pennington, State of South Dakota:

Those portions of Lot B of the NE1/4 of the SW1/4; and Lot C of GL 3 Less Lot H2, located in Section 31, Township 2 North, Range 9 East, as more fully described and shown on Exhibit A.

2. Grantor agrees that this Easement may not be modified or revised in a manner that would diminish the rights of Grantee, its successors or assigns.

3. This Easement is granted subject to all existing rights of way and easements over and upon the property including the reservation by the Grantor to continue use of any existing utilities, access, or Grantor infrastructure. Existing utilities, access, or infrastructure may be relocated with Grantor permission at the Grantee's expense.

4. Grantor reserves the right to utilize the property for all purposes not inconsistent with the Easement rights herein conveyed. Grantor or Grantee may enter upon the above-described property for the purposes of effectuating the grant of and reserved rights in this Easement.

5. The equipment or other infrastructure shall be constructed in a good and workmanlike manner and all disturbed area shall be restored to a finished grade.

6. The Grantee further understands and agrees, that to the extent provided by South Dakota law it shall be liable for all damages caused by the construction, operation, maintenance, enlargement, upgrade, repair, alteration, removal or replacement of the street/highway(s), drainage, water, sanitary sewers, and other utilities or structures installed by the Grantee and damages associated with the Grantee's operation and maintenance of the street/highway improvements and the Grantee agrees to indemnify, defend, and hold the Grantor harmless for the same. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the Grantee. The Grantee may require contractors and permittees, to defend, indemnify and hold the Grantee whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair, operation of construction, or permitted facilities by such contractor or permittee in or near the Easement. Nothing in this agreement shall be read to waive Grantor's or Grantee's sovereign immunity.

7. The Grantee shall maintain the surface area of the Easement shown in Exhibit A following execution of this Easement. The property which is the subject of this Easement shall be kept free of all obstructions including but not limited to buildings, walls, fences, debris, trees, shrubs, or landscaping if such use is incompatible with the Easement.

8. Should the above-described real property granted by this Easement cease to be used for the purpose stated herein for two (2) consecutive years, this Easement reverts to the State of South Dakota or its successors or assigns.

9. The Grantor has and retains the right to lease, sell, or otherwise convey the property or any party thereof, subject to the terms of this Easement, provided, however, that this Easement shall remain in full force and effect until the expiration of the terms hereof notwithstanding such a lease, sale or conveyance. This Easement is also subject to reservations and rights relating to deposits of coal, ores, metals and other minerals, asphaltum, oil, gas and other like substances provided by the South Dakota Constitution Art. VIII, §19, South Dakota Codified Law 5-7-3 to 5-7-6, inclusive, and South Dakota Codified Law § 5-2-12, and in any law of the State of South Dakota

reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.

10. This agreement and attachment(s) shall constitute the entire agreement between Grantor and Grantee. This agreement supersedes any other written or oral agreements between Grantor and Grantee. This agreement can be modified only in writing and signed by the Grantor and Grantee or their respective heirs, representatives, executors, administrators, successors and assigns.

11. This Easement shall be binding upon the heirs, executors, administrators, assigns, and successors in interest of the parties hereto, and the failure of Grantee or any person or entity succeeding to its interest to comply with the conditions stated herein shall cause the Easement to terminate and to revert to Grantor or any person or entity succeeding to its interest.

12. This Easement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

IN WITNESS WHEREOF, the STATE OF SOUTH DAKOTA has caused this Instrument to be executed in the name of the State, by the Governor and attested to by the Commissioner of School and Public Lands and the Grantee has set its hand and seal this _____ day of _____, 2023.

APPROVED BY:
GRANTOR
STATE OF SOUTH DAKOTA
LANDS

ATTEST BY:
OFFICE OF SCHOOL AND PUBLIC

Kristi Noem, Governor

Brock Greenfield, Commissioner

STATE OF SOUTH DAKOTA)) ss
COUNTY OF HUGHES)

Be it remembered that on this ____ day of _____, 2023, before me a Notary Public within aforesaid County and State, personally appeared Kristi Noem, Governor, known to me to be the person who described in, and who executed the within and forgoing instrument and acknowledged to me that executed the same.

Commission Expires

STATE OF SOUTH DAKOTA)) ss
COUNTY OF HUGHES)

Be it remembered that on this ____ day of _____, 2023, before me a Notary Public within aforesaid County and State, personally appeared Brock Greenfield, Commissioner, known to me to be the person who described in, and who executed the within and forgoing instrument and acknowledged to me that executed the same.

Commission Expires

GRANTEE
West River Electrical Association, Inc.

By: _____

ATTEST:

STATE OF SOUTH DAKOTA)) ss
COUNTY OF)

On this _____ day of _____, 2023, before me, the undersigned officer, personally appeared _____, who acknowledged themselves to be _____ and that they, being authorized to do so, executed the within and forgoing instrument for the purposes therein contained by signing the name of West River Electrical Association, Inc. by themselves as _____.

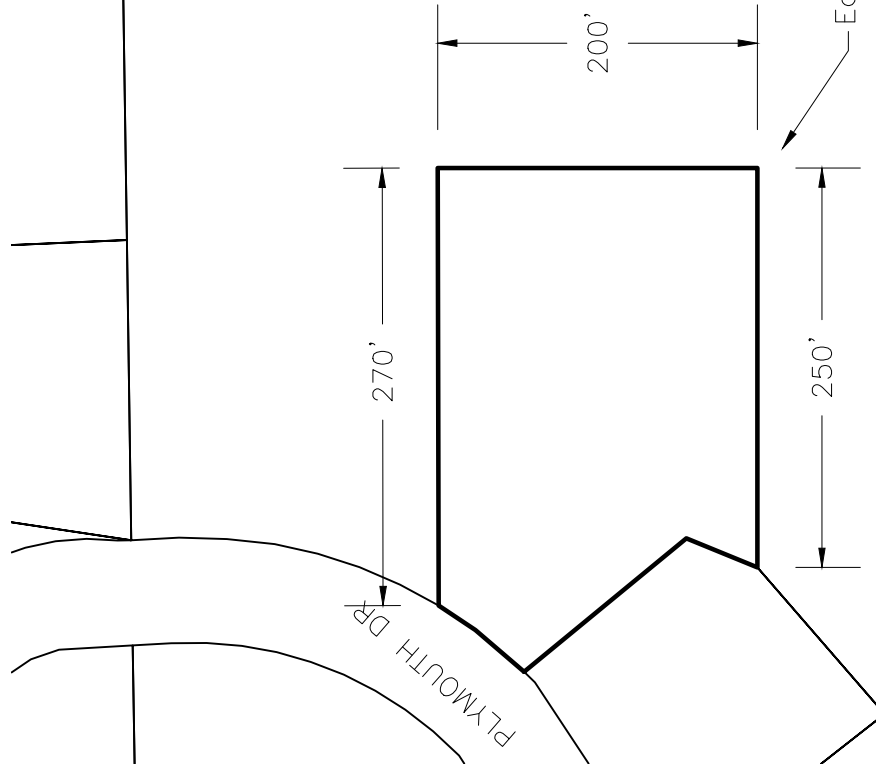
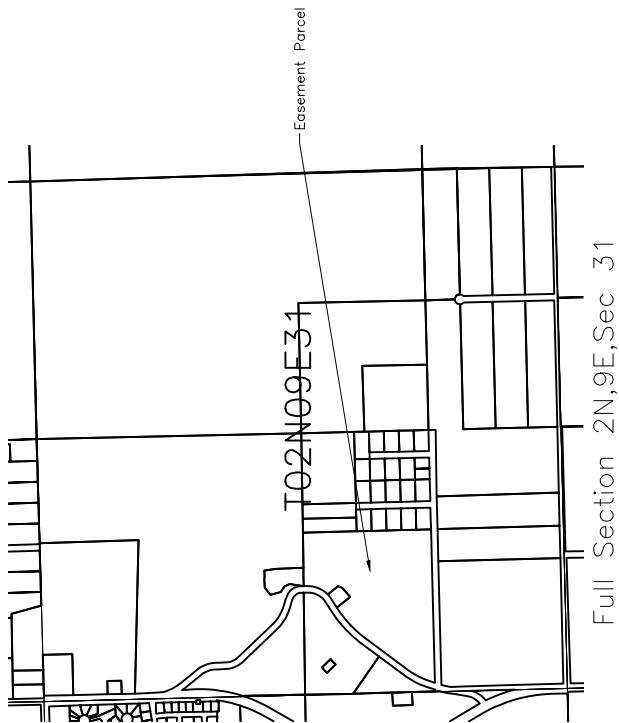
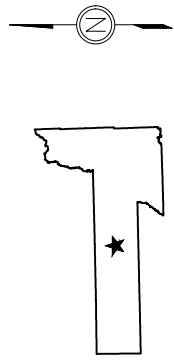
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

Notary Seal

Commission Expires

EXHIBIT A
T2N R9E SEC 31



LOT B OF NE1/4SW1/4 LOT
C OF GL3 LESS LOT H2

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – O
DATE: March 29-30, 2023

SUBJECT

BHSU Property Acquisition

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 6:2](#) – Acquisition and Disposal of Real Property

BACKGROUND / DISCUSSION

At the Board's [December 2015 meeting](#) it approved proposed legislation to authorize BOR to acquire three parcels of property for BHSU in Spearfish. [HB1022](#) from the 2015 Legislative Session, which was passed and signed by the Governor, authorized the Board to proceed with acquiring the following property on behalf of BHSU:

- (1) Lot 8, Block 9, West Addition to the City of Spearfish, Lawrence County, South Dakota;
- (2) Lot 9, Block 9, West Addition to the City of Spearfish, Lawrence County, South Dakota; and
- (3) Lot 5, Block 2, West Addition to the City of Spearfish, Lawrence County, South Dakota.

HB1022 also included \$45,000 in other fund expenditure authority, or much thereof as may be necessary, to purchase the foregoing parcels. The three parcels were/are held by the Foundation, and the \$45,000 was conveyed to the Foundation for the parcels after the legislation was approved in 2015, but the deeds were never finalized and filed to complete the transfers from the Foundation to BOR, for the use and benefit of BHSU.

Given the passage of time, and to close any gaps in documentation between the initial approval and finalizing the transaction, BHSU is requesting the Board ratify its previous approval, allowing BHSU to finalize the transaction(s) so the requisite deeds can be filed to complete the conveyance, and to waive any requirements of BOR Policy 6:2 necessary for BHSU to finalize and effectuate the acquisitions. The general counsel has reviewed the transaction(s) and confirms its compliance with the authority conveyed to the Board

(Continued)

DRAFT MOTION 20230329_5-O:

I move to approve finalizing the acquisition of the real estate located in Lawrence County, as presented, which was authorized by HB1022 during the 2015 Legislative Session.

by way of the HB1022, which was passed and signed by the Governor during the 2015 Legislative Session.

IMPACT AND RECOMMENDATION

The proposed acquisition will allow BHSU to finalize the transactions that were started after the passage of HB1022 during the 2015 Legislative Session, but which were never finalized and filed.

Staff recommends approval.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Informational Items
Consent

AGENDA ITEM: 5 – P
DATE: March 29-30, 2023

SUBJECT

Interim Actions of the Executive Director

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:5](#) – Executive Director

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and
Inactivation/Termination

[BOR Policy 5:4](#) – Purchasing

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

Per BOR Policy, the Executive Director is granted authority to act on and/or authorize approval of various requests on behalf of the Board. In instances where these actions occur, the Executive Director shall provide to the Board a summary of these requests and approvals at each regularly scheduled Board meeting.

A portion of the interim actions of the Executive Director often include authorizing maintenance and repair projects submitted by the campuses whose costs range between \$50,000 and \$250,000 using institutional funds, donations, or funds not previously approved by the Board. Other finance-related action may also be the purchase of assets between \$250,000 and \$500,000 as well as any emergency approval of maintenance and repair projects.

IMPACT AND RECOMMENDATION

The list provided in Attachment I summarizes the interim actions taken by the Executive Director, or his designee.

ATTACHMENTS

Attachment I – Interim Actions of the Executive Director

INFORMATIONAL ITEM

INTERIM ACTIONS

Maintenance and Repair Projects

(\$50,000 - \$250,000)

South Dakota State University

CMP 4000 SDSU MEP IDIQ Contract: SDSU requests approval to use \$240,000 from various fund sources to move forward the SDSU Indefinite Delivery/Indefinite Quantity Contract for Architectural Services. This request is not for a specific project; the projects that receive these services will pay for the cost of the IDIQ. The specific projects which utilize this IDIQ contract will have their own unique OSE and university project number. The IDIQ contract is for one year and is renewable up to three years. This is the second and final renewal of this contract.

WFA 9023 Waldner Farm Large Barn Storm Damage: SDSU requests approval to use \$198,000 to repair the large barn at the Waldner Farm that was damaged in May 2022. Work includes adding one new truss to the east end of the barn, twenty – two new posts on the south to lean in and a new sliding door on the east side. Work will also consist of removing old steel and adding new exterior steel.

South Dakota School of Mines and Technology

Placer Hall Painting: SDSM&T requests approval to use \$95,000 to paint rooms in Placer Hall.

ARPA Funded Projects

(Approved at BOR0821, 8-A. Legislative Approval 22.S.B.50)

University of South Dakota

USD is requesting \$6,800,000 in ARPA funds for multiple campus wide storm sewer improvements.

Clerical BOR Policy Updates

BOR Policy 2:5 – Seamless Transfer of Credit – was updated on December 28, 2022, to correct the following clerical edit (noted in red below) in Sections D and E:

~~ED~~. PROGRAM SPECIFIC TRANSFER OF CREDIT WAIVERS

...

~~DE~~. APPEAL PROCESS

Course Modifications

Since the approval of the revisions to BOR Policy 2:23 at the March 2017 BOR meeting, all subsequent course modifications approved by the System Vice President for Academic Affairs can be found on the Institutional Curriculum Requests webpage at the following link:

https://www.sdbor.edu/administrative-offices/academics/aac/Institutional_Curriculum_Requests/Pages/default.aspx

Substantive Program Modifications

Since the approval of the revisions to BOR Policy 2:23 at the March 2017 BOR meeting, all subsequent substantive program modifications approved by the System Vice President for Academic Affairs can be found on the Institutional Substantive Program Modification Requests webpage at the following link:

https://www.sdbor.edu/administrative-offices/academics/aac/Sub_Program_Mod_Requests/Pages/default.aspx

Reduced Tuition Externally Sponsored Courses

All requests for reduced tuition externally sponsored courses approved by the System Vice President for Academic Affairs can be found on the Special Tuition Rates Requests webpage at the following link:

https://www.sdbor.edu/administrative-offices/academics/aac/Special_Tuition_Rate_Requests/Pages/default.aspx

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – Q
DATE: March 29-30, 2023

SUBJECT

Building Committee Report

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 6:5](#) – Building Committees

BACKGROUND / DISCUSSION

This is a review of the actions taken by the building committees since the last Board meeting.

On February 15, 2023, the building committee for the USD South Dakota Union Renovation, Represented by Regent Brown, approved the project's Facility Design Plan as presented.

IMPACT AND RECOMMENDATIONS

None

ATTACHMENTS

None

INFORMATIONAL ITEM

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – R
DATE: March 29-30, 2023

SUBJECT

Capital Projects List

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 5-14-1](#) – Classification of Capital Improvements

[SDCL § 5-14-2](#) – Supervision by Bureau of Administration of capital improvement projects Payment of appropriated funds

[SDCL § 5-14-3](#) – Preparation of plans and specifications for capital improvements - State building committees - Approval by board or commission in charge of institution

[BOR Policy 6:4](#) – Capital Improvements

BACKGROUND / DISCUSSION

The attached list identifies the current capital improvement projects within the Board of Regents system and each project's regental building committee representative, estimated dollar amount, the source of funds, and the current status.

The review and approval of capital improvement projects involves several phases, and Board approval is required before a project may advance from one stage to another. Institutions may request exemption from this approval process for any maintenance and repair project after the preliminary facility statement. As a reminder, the review and approval steps for capital projects are as follows:

1. Submission of Preliminary Facility Statement for Board approval (proposal and justification).
2. Submission of work request for the Office of the State Engineer (OSE) and appointment of the Building Committee if an A/E firm is needed for development of the Facility Program Plan. OSE begins architect evaluation process and Building Committee interviews and selects architect.
3. Submission of Facility Program Plan (programmatic justification and detail, identification of financing fund source).
4. Legislative approval is required for all facilities outside of the auxiliary system and can be sought when funding is available or will be part of the Board's Ten-Year Plan.

(Continued)

INFORMATIONAL ITEM

5. Final Design Plan presented to Building Committee for initial approval prior to Board approval.
6. Final Design Plan submitted for Board approval.
7. Building Committee approves bid if within project approved limits and carries the project oversight from this point forward.
8. Board approves bid if there are substantive changes from Program Plan.

Once the bids are approved by the Building Committee or the Board and the financing plan is in place, the project proceeds to construction.

The list indicates if the projects were included in the 2005 or the 2012 Ten-Year Plans.

IMPACT AND RECOMMENDATIONS

N/A

ATTACHMENTS

Attachment I – March 2023 Capital Projects List

South Dakota Board of Regents Capital Improvement Projects - March 2023

Facility Name	Ten-Year Plan	Legislative	Fund	Legislative /	Board Action	Current Project	Projected Completion	Building Committee
	Action / YR	Type	Approved Amount	Most Recent	Status	Date	Rep.	
ACADEMIC FACILITIES								
Black Hills State University								
E. Y. Berry Library Renovation	FY12 10 Yr Plan	HB1051-2012 HB1045-2020 SB43-2020	FY22 HEFF Bonds Other M&R Bonding	\$3,000,000 \$3,972,345 \$2,400,000 \$9,372,345	Oct-20 Design Plan	Complete	2022	Bastian
BHSU-RC Addition & Renovation for West River Nursing		SB43-2022	General HEFF Private	\$8,000,000 \$5,114,644 \$2,000,000 \$15,114,644	Oct-21 Program Plan	Planning	2025	Partridge
Lyle Hare Stadium Renovation					Jun-16 Facility Stmt	Planning	2024	Bastian
Dakota State University								
DSU-ARL	SB130-2022	Private	\$50,000,000	Jan-22 Facility Statement	A/E & CM Selection	2025	TBD	
Athletics Events Center	HB1021-2022	Private	\$33,000,000	Mar-22 Design Plan	CM Selection	2024	Rave	
Madison Cyber labs (MadLabs)	HB1057-2018	Private	\$18,000,596	Oct-17 Design Plan	Completed	March-2020	Rave	
Northern State University								
Regional Sports Complex	HB1037-2019	Private	\$33,000,000	Jun-19 Design Plan	Final Inspection	2021	Thares	
Lincoln Hall Replacement	SB44-2022	General Funds	\$29,500,000	Oct-21 Facility Program Plan	Design	2024	Thares	
South Dakota School of Mines and Technology								
Mineral Industries Building	SB156-2021	Private	\$12,000,000	Dec-21 Facility Design	CM Selection	2024	Wink	
Music Center (Old Gym) Renovation		Local State	\$3,000,000 \$19,000,000 \$34,000,000	GMP Approved by BC	Construction			
Student Innovation Center		Private		Oct-14 Facility Stmt	Planning	TBD	Wink	
Devereaux Library Renovation	HB1046-2020	Private	\$4,000,000 \$1,350,000 \$500,000 \$100,000 \$1,000,000 \$6,950,000	Facility Stmt Dec-20 Facility Design	A/E Selection	TBD	Wink	
Stadium Renovation		HEFF Funds Local Private		Dec-19 Facility Stmt	A/E Selection	TBD	Bastian	
South Dakota State University								
Berg Ag Hall Renovate 1st & 2nd floors - Phase 2		Donations HEFF M&R Precision Ag Funds	\$4,000,000 \$5,450,315 \$100,000 \$9,550,315	Mar-22 Design Plan (Revised)	Construction	2023	Roberts	
Dairy Unit - Dairy Research and Training Facilities	HB 1153- 2021	Private	\$7,500,000	Apr-20	Design	2023	Rave	

South Dakota Board of Regents Capital Improvement Projects - March 2023

Facility Name	Ten-Year Plan	Legislative Action / YR	Fund Type	Legislative / Approved Amount	Board Action	Current Project Status	Projected Completion Date	Building Committee
Lincoln Hall - Renovation			General Funds	\$7,500,000 \$15,000,000	Facility Stmt	Construction	2023	Bastian
			Private HEFF M&R	\$0	Jan-22 Design Plan (Revised)			
			2021 HEFF Bonds	\$5,416,880 \$10,000,000 \$15,416,880				
Outdoor Sports Support Facility		SB 51-2018	Business and Athletic Income	\$600,000	Dec-17 Program Plan	Planning	TBD	TBD
Rodeo Grounds Practice Facility			Private	TBD	Apr-20 Facility Stmt	Planning		Thares
Sanford Jackrabbit Athletic Center Wrestling Addition		SB 28-2021	Private	\$4,900,000	Oct-21 Design Plan (Revised)	Construction	2022	Roberts
SI Marshall Center - Addition, Phase 2		HB1022-2022	Private Local HEFF M&R	\$43,200,000 \$4,000,000 \$5,030,000 \$52,230,000	Dec-21 Design Plan (Revised)	Construction	2024	Roberts
South Dakota Art Museum-New Construction			Donations	TBD	Mar-22 Facility Stmt	Planning	TBD	Brown
The Barn Renovation (replaces the Visual Arts Project in the 2012 Capital Project)	FY12 10 Yr Plan	HB1051-2012	2027 HEFF Bonds Private	\$7,500,000 \$3,315,000 \$10,815,000	Jun-2020 Facility Stmt	Planning	TBD	Bastian
Utility Repairs & Upgrades - Water, Sanitary Sewer, Storm Sewer	FY12 10 Yr Plan	HB1051-2012	2027 HEFF Bonds HEFF M&R	\$5,000,000 \$5,043,000 \$10,043,000	Mar-16 Program Plan	Phased Project Design & Construction	2029	Roberts
Cottonwood Range and Livestock Field Station		SB 84 - 2022	General Funds	\$6,000,000	Jun-22 Preliminary Fac Stmt	Planning	TBD	Bastian
University of South Dakota								
National Music Museum		HB1065-2018	Private HEFF M&R	\$9,095,000 \$1,500,000 \$10,595,000	Dec-18 Design Plan	Final Inspection	2020	Brown
Health Science Building		SB40-2020	HEFF Bond M&R Bond One-Time State Funds Private Funds Local Funds	\$7,500,000 \$5,000,000 \$5,000,000 \$4,500,000 \$875,000 \$22,875,000	Oct-21 Design Plan (Revised)	Construction	2022	Partridge
South Dakota Union Renovation			HEFF M&R	\$6,800,000	Dec-22 Program Plan	Bid	2024	Brown
REVENUE FACILITIES								
Black Hills State University								
University Wellness Center Addition			General & Private		Dec-16 Facility Stmt	Planning	TBD	Partridge
Dakota State University								
New Residence Hall & Student Life Facility			Auxiliary Bonds Private	\$12,000,000 \$500,000	Dec-19	Completed	Aug-21	Roberts

South Dakota Board of Regents Capital Improvement Projects - March 2023

Facility Name	Ten-Year Plan	Legislative Action / YR	Fund Type	Legislative / Approved Amount	Most Recent Board Action	Current Project Status	Projected Completion Date	Building Committee Rep.
South Dakota School of Mines and Technology								
Surbeck Center Addition			Private	\$12,500,000	Apr-14 Facility Stmt	A/E Selection	TBD	Wink
South Dakota State University								
Pierson Hall Renovations			Rent Revenues	\$12,200,000	Apr-21 Facility Stmt	Construction	2023	NA Exempted
University of South Dakota								
Wellness Center Expansion		SB42-2022	Auxiliary Funds Auxiliary Bonds Private Funds Local Funds	\$5,000,000 \$3,900,000 \$13,989,588 \$8,360,412 \$31,250,000	Jun-22 Design Plan (Revised)	Construction	2024	Roberts

Board Action:

- 1) Preliminary Facility Statement
- 2) Facility Program Plan
- 3) Design
- 4) Bid - Board approves substantive changes from program Plan

Project Status:

- 1) Planning
- 2) A/E Selection
- 3) Design
- 4) Bid
- 5) Construction

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs **Consent**

AGENDA ITEM: 5 – S
DATE: March 29-30, 2023

SUBJECT

Intent to Plan Requests

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – New Programs, Program Modifications, Curricular Requests, and Inactivation/Termination

BACKGROUND / DISCUSSION

Per [BOR Policy 2:23](#), Intent to Plan requests are reviewed by the Executive Director (or designee) and if approved to the next step are then reviewed by the Academic Affairs Council for feedback, consultation, and possible collaboration. BOR academic leadership then provides a report to the Board's Committee on Academic and Student Affairs regarding submitted Intent to Plan requests with a report to the full Board placed under the Consent section of the agenda as a routine informational item. The approval of an Intent to Plan proposal does not overwrite the Full Proposal process and does not guarantee approval of the Full Proposal by the Board.

IMPACT AND RECOMMENDATION

This report will provide the intent to plans that were approved by the Executive Director and will be followed by a full proposal in a future Board meeting.

1. [NSU – MSED in Teaching English as a New Language](#)

The proposed MSED in Teaching English as a New Language would equip teachers with skills and applicable knowledge to effectively teach the growing number of P-12 students who are English as a New Language learners. NSU's the proposed program prepares teachers to support students to not only improve English literacy in speaking, listening, reading, and writing, but also to progress academically in content areas through instruction that is in English.

2. [SDSMT – PhD in Chemical and Biological Sciences](#)

The proposed PhD in Chemical and Biological Sciences would 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

(Continued)

INFORMATIONAL ITEM

for various career options in these high-demand technology areas, and the cross-disciplinary program curriculum will better prepare scientists and professionals for the increasingly multi-disciplinary nature of applied science.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – T
DATE: March 29-30, 2023

SUBJECT

FY22 Annual Comprehensive Financial Review (ACFR) Audit

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 4-11-2](#) – Annual Audit of State Accounts

BACKGROUND / DISCUSSION

The FY22 Statewide Annual Comprehensive Financial Report (ACFR) was released in December 2022. The Board of Regents (BOR) is considered a component unit of the state of South Dakota in the ACFR. The Department of Legislative Audit (DLA) is charged with providing an audit opinion on the ACFR and performs an audit of the BOR financial statements to help arrive at this opinion.

DLA does not issue an audit opinion specifically for BOR. The lack of an audit opinion does not change the fact that our financial information is reviewed extensively. DLA sends auditors to both SDSU and USD where they spend time analyzing items specific to those two campuses in addition to system procedures and controls. The auditors use Banner to pull documents and review transactions remotely for the four small campuses for accuracy and appropriateness. Phone interviews are also conducted with the controllers at these campuses. Because of the size of our financial numbers, DLA spends a significant amount of time making sure that our statements are free of material misstatements. For FY22 there were no audit findings or mandatory auditor adjustment for the BOR system.

IMPACT AND RECOMMENDATIONS

The accounting staff at each campus is to be congratulated for the continued commitment to excellence. Listed below are the controllers and Board office staff who had a major hand in completing the FY22 financial statements.

Rob Houdek – BHSU
Amy Dockendorf – DSU
Kay Fredrick – NSU
Deb Rowse – SDSMT
Karen Jastram – SDSU
Yura Chong – SDSU
Shelley Brunick – USD

Justin Noehren – USD
Claudean Hluchy – Special Schools
Dennis Konkler – RIS
Shannon Wasilik – BOR
Abby Underberg – BOR
Scott Van Den Hemel – BOR

(Continued)

INFORMATIONAL ITEM

With every audit there are always areas that are identified as places for improvement. The Board office will visit with DLA and the controllers to continue looking for ways to improve our internal controls and other processes. We will also review any findings DLA identified that did not meet material reporting thresholds. These smaller findings can be very helpful in identifying procedures and controls that need to be adjusted before they become bigger issues down the line.

The number of mandatory audit adjustments for the last five years, the dollar value associated with those adjustments, and their impact on BOR's net position are listed below.

Fiscal Year	# of Audit Adjustments	Dollar Value of Adjustments	Impact on Net Position
2018	0	\$0.00	0.00%
2019	0	\$0.00	0.00%
2020	5	\$6,645,014.73	0.00%
2021	1	\$11,888,422.00	0.00%
2022	0	\$0.00	0.00%

Each year the Board office assigns a priority code to the audit adjustments. One is a high priority and five is a low priority. There were no mandatory adjustments for FY22.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – U
DATE: March 29-30, 2023

SUBJECT

Residence Hall Occupancy Report for Fall 2022 / Spring 2023

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Each year the Board office collects information on the fall utilization numbers for each of the campuses' residence halls. This information is then summarized by the campus and put in the SDBOR Fact Book. The capacity, types of housing available, and number of students boarded can be found in Attachment I for Fall 2022, and in Attachment II for Spring 2023.

IMPACT AND RECOMMENDATIONS

Table 1 shows the total number of beds considered to be part of the housing system for each campus. The revenue generated from these beds is pledged to the auxiliary system, with the exception of 73 beds in the East and West 8-Plex Apartments at DSU as well as 248 beds in Rocker 1 and 2 at SDSMT.

Table 1			
<i>South Dakota Board of Regents</i>			
<i>Available Beds per Semester</i>			
	2020 2021	2021 2022	2022 2023
BHSU	771	854	864
DSU	772	859	936
NSU	788	788	855
SDSMT	1,007	1,048	1,091
SDSU	4,212	4,461	4,571
USD	2,009	2,154	2,128
System	9,559	10,164	10,445

(Continued)

INFORMATIONAL ITEM

Major changes in the numbers between years represent new housing coming online or housing being taken out of the system. It could also represent beds taken offline for isolation and de-densification due to COVID-19. Small changes represent a design adjustment in how the room is classified or rooms taken offline for repairs. For example, taking a room that has been sold as a double and deciding that it will be sold as a single in the future represents a reclassification. Only permanent changes can be made to the capacity.

All campuses saw major adjustments to their available beds from 2020 to 2021 due to the number of beds that were required for isolation and de-densification per CDC guidelines for COVID-19. DSU took Van Eps Place offline to house students who were in COVID testing protocol. SDSU brought beds in Waneta online for COVID isolation and over-flow only in 2020-2021 and 2021-2022.

Table 2 shows the differences between the fall and spring occupancy rates for the last three years. Occupancy rates for Fall 2022/Spring 2023 are based upon rooms available for the general student population (i.e., beds taken offline for de-densification/COVID-19 accommodations are not included in the denominator of total beds available). The changes from fall to spring represent students who did not return to school for various reasons or graduated after the fall semester.

The majority of costs associated with running a residence hall system are fixed. While some costs will vary, nearly every additional bed that can be filled represents revenue that would go directly to the bottom line of the operation. It should be noted that when campuses prepare financial information for new residence halls, 90% occupancy is used to develop the financial pro forma for the new hall, with current halls remaining at their current occupancy. As a rule of thumb, the system needs to remain above 90% to maintain financial stability. As campuses dip below that figure for an extended period, they begin to put pressure on other areas to maintain their 1.2 coverage ratio. The average occupancy rates range from 95.88% at SDSMT to 59.24% at NSU.





	Fall 2020	Spring 2021	Avg		Fall 2021	Spring 2022	Avg		Fall 2022	Spring 2023	Avg
BHSU	82.49%	73.93%	78.21%	BHSU	87.24%	76.00%	81.62%	BHSU	91.66%	85.88%	88.77%
DSU	97.54%	82.38%	89.96%	DSU	89.85%	81.49%	85.67%	DSU	86.65%	84.37%	85.51%
NSU	66.45%	61.29%	63.87%	NSU	69.42%	68.02%	68.72%	NSU	61.40%	57.08%	59.24%
SDSMT	91.34%	83.02%	87.18%	SDSMT	95.61%	92.37%	93.99%	SDSMT	99.27%	92.48%	95.88%
SDSU	94.30%	83.93%	89.11%	SDSU	88.35%	83.41%	85.88%	SDSU	87.60%	82.89%	85.25%
USD	94.97%	85.32%	90.14%	USD	93.18%	83.94%	88.56%	USD	93.14%	86.47%	89.81%
System 	87.85%	 78.31%	83.08%	System 	87.28%	 80.87%	84.07%	System	88.04%	83.03%	85.54%

Table 3 isolates the last four spring semesters:

Table 3 <i>South Dakota Board of Regents</i> <i>Campus Housing Utilization</i> <i>Spring Semester Only</i>				
	Spring 2020	Spring 2021	Spring 2022	Spring 2023
BHSU	75.60%	73.93%	76.00%	85.88%
DSU	93.01%	82.38%	81.49%	84.37%
NSU	67.41%	61.29%	68.02%	57.08%
SDSMT	86.11%	83.02%	92.37%	92.48%
SDSU	85.38%	83.93%	83.41%	82.89%
USD	84.37%	85.32%	83.94%	86.47%
System	81.98%	78.31%	80.87%	83.03%

Table 4 shows the numbers of beds that are empty based on the occupancy rates. A negative number would indicate that a campus was over 100% for that semester.

Table 4											
South Dakota Board of Regents											
Open Beds											
Change from Fall to Spring Prior and Current Years											
	Fall	Spring		Fall	Spring		Fall	Spring			
	2020	2021	Change		2021	2022	Change		2022	2023	Change
BHSU	135	201	66	BHSU	109	205	96	BHSU	72	122	50
DSU	19	136	117	DSU	89	159	70	DSU	125	132	7
NSU	264	305	41	NSU	241	252	11	NSU	330	367	37
SDSMT	88	171	83	SDSMT	47	80	33	SDSMT	8	82	74
SDSU	240	677	437	SDSU	519	740	221	SDSU	567	782	215
USD	101	295	194	USD	142	346	204	USD	146	288	142
System	847	1,785	938	System	1,147	1,782	635	System	1,248	1,773	525

ATTACHMENTS

Attachment I – Fall 2022 Residence Hall Occupancy Report

Attachment II – Spring 2023 Residence Hall Occupancy Report

Campus Housing Utilization

Fall 2022

Black Hills State University - Current Capacity 863								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	83	200	0	0	0	0	450	93.17%
Suite-Style	4	96	0	0	0	0	182	92.86%
Apartments	62	61	0	0	0	0	159	86.41%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	149	357	0	0	0	0	791	91.66%
Dakota State University - Current Capacity 936‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	64	319	1	0	0	0	585	82.98%
Suite-Style	0	0	0	19	0	0	75	98.68%
Apartments	0	0	0	8	8	11	134	186.11%
Leased Property*	8	3	1	0	0	0	17	100.00%
Overflow †							0	
Total	72	322	2	27	8	11	811	86.65%
Northern State University - Current Capacity 855								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	36	182	2	0	0	0	203	50.00%
Suite-Style	7	33	9	86	0	0	318	71.62%
Apartments	5	0	0	0	0	0	4	80.00%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	48	215	11	86	0	0	525	61.40%
South Dakota School of Mines and Technology - Current Capacity 1091								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	32	201	15	0	0	0	471	98.33%
Suite-Style	95	55	0	40	0	0	366	100.27%
Apartments	0	0	0	0	0	0	0	0.00%
Leased Property*	247	0	0	0	0	0	246	99.60%
Overflow †							0	
Total	374	256	15	40	0	0	1,083	99.27%
South Dakota State University - Current Capacity 4571‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	330	1,580	3	0	0	0	2,996	85.62%
Suite-Style	0	233	0	0	0	0	448	96.14%
Apartments	25	17	10	128	1	0	560	92.41%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	355	1,830	13	128	1	0	4,004	87.60%
University of South Dakota - Current Capacity 2128‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	56	687	16	0	0	0	1,304	88.23%
Suite-Style	0	53	0	77	0	0	402	97.10%
Apartments	0	22	0	48	0	0	232	98.31%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							44	
Total	56	762	16	125	0	0	1,982	93.14%

Current Capacity - Designed capacity adjusted for permanent changes, including changing rooms to alternate uses and offering doubles as singles.

‡ DSU, SDSU, and USD's current capacity calculation includes unused rooms temporarily taken offline due to renovations.

* Leased Property - This is property leased and managed by the campuses Residence Life staff.

† Overflow - Refers to students assigned to spaces not designed or planned as sleeping rooms to deal with over-crowding.

BHSU Housing System				Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	# of Students
Traditional					
Singles	83	81	86	80	80
Doubles	200	369	197	339	339
Triples	0	0	0	0	0
Suite-Style					
Single	4	4	4	4	4
Double	96	178	96	186	186
Triple	0	0	0	0	0
Quad	0	0	0	0	0
Apartments					
Single	62	57	62	49	49
Double	61	102	61	87	87
Triple	0	0	0	0	0
Quad	0	0	0	0	0
Other*	0	0	0	0	0
Total Beds / Students					
		863	791	860	745
Occupancy Rate			91.66%		86.63%

DSU Housing System			Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	72	49	66	29
Doubles	322	548	322	530
Triples	2	5	1	3
Suite-Style				
Single	0	0	0	0
Double	0	0	0	0
Triple	0	0	0	0
Quad	19	75	19	72
Apartments				
Single	0	0	0	0
Double	0	0	0	0
Triple	0	0	0	0
Quad	8	31	8	31
Quint	8	40	8	40
Other*	11	63	11	65
Total Beds / Students				
		870	811	861
Occupancy Rate			93.22%	89.43%

NSU Housing System			Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	36	31	36	31
Doubles	182	169	182	176
Triples	2	3	2	6
Suite-Style				
Single	7	3	7	3
Double	33	59	33	62
Triple	9	18	9	21
Quad	86	238	86	245
Apartments				
Single	5	4	4	3
Double	0	0	0	0
Triple	0	0	0	0
Quad	0	0	0	0
Other*	0	0	0	0
Total Beds / Students				
		855	525	854
Occupancy Rate			61.40%	64.05%

SDSMT Housing System				Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	
Traditional					
Singles	32	32	31	29	
Doubles	201	394	213	405	
Triples	15	45	3	9	
Suite-Style					
Single	95	95	96	93	
Double	55	109	56	106	
Triple	0	0	0	0	
Quad	40	162	39	138	
Apartments					
Single	247	246	248	243	
Double	0	0	0	0	
Triple	0	0	0	0	
Quad	0	0	0	0	
Other*	0	0	0	0	
Total Beds / Students					
1,091		1,083	1,078	1,023	
Occupancy Rate		99.27%		94.90%	

SDSU Housing System				Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	# of Students
Traditional					
Singles	330	310	476	277	
Doubles	1,580	2,677	1,527	2,725	
Triples	3	9	0	0	
Suite-Style					
Double	233	448	233	408	
Triple	0	0	0	0	
Quad	0	0	0	0	
Apartments					
Single	25	22	25	24	
Double	17	29	17	26	
Triple	10	25	10	21	
Quad	128	482	128	457	
Quint	1	2	1	4	
Other*	0	0	0	0	
Total Beds / Students					
	4,571	4,004	4,602	3,942	
Occupancy Rate					
		87.60%		85.66%	

USD Housing System			Prior Year	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	56	50	154	140
Doubles	687	1,213	687	1,142
Triples	16	41	16	35
Suite-Style				
Double	53	101	53	102
Triple	0	0	0	0
Quad	77	301	77	299
Apartments				
Single	0	0	0	0
Double	22	42	22	42
Triple	0	0	0	0
Quad	48	190	48	179
Other*	13	44	0	0
Total Beds / Students				
		2,128	1,982	2,226
Occupancy Rate			93.14%	87.11%

Campus Housing Utilization

Spring 2023

Black Hills State University - Current Capacity 864								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	82	201	0	0	0	0	412	85.12%
Suite-Style	4	96	0	0	0	0	170	86.73%
Apartments	62	61	0	0	0	0	160	86.96%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	148	358	0	0	0	0	742	85.88%
Dakota State University - Current Capacity 936‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	72	322	2	0	0	0	554	81.02%
Suite-Style	0	0	0	19	0	0	75	98.68%
Apartments	0	0	0	8	8	11	126	91.30%
Leased Property*	8	3	1	0	0	0	18	105.88%
Overflow †							0	
Total	80	325	3	27	8	11	804	84.37%
Northern State University - Current Capacity 855								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	36	182	2	0	0	0	191	47.04%
Suite-Style	7	33	9	86	0	0	294	66.22%
Apartments	5	0	0	0	0	0	3	60.00%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	48	215	11	86	0	0	488	57.08%
South Dakota School of Mines and Technology - Current Capacity 1091								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	32	201	15	0	0	0	444	92.69%
Suite-Style	95	55	0	40	0	0	338	92.60%
Apartments	0	0	0	0	0	0	0	0.00%
Leased Property*	247	0	0	0	0	0	227	91.90%
Overflow †							0	
Total	374	256	15	40	0	0	1,009	92.48%
South Dakota State University - Current Capacity 4571‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	330	1,580	3	0	0	0	2,852	81.51%
Suite-Style	0	233	0	0	0	0	418	89.70%
Apartments	25	17	10	128	1	0	519	85.64%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	355	1,830	13	128	1	0	3,789	82.89%
University of South Dakota - Current Capacity 2128‡								
Room Type	Singles	Doubles	Triples	Quads	Quints	Other	Students	Utilization %
Traditional	56	687	16	0	0	0	1,241	83.96%
Suite-Style	0	53	0	77	0	0	381	92.03%
Apartments	0	22	0	48	0	0	218	92.37%
Leased Property*	0	0	0	0	0	0	0	0.00%
Overflow †							0	
Total	56	762	16	125	0	0	1,840	86.47%

Current Capacity - Designed capacity adjusted for permanent changes, including changing rooms to alternate uses and offering doubles as singles.

‡ DSU, SDSU, and USD's current capacity calculation includes unused rooms temporarily taken offline due to renovations.

* Leased Property - This is property leased and managed by the campuses Residence Life staff.

† Overflow - Refers to students assigned to spaces not designed or planned as sleeping rooms to deal with over-crowding.

BHSU Housing System				Fall 2022	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	# of Students
Traditional					
Singles	82	82	83	81	81
Doubles	201	330	200	369	369
Triples	0	0	0	0	0
Suite-Style					
Single	4	4	4	4	4
Double	96	166	96	178	178
Triple	0	0	0	0	0
Quad	0	0	0	0	0
Apartments					
Single	62	60	62	57	57
Double	61	100	61	102	102
Triple	0	0	0	0	0
Quad	0	0	0	0	0
Other*	0	0	0	0	0
Total Beds / Students					
	864	742	863	791	791
Occupancy Rate					
		85.88%		91.66%	91.66%

DSU Housing System		Fall 2022		
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	72	50	72	49
Doubles	322	499	322	548
Triples	2	5	2	5
Suite-Style				
Single	0	0	0	0
Double	0	0	0	0
Triple	0	0	0	0
Quad	19	75	19	75
Apartments				
Single	0	0	0	0
Double	0	0	0	0
Triple	0	0	0	0
Quad	8	28	8	31
Quint	8	35	8	40
Other*	11	63	11	63
Total Beds / Students				
		936	755	811
Occupancy Rate			80.66%	86.65%

NSU Housing System		Fall 2022		
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	36	31	36	31
Doubles	182	155	182	169
Triples	2	5	2	3
Suite-Style				
Single	7	3	7	3
Double	33	58	33	59
Triple	9	16	9	18
Quad	86	217	86	238
Apartments				
Single	5	3	5	4
Double	0	0	0	0
Triple	0	0	0	0
Quad	0	0	0	0
Other*	0	0	0	0
Total Beds / Students		488	855	525
Occupancy Rate		57.08%		61.40%

SDSMT Housing System				Fall 2022	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	
Traditional					
Singles	32	32	32	32	32
Doubles	201	371	201	201	394
Triples	15	41	15	15	45
Suite-Style					
Single	95	90	95	95	95
Double	55	101	55	55	109
Triple	0	0	0	0	0
Quad	40	147	40	40	162
Apartments					
Single	247	227	247	247	246
Double	0	0	0	0	0
Triple	0	0	0	0	0
Quad	0	0	0	0	0
Other*	0	0	0	0	0
Total Beds / Students					
1,091		1,009	1,091	1,083	
Occupancy Rate		92.48%		99.27%	

SDSU Housing System				Fall 2022	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students	
Traditional					
Singles	330	247	330	310	
Doubles	1,580	2,599	1,580	2,677	
Triples	3	6	3	9	
Suite-Style					
Double	233	418	233	448	
Triple	0	0	0	0	
Quad	0	0	0	0	
Apartments					
Single	25	20	25	22	
Double	17	24	17	29	
Triple	10	22	10	25	
Quad	128	451	128	482	
Quint	1	2	1	2	
Other*	0	0	0	0	
Total Beds / Students					
	4,571	3,789	4,571	4,004	
Occupancy Rate					
		82.89%		87.60%	

USD Housing System			Fall 2022	
Type of Room	# of Rooms	# of Students	# of Rooms	# of Students
Traditional				
Singles	56	51	51	50
Doubles	687	1,151	623	1,213
Triples	16	39	14	41
Suite-Style				
Double	53	94	53	101
Triple	0	0	0	0
Quad	77	287	77	301
Apartments				
Single	0	0	0	0
Double	22	41	22	42
Triple	0	0	0	0
Quad	48	177	48	190
Other*	0	0	13	44
Total Beds / Students				
		2,128	1,840	1,982
Occupancy Rate			86.47%	99.65%

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – V
DATE: March 29-30, 2023

SUBJECT

NSU FY22 NCAA Agreed-Upon Procedures Report

CONTROLLING STATUTE, RULE, OR POLICY

NCAA Division II Bylaw 6.2.3

BACKGROUND / DISCUSSION

The NCAA Division II Bylaw 6.2.3. states; “At least once every three years, all expenses and revenues for or on behalf of a Division II member institution's intercollegiate athletics programs, including those by any affiliated or outside organization, agency or group of individuals (two or more), shall be subject to agreed-on procedures approved by the Division II membership... conducted for the institution by a qualified independent accountant who is not a staff member of the institution and who is selected either by the institution's president or chancellor or by an institutional administrator from outside the athletics department designated by the president or chancellor.”

IMPACT AND RECOMMENDATIONS

This report fulfills the FY22 reporting requirement for Northern State University (NSU), a Division II university. NSU contracted with Eide Bailly LLP to perform the agreed-upon procedures developed by the NCAA over the athletic department statement of revenues and expenses. The report has been provided to the NSU President.

ATTACHMENTS

Attachment I – Representation Letter to Eide Bailey re: the Application of Agreed-Upon Procedures
Attachment II – NCAA FY22 Final Agreed-Upon Procedures Report

INFORMATIONAL ITEM

January 13, 2023

Eide Bailly LLP
PO Box 430
Aberdeen, South Dakota 57402-0430

We are providing this letter in connection with your agreed-upon procedures developed by the National Collegiate Athletic Association (NCAA) performed over the athletic department statement of revenue and expenses (the Statement) of the Northern State University's intercollegiate athletic program (the Program) for the period ended June 30, 2022, for the purpose of reporting your findings to the specified parties in regard to the specified procedures on revenues and expenses and the Statement as compared to the NCAA reporting requirements.

We confirm, to the best of our knowledge and belief, as of , the following representations made to you during your engagement:

- Northern State University is responsible for the fair presentation of the Statement in accordance with NCAA reporting requirements;
- As of June 30, 2022, the Statement is inclusive of all necessary financial information and presented in accordance with NCAA reporting requirements.
- We have provided the practitioner with all relevant information and access, as applicable, as agreed upon in the terms of the engagement.
- We affirm our assertion regarding the specified procedures on revenues and expenses and the Statement based on the NCAA reporting requirements.
- We acknowledge our responsibility for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of NCAA reporting requirements.
- All known matters contradicting the subject matter or assertion and any communication from regulatory agencies or others affecting the subject matter or assertion have been disclosed to you, including communications received between the end of the period addressed in the written assertion and the date of the practitioner's report.
- We have responded fully to all inquiries made to us by you during the engagement.
- No events have occurred subsequent to June 30, 2022 that would require adjustment to or modification of the Statement.
- We have determined that the North State University Foundation (the Foundation) is the only outside organization that operates for or on behalf of the Program. We have disclosed to you all revenue received from the Foundation and have accurately reported to you that the Foundation did not directly pay any significant expenses of the Program.

- We have evaluated the contributions received by the Program during the 2022 reporting year and have identified the contributions received directly from the Foundation constituted more than ten percent of the total contributions.
- We understand that your agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and was designed for the purpose of reporting your findings in regard to the subject matter as compared to NCAA reporting requirements, and that your procedures were limited to those that you considered necessary for that purpose.

DocuSigned by:

Veronica Paulson

AAD92573B8384E4

Veronica Paulson, Vice-President of Finance and Administration

DocuSigned by:

Connor Kern

482C30B775704B3

Connor Kern, Accountant

School Info

We agree to release the institution's data to the conference: Yes

Institutional Contacts:

Primary Contact Person: Connor Kern

Phone: 3202966753

CEO: Dr. Neal Schnoor

University CFO: Veronica Paulson

Audit Firm: Eide Bailly

Title: Assistant Athletic Director for Business Operations

Email: connor.kern@northern.edu

CEO Email: neal.schnoor@northern.edu

University CFO Email: veronica.paulson@northern.edu

AUP Report Issuance Date: 01/13/2023

Classification & Conference:

NCAA Primary II Division:

Athletic: Northern Sun Intercollegiate

Conference: Conference

Sports Sponsorship:

Sport	Men's Teams Only	Women's Teams Only	Mixed Teams
Acrobatics and Tumbling			
Baseball	x		
Basketball	x	x	
Beach Volleyball			
Bowling			
Cross Country	x	x	
Equestrian			
Fencing			
Field Hockey			
Football	x		
Golf			
Gymnastics			
Ice Hockey			

Reporting Institution: Northern State University

Sport	Men's Teams Only	Women's Teams Only	Mixed Teams
Lacrosse			
Rifle			
Rowing			
Rugby			
Skiing			
Soccer		x	
Softball		x	
Swimming and Diving		x	
Tennis			
Track, Indoor	x	x	
Track, Outdoor	x	x	
Triathlon			
Volleyball		x	
Water Polo			
Wrestling	x		
Others			
Totals	7	8	0

Revenue/Expense Summary

ID	Item	Amount	Definition
<i>Revenues</i>			
1	Ticket Sales	\$60,649	<p>Input revenue received for sales of admissions to athletic events. This may include:</p> <ul style="list-style-type: none"> • Public and faculty sales. • Student sales • Shipping and Handling fees. <p>Please report amounts paid in excess of ticket's face value to obtain preferential seating or priority in Category 8 (Contributions).</p>
2	Direct State or Other Government Support	\$0	<p>Input state, municipal, federal and other appropriations made in support of athletics.</p> <p>This amount includes funding specifically earmarked for the athletics department by government agencies for which the institution cannot reallocate.</p> <p>This amount also includes state funded employee benefits. Corresponding expenses should be reported in Categories 22 and 24.</p> <p>Any state or other government support appropriated to the university, for which the university determines the dollar allocation to the athletics department shall be reported in Direct Institutional Support (Category 4).</p>
3	Student Fees	\$388,436	Input student fees assessed and restricted for support of intercollegiate athletics.
4	Direct Institutional Support	\$3,002,696	<p>Input direct funds provided by the institution to athletics for the operations of intercollegiate athletics including:</p> <ul style="list-style-type: none"> • Unrestricted funds allocated to the athletics department by the university (e.g. state funds, tuition, tuition discounts/waivers, transfers) • Federal work study support for student workers employed by athletics. • Endowment unrestricted income, spending policy distributions and other investment income distributed to athletics in the reporting year to support athletic operations. Athletics restricted endowment income for athletics should be reported in Category 17.

ID	Item	Amount	Definition
5	Less - Transfers to Institution	\$0	If the institution allocated funds to athletics as represented in Categories 3-4 and the athletics department provided a transfer of funds back to the institution in the reporting year, report the transfer amount as a negative in this category. The transfer amount may not exceed the total of Categories 3-4. Transfers back to the institution in excess of Categories 3-4 should be reported in Category 50 - excess transfers to institution.
6	Indirect Institutional Support	\$589,353	<p>Input value of costs covered and services provided by the institution to athletics but <u>not charged</u> to athletics including:</p> <ul style="list-style-type: none"> • Administrative services provided by the university to athletics but not charged such as HR, Accounting and IT. • Facilities maintenance. • Security. • Risk Management. • Utilities. <p>Do not include depreciation.</p> <p>Note: This category should equal Category 36. If the institution is paying for debt service, leases, or rental fees for athletic facilities, but not charging to athletics, include those amounts in Category 6A.</p>
6A	Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees	\$0	<p>Input debt service payments (principal and interest, including internal loan programs), leases and rental fees for athletics facilities for the reporting year provided by the institution to athletics but <u>not charged</u> to athletics.</p> <p>Do not report depreciation.</p> <p>Note: If the institution is paying for all athletic facilities debt service, lease and rental fees and not charging to athletics, this category will equal Category 34. If athletics or other entities are also paying these expenses or the institution is charging directly to athletics, this category will not equal Category 34.</p>
7	Guarantees	\$500	Input revenue received from participation in away games. This includes payments received due to game cancellations.

ID	Item	Amount	Definition
8	Contributions	\$1,849,316	<p>Input contributions provided <u>and</u> used by athletics in the reporting year including:</p> <ul style="list-style-type: none"> • Amounts received from individuals, corporations, associations, foundations, clubs or other organizations designated for the operations of the athletics program. • Funds contributed by outside contributors for the payment of debt service, lease payments or rental fee expenses for athletic facilities in the reporting year. • Amounts received above face value for tickets. <p>Contributions shall include cash and marketable securities.</p> <p>Do not report:</p> <ul style="list-style-type: none"> • Pledges until funds are provided to athletics for use. • Contributions to be used in other reporting years.
9	In-Kind	\$110,095	<p>Input market value of in-kind contributions in the reporting year including:</p> <ul style="list-style-type: none"> • Dealer provided automobiles. • Equipment. • Services. • Nutritional product. <p>All in-kind contributions that are made as a result of a licensing or sponsorship agreement should be reported in Category 15.</p> <p>Please offset in-kind values in the appropriate expense category.</p>

ID	Item	Amount	Definition
10	Compensation and Benefits provided by a third party	\$193,339	<p>Input all benefits provided by a third party and contractually guaranteed by the institution, but not included on the institution's W-2. These may include:</p> <ul style="list-style-type: none"> • Car stipend. • Country club membership. • Allowances for clothing, housing, entertainment. • Speaking fees. • Camps compensation. • Media income. • Shoe and apparel income. <p>The total of this category should equal expense Categories 23 and 25 combined.</p>
11	Media Rights	\$7,500	<p>Input all revenue received for radio, television, internet, digital and e-commerce rights, including the portion of conference distributions related to media rights - if applicable.</p> <p>Consult with your conference offices if you do not have the media rights distribution amount available.</p>
12	NCAA Distributions	\$35,064	<p>Input revenues received from the NCAA distributions which could include revenue distributions, grants, NCAA championships travel reimbursements and payments received from the NCAA for hosting a championship.</p> <p>In some cases, NCAA distributions may be provided by the conference office. Consult with the conference office for the amount if you do not have it available and include in this category.</p>
13	Conference Distributions (Non Media and Non Football Bowl)	\$12,868	<p>Input all revenues received by conference distribution, excluding portions of distribution relating to media rights (reported in Category 11) or NCAA distributions (reported in Category 12).</p> <p>Note: Conference distributions of revenue generated by a post-season football bowl to conference members should be recorded in Category 13A. Distributions for reimbursement of post-season football bowl expenses should be included in Category 19.</p>

ID	Item	Amount	Definition
13A	Conference Distributions of Football Bowl Generated Revenue	\$0	<p>Input conference distributions of revenue generated by a post-season football bowl to conference members. (Football Only)</p> <p>Note: Distributions for reimbursement of post-season football bowl expenses should be included in Category 19. Portions of distribution relating to media rights are reported in Category 11, NCAA distributions are reported in Category 12 and all other conference distributions are reported in Category 13.</p>
14	Program, Novelty, Parking and Concession Sales	\$252,558	<p>Input revenues from:</p> <ul style="list-style-type: none"> • Game Programs. • Novelties. • Food and Concessions. • Parking. <p>Advertising should be included in Category 15.</p>
15	Royalties, Licensing, Advertisement and Sponsorships	\$385,148	<p>Input revenues from:</p> <ul style="list-style-type: none"> • Sponsorships. • Licensing Agreements. • Advertisement. • Royalties. • In-kind products and services as part of sponsorship agreement. <p>An allocation may be necessary to distinguish revenues generated by athletics versus the university if payments are combined.</p>
16	Sports Camp Revenues	\$251,820	Input amounts received by the athletics department for sports camps and clinics.
17	Athletics Restricted Endowment and Investments Income	\$374,570	<p>Please report <u>spending policy distributions</u> from athletics restricted endowments and <u>investment income used for athletics operations in the reporting year</u>.</p> <p>This category includes only restricted investment and endowment income <u>used</u> for the operations of intercollegiate athletics; institutional allocations of income from unrestricted endowments qualify as ""Direct Institutional Support"" and should be reported in Category 4.</p> <p>Note: Please make sure amounts reported are only up to the amount of expenses covered by the endowment for the reporting year.</p>

Reporting Institution: Northern State University

ID	Item	Amount	Definition
18	Other Operating Revenue	\$52,596	Input any operating revenues received by athletics in the report year which cannot be classified into one of the stated categories. If the figure is greater than 10% of total revenues, please report the top three activities included in this category in the comments section.
19	Football Bowl Revenues	\$0	Input all amounts received related to participation in a post-season football bowl game, including (Football Only): <ul style="list-style-type: none"> • Expense reimbursements. • Ticket sales.
	Total Operating Revenues	\$7,566,508	Total of Categories 1-19.

Expenses

ID	Item	Amount	Definition
20	Athletic Student Aid	\$1,807,113	<p>Input the total dollar amount of athletic student-aid for the reporting year including:</p> <ul style="list-style-type: none"> • Summer school. • Tuition discounts and waivers (unless it is a discount or waiver available to the general student body). • Aid given to student-athletes who are inactive (medical reasons) or no longer eligible (exhausted eligibility). • Other expenses related to attendance. <p>Note: Division I Grants-in-aid <u>equivalencies</u> are calculated by using the revenue distribution equivalencies by sport and in aggregate. (Athletic grant amount divided by the full grant amount). <u>Other expenses related to attendance</u> (also known as cost of attendance) <u>should not be included in the grants-in-aid revenue distribution equivalencies</u>. Only tuition, fees, room, board and course related books are countable for grants-in-aid revenue distribution per Bylaw 20.02.7.</p> <p>Athletics aid awarded to non-athletes (student-managers, graduate assistants, trainers) should be reported as Expenses Not Related to Specific Teams. It is permissible to report only dollars in the Expenses Not Related to Specific Teams row as long as you have reported non- zero entries for Equivalencies, Number of Students, and Dollars (all 3 required for at least one sport).</p> <p>Note: Pell grants are provided by the government, not the institution or athletics department, and therefore should be excluded from reporting in this category.</p> <p>Note: This information can be managed within the NCAA's Compliance Assistance (CA) software. The equivalencies entered into compliance assistance will automatically populate to the athletic student aid section within the NCAA Financial Reporting System when the CA import feature is selected.</p>
21	Guarantees	\$18,000	<p>Input amounts paid to visiting participating institutions, including per diems and/or travel and meal expenses. This includes payments made due to game cancellations.</p>

ID	Item	Amount	Definition
22	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	\$1,826,644	<p>Input compensation, bonuses and benefits paid to all coaches reportable on the university or related entities W-2 and 1099 forms, as well as non-taxable benefits (1098T), inclusive of:</p> <ul style="list-style-type: none"> • Gross wages and bonuses. • Taxable and non-taxable benefits include: allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions (for self or a dependent) and earned deferred compensation, including those funded by the state. <p>Place any severance payments in Category 26.</p> <p>Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.</p>
23	Coaching Salaries, Benefits and Bonuses paid by a Third Party	\$0	<p>Input compensation, bonuses and benefits paid to all coaches by a third party and contractually guaranteed by the institution, but not included on the institutions W-2, as well as any non-taxable benefits, including:</p> <ul style="list-style-type: none"> • Car stipend. • Country club membership. • Allowances for clothing, housing, entertainment. • Speaking fees. • Camps compensation. • Media income. • Shoe and apparel income. <p>Expense Category 23 and 25 should equal Category 10.</p> <p>Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.</p>

Reporting Institution: Northern State University

ID	Item	Amount	Definition
24	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	\$786,327	<p>Input compensation, bonuses and benefits paid to all administrative and support staff reportable on the university or related entities (e.g. foundations or booster clubs) W-2 and 1099 forms, as well as any non-taxable benefits, inclusive of:</p> <ul style="list-style-type: none"> • Gross wages and bonuses. • Benefits including allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions and earned deferred compensation, including those funded by the state. <p>Staff members responsible for the gender-specific athletics department, but not a specific sport (i.e., director of men's athletics), will have their compensation figures reported as Expenses Not Related to Specific Teams fields. Athletics department staff members who assist both men's and women's teams (sports information director, academic advisor) will be reported as Not Allocated by Gender column.</p>
25	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	\$193,339	<p>Input compensation, bonuses and benefits paid to administrative and support staff by a third party and contractually guaranteed by the institution, but not included on the institutions W-2, as well as non-taxable benefits, including:</p> <ul style="list-style-type: none"> • Car stipend. • Country club membership. • Allowances for clothing, housing, entertainment. • Speaking fees. • Camps compensation. • Media income. • Shoe and apparel income. <p>Expense Category 23 and 25 should equal Category 10.</p>
26	Severance Payments	\$0	Input severance payments and applicable benefits recognized for past coaching and administrative personnel.
27	Recruiting	\$173,912	Input transportation, lodging and meals for prospective student-athletes and institutional personnel on official and unofficial visits, telephone call charges, postage and such. Include value of use of institution's own vehicles or airplanes as well as in-kind value of loaned or contributed transportation.

ID	Item	Amount	Definition
28	Team Travel	\$696,085	<p>Input air and ground travel, lodging, meals and incidentals (including housing costs incurred during school break period) for competition related to preseason, regular season and non-football bowl postseason. Amounts incurred for food and lodging for housing the team before a home game also should be included. Use of the institution's own vehicles or airplanes as well as in-kind value of donor-provided transportation.</p> <p>Note: Expenses related to post-season football bowls should be included in Category 41.</p>
29	Sports Equipment, Uniforms and Supplies	\$511,955	<p>Input items that are provided to the teams only. Equipment amounts are those expended from current or operating funds. Include value of in-kind equipment provided.</p> <p>Note: Expenses related to post-season football bowls should be included in Category 41.</p>
30	Game Expenses	\$313,898	<p>Input game-day expenses other than travel which are necessary for intercollegiate athletics competition, including officials, security, event staff, ambulance, etc. Input any payments back to the NCAA for hosting a tournament.</p> <p>Note: Expenses related to post-season football bowls should be included in Category 41.</p>
31	Fund Raising, Marketing and Promotion	\$223,210	<p>Input costs associated with fund raising, marketing and promotion for media guides, brochures, recruiting publications and such.</p>
32	Sports Camp Expenses	\$100,892	<p>Input all expenses paid by the athletics department, including non-athletics personnel salaries and benefits, from hosting sports camps and clinics. Athletics personnel salaries and benefits should be reported in Categories 22-25.</p>
33	Spirit Groups	\$0	<p>Include support for spirit groups including bands, cheerleaders, mascots, dancers, etc.</p> <p>Note: Expenses related to post-season football bowls should be included in Category 41.</p>

ID	Item	Amount	Definition
34	Athletic Facilities Debt Service, Leases and Rental Fee	\$6,933	<p>Input debt service payments (principal and interest, including internal loan programs), leases and rental fees for athletics facilities for the reporting year regardless of entity paying (athletics, institution or other).</p> <p>Do not report depreciation.</p> <p>Note: If the institution is paying for <u>all</u> debt service, leases, or rental fees for athletic facilities but not charging to athletics, this category should equal Category 6A. If athletics or other entities are paying these expenses or the institution is charging directly to athletics, this category will not equal Category 6A.</p>
35	Direct Overhead and Administrative Expenses	\$0	<p>Input overhead and administrative expenses <u>paid by or charged directly to athletics</u> including:</p> <ul style="list-style-type: none"> • Administrative/Overhead fees charged by the institution to athletics. • Facilities maintenance. • Security. • Risk Management. • Utilities. • Equipment Repair. • Telephone. • Other Administrative Expenses.
36	Indirect Institutional Support	\$589,353	<p>Input overhead and administrative expenses <u>NOT paid by or charged directly to athletics</u> including:</p> <ul style="list-style-type: none"> • Administrative/Overhead fees <u>not charged</u> by the institution to athletics. • Facilities maintenance. • Security. • Risk Management. • Utilities. • Equipment Repair. • Telephone. • Other Administrative Expenses. <p>Do not report depreciation.</p> <p>Note: This category should equal Category 6.</p>

ID	Item	Amount	Definition
37	Medical Expenses and Insurance	\$0	Input medical expenses and medical insurance premiums for student-athletes.
38	Memberships and Dues	\$41,094	Input memberships, conference and association dues.
39	Student-Athlete Meals (non-travel)	\$61,131	<p>Include meal allowance and food/snacks provided to student-athletes.</p> <p>Note: Meals provided during team travel should be reported in Category 28.</p>
40	Other Operating Expenses	\$75,413	<p>Input any operating expenses paid by athletics in the report year which cannot be classified into one of the stated categories, including:</p> <ul style="list-style-type: none"> • Non-team travel (conferences, etc.). • Team banquets and awards. <p>If the figure is greater than 10% of total expenses, please report the top three activities included in this category in the comments section.</p>
41	Football Bowl Expenses	\$0	<p>Input all expenditures related to participation in a post-season football bowl game, including:</p> <ul style="list-style-type: none"> • Team travel, lodging and meal expenses. • Bonuses related to football bowl participation. • Spirit groups. • Uniforms. <p>Note: All post-season football bowl related coaching compensation/bonuses should be reported in Category 41A, Bowl Expenses – Coaching Compensation/Bonuses.</p>
41A	Football Bowl Expenses - Coaching Compensation/Bonuses	\$0	<p>Input all coaching bonuses related to participation in a post-season football bowl game (Football only).</p> <p>Note: All other post-season football bowl related expenses should be reported in Category 41, Football Bowl Expenses.</p>
	Total Operating Expenses	\$7,425,299	Total of Categories 20-41A.

Revenue/Expense Details

1 Ticket Sales \$60,649 Input revenue received for sales of admissions to athletic events. This may include:

- Public and faculty sales.
- Student sales
- Shipping and Handling fees.

Please report amounts paid in excess of ticket's face value to obtain preferential seating or priority in Category 8 (Contributions).

Revenues by Source	Men's Teams Only	Women's Teams Only	Not Allocated by Gender
	Ticket Sales	Ticket Sales	Ticket Sales
Baseball	0		
Basketball	19,381	19,713	
Football	0		
Soccer		3,552	
Softball		550	
Swimming and Diving		0	
Track and Field, X-Country	4,100	4,625	
Volleyball		6,483	
Wrestling	2,245		
Others			
Subtotal All Teams	25,726	34,923	0
Revenue Not Related to Specific Teams			
Total Revenue	25,726	34,923	0

Reporting Institution: Northern State University

2 Direct State or Other Government Support \$0 Input state, municipal, federal and other appropriations made in support of athletics.

This amount includes funding specifically earmarked for the athletics department by government agencies for which the institution cannot reallocate.

This amount also includes state funded employee benefits. Corresponding expenses should be reported in Categories 22 and 24.

Any state or other government support appropriated to the university, for which the university determines the dollar allocation to the athletics department shall be reported in Direct Institutional Support (Category 4).

Revenues by Source	Men's Teams Only Direct State or Other Government Support	Women's Teams Only Direct State or Other Government Support	Not Allocated by Gender Direct State or Other Government Support
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X- Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams			
Total Revenue	0	0	0

Reporting Institution: Northern State University

3 Student Fees \$388,436 Input student fees assessed and restricted for support of intercollegiate athletics.

Revenues by Source	Men's Teams Only Student Fees	Women's Teams Only Student Fees	Not Allocated by Gender Student Fees
Baseball	37,000		
Basketball	11,398	12,500	
Football	29,500		
Soccer		50,656	
Softball		25,600	
Swimming and Diving		42,000	
Track and Field, X-Country	36,000	42,500	
Volleyball		39,300	
Wrestling	27,000		
Others			
Subtotal All Teams	140,898	212,556	0
Revenue Not Related to Specific Teams	7,495	8,345	19,142
Total Revenue	148,393	220,901	19,142

4 Direct Institutional Support	\$3,002,696	<p>Input direct funds provided by the institution to athletics for the operations of intercollegiate athletics including:</p> <ul style="list-style-type: none"> • Unrestricted funds allocated to the athletics department by the university (e.g. state funds, tuition, tuition discounts/waivers, transfers) • Federal work study support for student workers employed by athletics. • Endowment unrestricted income, spending policy distributions and other investment income distributed to athletics in the reporting year to support athletic operations. Athletics restricted endowment income for athletics should be reported in Category 17.
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Revenues by Source	Men's Teams Only	Women's Teams Only	Not Allocated by Gender
	Direct Institutional Support	Direct Institutional Support	Direct Institutional Support
Baseball	214,108		
Basketball	283,479	257,603	
Football	587,999		
Soccer		134,350	
Softball		110,466	
Swimming and Diving		79,202	
Track and Field, X-Country	91,435	96,145	
Volleyball		204,661	
Wrestling	130,130		
Others			
Subtotal All Teams	1,307,151	882,427	0
Revenue Not Related to Specific Teams	91,767	41,091	680,260
Total Revenue	1,398,918	923,518	680,260

Reporting Institution: Northern State University

5 Less - Transfers to Institution \$0 If the institution allocated funds to athletics as represented in Categories 3-4 and the athletics department provided a transfer of funds back to the institution in the reporting year, report the transfer amount as a negative in this category. The transfer amount may not exceed the total of Categories 3-4. Transfers back to the institution in excess of Categories 3-4 should be reported in Category 50 - excess transfers to institution.

Revenues by Source	Men's Teams Only Less - Transfers to Institution	Women's Teams Only Less - Transfers to Institution	Not Allocated by Gender Less - Transfers to Institution
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams			
Total Revenue	0	0	0

Reporting Institution: Northern State University

6 Indirect Institutional Support	\$589,353	<p>Input value of costs covered and services provided by the institution to athletics but <u>not charged</u> to athletics including:</p> <ul style="list-style-type: none"> • Administrative services provided by the university to athletics but not charged such as HR, Accounting and IT. • Facilities maintenance. • Security. • Risk Management. • Utilities. <p>Do not include depreciation.</p> <p>Note: This category should equal Category 36. If the institution is paying for debt service, leases, or rental fees for athletic facilities, but not charging to athletics, include those amounts in Category 6A.</p>
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Revenues by Source	Men's Teams Only Indirect Institutional Support	Women's Teams Only Indirect Institutional Support	Not Allocated by Gender Indirect Institutional Support
Baseball	57,379		
Basketball	16,533	14,588	
Football	208,442		
Soccer		29,176	
Softball		18,158	
Swimming and Diving		21,395	
Track and Field, X-Country	93,363	78,775	
Volleyball		18,478	
Wrestling	33,066		
Others			
Subtotal All Teams	408,783	180,570	0
Revenue Not Related to Specific Teams			
Total Revenue	408,783	180,570	0

Reporting Institution: Northern State University

6A Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees \$0 Input debt service payments (principal and interest, including internal loan programs), leases and rental fees for athletics facilities for the reporting year provided by the institution to athletics but not charged to athletics.

Do not report depreciation.

Note: If the institution is paying for all athletic facilities debt service, lease and rental fees and not charging to athletics, this category will equal Category 34. If athletics or other entities are also paying these expenses or the institution is charging directly to athletics, this category will not equal Category 34.

Revenues by Source	Men's Teams Only Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees	Women's Teams Only Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees	Not Allocated by Gender Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees
Baseball	0		
Basketball	0	0	
Football	0		
Soccer		0	
Softball		0	
Swimming and Diving		0	
Track and Field, X-Country	0	0	
Volleyball		0	
Wrestling	0		
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams	0	0	
Total Revenue	0	0	0

Reporting Institution: Northern State University

7 Guarantees \$500 Input revenue received from participation in away games. This includes payments received due to game cancellations.

Revenues by Source	Men's Teams Only Guarantees	Women's Teams Only Guarantees	Not Allocated by Gender Guarantees
Baseball	0		
Basketball	0	0	
Football	0		
Soccer		500	
Softball		0	
Swimming and Diving		0	
Track and Field, X-Country	0	0	
Volleyball		0	
Wrestling	0		
Others			
Subtotal All Teams	0	500	0
Revenue Not Related to Specific Teams			
Total Revenue	0	500	0

8 Contributions \$1,849,316 Input contributions **provided and used by athletics** in the reporting year including:

- Amounts received from individuals, corporations, associations, foundations, clubs or other organizations designated for the operations of the athletics program.
- Funds contributed by outside contributors for the payment of debt service, lease payments or rental fee expenses for athletic facilities in the reporting year.
- Amounts received above face value for tickets.

Contributions shall include cash and marketable securities.

Do not report:

- Pledges until funds are provided to athletics for use.
- Contributions to be used in other reporting years.

Revenues by Source	Men's Teams Only Contributions	Women's Teams Only Contributions	Not Allocated by Gender Contributions
Baseball	212,455		
Basketball	70,661	77,430	
Football	470,182		
Soccer		113,301	
Softball		67,433	
Swimming and Diving		70,097	
Track and Field, X-Country	311,389	201,282	
Volleyball		53,852	
Wrestling	188,020		
Others			
Subtotal All Teams	1,252,707	583,395	0
Revenue Not Related to Specific Teams		0	13,214
Total Revenue	1,252,707	583,395	13,214

9 In-Kind \$110,095 Input market value of in-kind contributions in the reporting year including:

- Dealer provided automobiles.
- Equipment.
- Services.
- Nutritional product.

All in-kind contributions that are made as a result of a licensing or sponsorship agreement should be reported in Category 15.

Please offset in-kind values in the appropriate expense category.

Revenues by Source	Men's Teams Only In-Kind	Women's Teams Only In-Kind	Not Allocated by Gender In-Kind
Baseball	900		
Basketball	1,050	525	
Football	2,250		
Soccer		750	
Softball		900	
Swimming and Diving		750	
Track and Field, X-Country	1,050	525	
Volleyball		750	
Wrestling	750		
Others			
Subtotal All Teams	6,000	4,200	0
Revenue Not Related to Specific Teams	23,740	23,740	52,415
Total Revenue	29,740	27,940	52,415

Reporting Institution: Northern State University

10 Compensation and Benefits \$193,339 Input all benefits provided by a third party and contractually provided by a third party guaranteed by the institution, but not included on the institution's W-2. These may include:

- Car stipend.
- Country club membership.
- Allowances for clothing, housing, entertainment.
- Speaking fees.
- Camps compensation.
- Media income.
- Shoe and apparel income.

The total of this category should equal expense Categories 23 and 25 combined.

Revenues by Source	Men's Teams Only Compensation and Benefits provided by a third party	Women's Teams Only Compensation and Benefits provided by a third party	Not Allocated by Gender Compensation and Benefits provided by a third party
Baseball	21,811		
Basketball	6,284	5,545	
Football	49,536		
Soccer		11,090	
Softball		5,915	
Swimming and Diving		8,133	
Track and Field, X- Country	35,489	29,943	
Volleyball		7,024	
Wrestling	12,569		
Others			
Subtotal All Teams	125,689	67,650	0
Revenue Not Related to Specific Teams			
Total Revenue	125,689	67,650	0

Reporting Institution: Northern State University

11 Media Rights \$7,500 Input **all** revenue received for radio, television, internet, digital and e-commerce rights, including the portion of conference distributions related to media rights - if applicable.

Consult with your conference offices if you do not have the media rights distribution amount available.

Revenues by Source	Men's Teams Only Media Rights	Women's Teams Only Media Rights	Not Allocated by Gender Media Rights
Baseball	0		
Basketball	0	0	
Football	0		
Soccer		0	
Softball		0	
Swimming and Diving		0	
Track and Field, X-Country	0	0	
Volleyball		0	
Wrestling	0		
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams	0	0	7,500
Total Revenue	0	0	7,500

Reporting Institution: Northern State University

12 NCAA \$35,064 Input revenues received from the NCAA distributions which could include revenue distributions, grants, NCAA championships travel reimbursements and payments received from the NCAA for hosting a championship.

In some cases, NCAA distributions may be provided by the conference office. Consult with the conference office for the amount if you do not have it available and include in this category.

Revenues by Source	Men's Teams Only NCAA Distributions	Women's Teams Only NCAA Distributions	Not Allocated by Gender NCAA Distributions
Baseball	0		
Basketball	0	0	
Football	0		
Soccer		9,035	
Softball		0	
Swimming and Diving		0	
Track and Field, X-Country	0	7,634	
Volleyball		0	
Wrestling	1,963		
Others			
Subtotal All Teams	1,963	16,669	0
Revenue Not Related to Specific Teams	0	0	16,432
Total Revenue	1,963	16,669	16,432

Reporting Institution: Northern State University

13 Conference Distributions \$12,868 Input all revenues received by conference distribution, excluding (Non Media and Non Football Bowl) portions of distribution relating to media rights (reported in Category 11) or NCAA distributions (reported in Category 12).

Note: Conference distributions of revenue generated by a post-season football bowl to conference members should be recorded in Category 13A. Distributions for reimbursement of post-season football bowl expenses should be included in Category 19.

Revenues by Source	Men's Teams Only Conference Distributions (Non Media and Non Football Bowl)	Women's Teams Only Conference Distributions (Non Media and Non Football Bowl)	Not Allocated by Gender Conference Distributions (Non Media and Non Football Bowl)
Baseball	0		
Basketball	0	0	
Football	0		
Soccer		0	
Softball		0	
Swimming and Diving		0	
Track and Field, X- Country	8,000	0	
Volleyball		1,400	
Wrestling	0		
Others			
Subtotal All Teams	8,000	1,400	0
Revenue Not Related to Specific Teams	0	0	3,468
Total Revenue	8,000	1,400	3,468

Reporting Institution: Northern State University

13A	Conference Distributions of Football Bowl Generated Revenue	<p>\$0 Input conference distributions of revenue generated by a post-season football bowl to conference members. (Football Only)</p> <p>Note: Distributions for reimbursement of post-season football bowl expenses should be included in Category 19. Portions of distribution relating to media rights are reported in Category 11, NCAA distributions are reported in Category 12 and all other conference distributions are reported in Category 13.</p>
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Revenues by Source	Men's Teams Only Conference Distributions of Football Bowl Generated Revenue	Women's Teams Only Conference Distributions of Football Bowl Generated Revenue	Not Allocated by Gender Conference Distributions of Football Bowl Generated Revenue
Baseball			
Basketball			
Football	0		
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams			
Total Revenue	0	0	0

14 Program, Novelty, Parking and Concession Sales \$252,558 Input revenues from:

- Game Programs.
- Novelties.
- Food and Concessions.
- Parking.

Advertising should be included in Category 15.

Revenues by Source	Men's Teams Only Program, Novelty, Parking and Concession Sales	Women's Teams Only Program, Novelty, Parking and Concession Sales	Not Allocated by Gender Program, Novelty, Parking and Concession Sales
Baseball	28,491		
Basketball	8,209	7,244	
Football	64,709		
Soccer		14,487	
Softball		7,726	
Swimming and Diving		10,624	
Track and Field, X- Country	46,359	39,115	
Volleyball		9,175	
Wrestling	16,419		
Others			
Subtotal All Teams	164,187	88,371	0
Revenue Not Related to Specific Teams			
Total Revenue	164,187	88,371	0

Reporting Institution: Northern State University

15	Royalties, Licensing, Advertisement and Sponsorships	\$385,148	Input revenues from:	
			<ul style="list-style-type: none"> • Sponsorships. • Licensing Agreements. • Advertisement. • Royalties. • In-kind products and services as part of sponsorship agreement. 	
			An allocation may be necessary to distinguish revenues generated by athletics versus the university if payments are combined.	

Revenues by Source	Men's Teams Only Royalties, Licensing, Advertisement and Sponsorships	Women's Teams Only Royalties, Licensing, Advertisement and Sponsorships	Not Allocated by Gender Royalties, Licensing, Advertisement and Sponsorships
Baseball	43,449		
Basketball	12,519	11,046	
Football	98,680		
Soccer		22,093	
Softball		11,783	
Swimming and Diving		16,201	
Track and Field, X- Country	70,697	59,650	
Volleyball		13,992	
Wrestling	25,038		
Others			
Subtotal All Teams	250,383	134,765	0
Revenue Not Related to Specific Teams			
Total Revenue	250,383	134,765	0

Reporting Institution: Northern State University

16 Sports Camp Revenues \$251,820 Input amounts received by the athletics department for sports camps and clinics.

Revenues by Source	Men's Teams Only Sports Camp Revenues	Women's Teams Only Sports Camp Revenues	Not Allocated by Gender Sports Camp Revenues
Baseball	11,646		
Basketball	21,215	7,825	
Football	21,123		
Soccer		2,774	
Softball		765	
Swimming and Diving		30,457	
Track and Field, X-Country	4,547	3,814	
Volleyball		41,456	
Wrestling	106,198		
Others			
Subtotal All Teams	164,729	87,091	0
Revenue Not Related to Specific Teams			
Total Revenue	164,729	87,091	0

Reporting Institution: Northern State University

17 Athletics Restricted Endowment and Investments Income \$374,570 Please report spending policy distributions from athletics restricted endowments and investment income used for athletics operations in the reporting year.

This category includes only restricted investment and endowment income used for the operations of intercollegiate athletics; institutional allocations of income from unrestricted endowments qualify as ""Direct Institutional Support"" and should be reported in Category 4.

Note: Please make sure amounts reported are only up to the amount of expenses covered by the endowment for the reporting year.

Revenues by Source	Men's Teams Only Athletics Restricted Endowment and Investments Income	Women's Teams Only Athletics Restricted Endowment and Investments Income	Not Allocated by Gender Athletics Restricted Endowment and Investments Income
Baseball	42,255		
Basketball	12,175	10,743	
Football	95,970		
Soccer		21,486	
Softball		11,459	
Swimming and Diving		15,756	
Track and Field, X- Country	68,755	58,012	
Volleyball		13,608	
Wrestling	24,351		
Others			
Subtotal All Teams	243,506	131,064	0
Revenue Not Related to Specific Teams			
Total Revenue	243,506	131,064	0

Reporting Institution: Northern State University

18 Other Operating Revenue \$52,596 Input any operating revenues received by athletics in the report year which cannot be classified into one of the stated categories.

If the figure is greater than 10% of total revenues, please report the top three activities included in this category in the comments section.

Revenues by Source	Men's Teams Only	Women's Teams Only	Not Allocated by Gender
	Other Operating Revenue	Other Operating Revenue	Other Operating Revenue
Baseball	9,883		
Basketball	0	0	
Football	0		
Soccer		0	
Softball		7,713	
Swimming and Diving		0	
Track and Field, X-Country	0	0	
Volleyball		0	
Wrestling	0		
Others			
Subtotal All Teams	9,883	7,713	0
Revenue Not Related to Specific Teams	0	0	35,000
Total Revenue	9,883	7,713	35,000

Reporting Institution: Northern State University

- 19 Football Bowl Revenues \$0 Input all amounts received related to participation in a post-season football bowl game, including (Football Only):
- Expense reimbursements.
 - Ticket sales.

Revenues by Source	Men's Teams Only Football Bowl Revenues	Women's Teams Only Football Bowl Revenues	Not Allocated by Gender Football Bowl Revenues
Baseball			
Basketball			
Football	0		
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Revenue Not Related to Specific Teams			
Total Revenue	0	0	0

Total Operating Revenues

\$7,566,508 Total of Categories 1-19.

Revenues by Source	Men's Teams Only Total Operating Revenues	Women's Teams Only Total Operating Revenues	Not Allocated by Gender Total Operating Revenues
Baseball	679,377		
Basketball	462,904	424,762	
Football	1,628,391		
Soccer		413,250	
Softball		268,468	
Swimming and Diving		294,615	
Track and Field, X-Country	771,184	622,020	
Volleyball		410,179	
Wrestling	567,749		
Others			
Subtotal All Teams	4,109,605	2,433,294	0
Revenue Not Related to Specific Teams	123,002	73,176	827,431
Total Revenue	4,232,607	2,506,470	827,431

Reporting Institution: Northern State University

20	Athletic Student Aid	Total Dollar Amount	\$1,807,113	<p>Input the total dollar amount of athletic student-aid for the reporting year including:</p> <ul style="list-style-type: none"> • Summer school. • Tuition discounts and waivers (unless it is a discount or waiver available to the general student body). • Aid given to student-athletes who are inactive (medical reasons) or no longer eligible (exhausted eligibility). • Other expenses related to attendance. <p>Note: Division I Grants-in-aid <u>equivalencies</u> are calculated by using the revenue distribution equivalencies by sport and in aggregate. (Athletic grant amount divided by the full grant amount). <u>Other expenses related to attendance</u> (also known as cost of attendance) <u>should not be included in the grants-in-aid revenue distribution equivalencies</u>. Only tuition, fees, room, board and course related books are countable for grants-in-aid revenue distribution per Bylaw 20.02.7.</p> <p>Athletics aid awarded to non-athletes (student-managers, graduate assistants, trainers) should be reported as Expenses Not Related to Specific Teams. It is permissible to report only dollars in the Expenses Not Related to Specific Teams row as long as you have reported non- zero entries for Equivalencies, Number of Students, and Dollars (all 3 required for at least one sport).</p> <p>Note: Pell grants are provided by the government, not the institution or athletics department, and therefore should be excluded from reporting in this category.</p> <p>Note: This information can be managed within the NCAA's Compliance Assistance (CA) software. The equivalencies entered into compliance assistance will automatically populate to the athletic student aid section within the NCAA Financial Reporting System when the CA import feature is selected.</p>
		Total Equivalencies Awarded	86.76	
		Total Students Receiving Aid	345	

Male Athlete Scholarships

Reporting Institution: Northern State University

Sport	Athletic Aid Equivalency (A)	Exhausted Eligibility or Medical Equivalency (B)	Total Equivalencies Awarded in 2021-2022 (A+B)	Number of Students Receiving Athletic Aid	Total Dollar Amount
Baseball	3.33		3.33	31	93,724
Basketball	9.67		9.67	14	191,202
Football	34.2		34.2	123	700,458
Track and Field, X-Country	2.78		2.78	20	61,333
Wrestling	6.52		6.52	30	126,706
Expenses Not Related to Specific Teams					
Totals	56.5	0	56.5	218	1,173,423

Female Athlete Scholarships

Sport	Athletic Aid Equivalency (A)	Exhausted Eligibility or Medical Equivalency (B)	Total Equivalencies Awarded in 2021-2022 (A+B)	Number of Students Receiving Athletic Aid	Total Dollar Amount
Basketball	8.35	0	8.35	15	162,175
Soccer	5.48	0	5.48	28	119,418
Softball	3.32	0	3.32	14	71,408
Swimming and Diving	2.07	0	2.07	21	53,424
Track and Field, X-Country	3.51	0	3.51	31	75,719
Volleyball	7.53	0	7.53	18	151,546
Expenses Not Related to Specific Teams	0	0		0	
Totals	30.26	0	30.26	127	633,690

Not Allocated by Gender Scholarships

Reporting Institution: Northern State University

Sport	Athletic Aid Equivalency (A)	Exhausted Eligibility or Medical Equivalency (B)	Total Equivalencies Awarded in 2021-2022 (A+B)	Number of Students Receiving Athletic Aid	Total Dollar Amount
Expenses Not Related to Specific Teams					
Totals	0	0	0	0	0

21 Guarantees \$18,000 Input amounts paid to visiting participating institutions, including per diems and/or travel and meal expenses. This includes payments made due to game cancellations.

Expenses by Object of Expenditure	Men's Teams Only Guarantees	Women's Teams Only Guarantees	Not Allocated by Gender Guarantees
Baseball			
Basketball	11,500	6,500	
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	11,500	6,500	0
Expenses Not Related to Specific Teams			
Total Expenses	11,500	6,500	0

Reporting Institution: Northern State University

22	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	\$1,826,644	<p>Input compensation, bonuses and benefits paid to all coaches reportable on the university or related entities W-2 and 1099 forms, as well as non-taxable benefits (1098T), inclusive of:</p> <ul style="list-style-type: none"> Gross wages and bonuses. Taxable and non-taxable benefits include: allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions (for self or a dependent) and earned deferred compensation, including those funded by the state. <p>Place any severance payments in Category 26.</p> <p>Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.</p>
23	Coaching Salaries, Benefits and Bonuses paid by a Third Party	\$0	<p>Input compensation, bonuses and benefits paid to all coaches by a third party and contractually guaranteed by the institution, but not included on the institutions W-2, as well as any non-taxable benefits, including:</p> <ul style="list-style-type: none"> Car stipend. Country club membership. Allowances for clothing, housing, entertainment. Speaking fees. Camps compensation. Media income. Shoe and apparel income. <p>Expense Category 23 and 25 should equal Category 10.</p> <p>Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.</p>

Men's Teams Coaching Expenses

Sport	Men's Teams Head Coaches				Men's Teams Assistant Coaches			
	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Benefits and Bonuses paid by a Third Party	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Benefits and Bonuses paid by a Third Party
Baseball	1	1	74,356	0	2	1.22	53,061	0
Basketball	1	1	138,057	0	2	1.5	91,927	0

Reporting Institution: Northern State University

Sport	Men's Teams Head Coaches				Men's Teams Assistant Coaches			
	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party
Football	1	1	137,622	0	9	6.16	349,258	0
Track and Field, X-Country	2	1	34,910	0	5	1.22	42,182	0
Wrestling	1	1	93,678	0	1	1	81,815	0
Subtotal All Teams	6	5	478,623	0	19	11.10	618,243	0
Expenses Not Related to Specific Teams			0	0			0	0
Total Expenses			478,623	0			618,243	0

Women's Teams Coaching Expenses

Sport	Women's Teams Head Coaches				Women's Teams Assistant Coaches			
	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party
Basketball	1	1	107,812	0	2	1.5	89,181	0
Soccer	1	1	70,751	0	1	1	48,724	0
Softball	1	1	63,040	0	0	0	0	0
Swimming and Diving	1	1	59,879	0	1	0.22	23,471	0
Track and Field, X-Country	2	1	34,910	0	5	1.22	47,623	0
Volleyball	1	1	122,524	0	1	1	61,863	0
Subtotal All Teams	7	6	458,916	0	10	4.94	270,862	0

Reporting Institution: Northern State University

Sport	Women's Teams Head Coaches				Women's Teams Assistant Coaches			
	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party	Number of Positions	FTE	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	Coaching Salaries, Benefits and Bonuses paid by a Third Party
Expenses Not Related to Specific Teams			0	0			0	0
Total Expenses			458,916	0			270,862	0

Reporting Institution: Northern State University

24	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	\$786,327	<p>Input compensation, bonuses and benefits paid to all administrative and support staff reportable on the university or related entities (e.g. foundations or booster clubs) W-2 and 1099 forms, as well as any non-taxable benefits, inclusive of:</p> <ul style="list-style-type: none"> • Gross wages and bonuses. • Benefits including allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions and earned deferred compensation, including those funded by the state. <p>Staff members responsible for the gender-specific athletics department, but not a specific sport (i.e., director of men's athletics), will have their compensation figures reported as Expenses Not Related to Specific Teams fields. Athletics department staff members who assist both men's and women's teams (sports information director, academic advisor) will be reported as Not Allocated by Gender column.</p>
25	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	\$193,339	<p>Input compensation, bonuses and benefits paid to administrative and support staff by a third party and contractually guaranteed by the institution, but not included on the institutions W-2, as well as non-taxable benefits, including:</p> <ul style="list-style-type: none"> • Car stipend. • Country club membership. • Allowances for clothing, housing, entertainment. • Speaking fees. • Camps compensation. • Media income. • Shoe and apparel income.

Expense Category 23 and 25 should equal Category 10.

Expenses by Object of Expenditure	Men's Teams Only		Women's Teams Only		Not Allocated by Gender	
	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party
Baseball		21,811				
Basketball		6,284		5,545		

Reporting Institution: Northern State University

Expenses by Object of Expenditure	Men's Teams Only		Women's Teams Only		Not Allocated by Gender	
	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	Support Staff/ Administrative Compensation, Benefits and Bonuses paid by Third Party
Football		49,536				
Soccer				11,090		
Softball				5,915		
Swimming and Diving				8,133		
Track and Field, X-Country		35,489		29,943		
Volleyball				7,024		
Wrestling		12,569				
Others						
Subtotal All Teams	0	125,689	0	67,650	0	0
Expenses Not Related to Specific Teams					786,327	
Total Expenses	0	125,689	0	67,650	786,327	0

Reporting Institution: Northern State University

26 Severance Payments \$0 Input severance payments and applicable benefits recognized for past coaching and administrative personnel.

Expenses by Object of Expenditure	Men's Teams Only Severance Payments	Women's Teams Only Severance Payments	Not Allocated by Gender Severance Payments
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Reporting Institution: Northern State University

27 Recruiting \$173,912 Input transportation, lodging and meals for prospective student-athletes and institutional personnel on official and unofficial visits, telephone call charges, postage and such. Include value of use of institution's own vehicles or airplanes as well as in-kind value of loaned or contributed transportation.

Expenses by Object of Expenditure	Men's Teams Only Recruiting	Women's Teams Only Recruiting	Not Allocated by Gender Recruiting
Baseball	4,294		
Basketball	18,921	10,438	
Football	49,865		
Soccer		9,235	
Softball		3,158	
Swimming and Diving		3,098	
Track and Field, X-Country	1,924	1,399	
Volleyball		12,000	
Wrestling	9,665		
Others			
Subtotal All Teams	84,669	39,328	0
Expenses Not Related to Specific Teams			49,915
Total Expenses	84,669	39,328	49,915

Reporting Institution: Northern State University

28 Team \$696,085 Input air and ground travel, lodging, meals and incidentals (including housing costs incurred during school break period) for competition related to preseason, regular season and non-football bowl postseason. Amounts incurred for food and lodging for housing the team before a home game also should be included. Use of the institution's own vehicles or airplanes as well as in-kind value of donor-provided transportation.

Note: Expenses related to post-season football bowls should be included in Category 41.

Expenses by Object of Expenditure	Men's Teams Only Team Travel	Women's Teams Only Team Travel	Not Allocated by Gender Team Travel
Baseball	114,499		
Basketball	84,178	63,696	
Football	85,470		
Soccer		47,421	
Softball		74,756	
Swimming and Diving		32,531	
Track and Field, X-Country	45,612	44,165	
Volleyball		50,895	
Wrestling	46,250		
Others			
Subtotal All Teams	376,009	313,464	0
Expenses Not Related to Specific Teams			6,612
Total Expenses	376,009	313,464	6,612

Reporting Institution: Northern State University

29 Sports Equipment, \$511,955 Input items that are provided to the teams only. Equipment amounts are
Uniforms and Supplies those expended from current or operating funds. Include value of in-kind
equipment provided.

Note: Expenses related to post-season football bowls should be included
in Category 41.

Expenses by Object of Expenditure	Men's Teams Only Sports Equipment, Uniforms and Supplies	Women's Teams Only Sports Equipment, Uniforms and Supplies	Not Allocated by Gender Sports Equipment, Uniforms and Supplies
Baseball	39,776		
Basketball	26,906	23,538	
Football	161,974		
Soccer		30,298	
Softball		19,368	
Swimming and Diving		24,107	
Track and Field, X- Country	29,003	29,003	
Volleyball		9,585	
Wrestling	54,674		
Others			
Subtotal All Teams	312,333	135,899	0
Expenses Not Related to Specific Teams	145	0	63,578
Total Expenses	312,478	135,899	63,578

Reporting Institution: Northern State University

30 Game Expense \$313,898 Input game-day expenses other than travel which are necessary for intercollegiate athletics competition, including officials, security, event staff, ambulance, etc. Input any payments back to the NCAA for hosting a tournament.

Note: Expenses related to post-season football bowls should be included in Category 41.

Expenses by Object of Expenditure	Men's Teams Only Game Expenses	Women's Teams Only Game Expenses	Not Allocated by Gender Game Expenses
Baseball	34,254		
Basketball	29,369	20,215	
Football	48,270		
Soccer		13,532	
Softball		10,032	
Swimming and Diving		5,003	
Track and Field, X-Country	8,490	10,892	
Volleyball		15,071	
Wrestling	7,180		
Others			
Subtotal All Teams	127,563	74,745	0
Expenses Not Related to Specific Teams			111,590
Total Expenses	127,563	74,745	111,590

Reporting Institution: Northern State University

31 Fund Raising, Marketing and Promotion \$223,210 Input costs associated with fund raising, marketing and promotion for media guides, brochures, recruiting publications and such.

Expenses by Object of Expenditure	Men's Teams Only Fund Raising, Marketing and Promotion	Women's Teams Only Fund Raising, Marketing and Promotion	Not Allocated by Gender Fund Raising, Marketing and Promotion
Baseball	25,180		
Basketball	7,255	6,402	
Football	57,190		
Soccer		12,804	
Softball		6,828	
Swimming and Diving		9,389	
Track and Field, X-Country	40,972	34,570	
Volleyball		8,109	
Wrestling	14,511		
Others			
Subtotal All Teams	145,108	78,102	0
Expenses Not Related to Specific Teams			
Total Expenses	145,108	78,102	0

Reporting Institution: Northern State University

32 Sports \$100,892 Input all expenses paid by the athletics department, including non-athletics
Camp personnel salaries and benefits, from hosting sports camps and clinics. Athletics
Expenses personnel salaries and benefits should be reported in Categories 22-25.

Expenses by Object of Expenditure	Men's Teams Only Sports Camp Expenses	Women's Teams Only Sports Camp Expenses	Not Allocated by Gender Sports Camp Expenses
Baseball	0		
Basketball	3,693	4,966	
Football	5,260		
Soccer		0	
Softball		0	
Swimming and Diving		200	
Track and Field, X-Country	3,143	3,143	
Volleyball		7,769	
Wrestling	55,943		
Others			
Subtotal All Teams	68,039	16,078	0
Expenses Not Related to Specific Teams			16,775
Total Expenses	68,039	16,078	16,775

Reporting Institution: Northern State University

33 Spirit Groups \$0 Include support for spirit groups including bands, cheerleaders, mascots, dancers, etc.

Note: Expenses related to post-season football bowls should be included in Category 41.

Expenses by Object of Expenditure	Men's Teams Only Spirit Groups	Women's Teams Only Spirit Groups	Not Allocated by Gender Spirit Groups
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Reporting Institution: Northern State University

34 Athletic Facilities \$6,933 Input debt service payments (principal and interest, including internal loan programs), leases and rental fees for athletics facilities for the reporting year regardless of entity paying (athletics, institution or other).
Debt Service, Leases and Rental Fee

Do not report depreciation.

Note: If the institution is paying for all debt service, leases, or rental fees for athletic facilities but not charging to athletics, this category should equal Category 6A. If athletics or other entities are paying these expenses or the institution is charging directly to athletics, this category will not equal Category 6A.

Expenses by Object of Expenditure	Men's Teams Only Athletic Facilities Debt Service, Leases and Rental Fee	Women's Teams Only Athletic Facilities Debt Service, Leases and Rental Fee	Not Allocated by Gender Athletic Facilities Debt Service, Leases and Rental Fee
Baseball	1,540		
Basketball			
Football			
Soccer		2,980	
Softball			
Swimming and Diving		1,463	
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	1,540	4,443	0
Expenses Not Related to Specific Teams			950
Total Expenses	1,540	4,443	950

Reporting Institution: Northern State University

35 Direct Overhead and
Administrative Expenses

\$0 Input overhead and administrative expenses paid by or charged
directly to athletics including:

- Administrative/Overhead fees charged by the institution to athletics.
- Facilities maintenance.
- Security.
- Risk Management.
- Utilities.
- Equipment Repair.
- Telephone.
- Other Administrative Expenses.

Expenses by Object of Expenditure	Men's Teams Only Direct Overhead and Administrative Expenses	Women's Teams Only Direct Overhead and Administrative Expenses	Not Allocated by Gender Direct Overhead and Administrative Expenses
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X- Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Reporting Institution: Northern State University

36 Indirect Institutional Support	\$589,353	<p>Input overhead and administrative expenses <u>NOT</u> paid by or charged directly to athletics including:</p> <ul style="list-style-type: none"> • Administrative/Overhead fees <u>not charged</u> by the institution to athletics. • Facilities maintenance. • Security. • Risk Management. • Utilities. • Equipment Repair. • Telephone. • Other Administrative Expenses. <p>Do not report depreciation.</p> <p>Note: This category should equal Category 6.</p>
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Expenses by Object of Expenditure	Men's Teams Only Indirect Institutional Support	Women's Teams Only Indirect Institutional Support	Not Allocated by Gender Indirect Institutional Support
Baseball	57,379		
Basketball	16,533	14,588	
Football	208,442		
Soccer		29,176	
Softball		18,158	
Swimming and Diving		21,395	
Track and Field, X-Country	93,363	78,775	
Volleyball		18,478	
Wrestling	33,066		
Others			
Subtotal All Teams	408,783	180,570	0
Expenses Not Related to Specific Teams			
Total Expenses	408,783	180,570	0

Reporting Institution: Northern State University

37 Medical Expenses and Insurance \$0 Input medical expenses and medical insurance premiums for student-athletes.

Expenses by Object of Expenditure	Men's Teams Only Medical Expenses and Insurance	Women's Teams Only Medical Expenses and Insurance	Not Allocated by Gender Medical Expenses and Insurance
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Reporting Institution: Northern State University

38 Memberships and Dues \$41,094 Input memberships, conference and association dues.

Expenses by Object of Expenditure	Men's Teams Only	Women's Teams Only	Not Allocated by Gender
	Memberships and Dues	Memberships and Dues	Memberships and Dues
Baseball			
Basketball		1,716	
Football			
Soccer		520	
Softball		0	
Swimming and Diving		725	
Track and Field, X-Country	525	525	
Volleyball		190	
Wrestling	1,099		
Others			
Subtotal All Teams	1,624	3,676	0
Expenses Not Related to Specific Teams			35,794
Total Expenses	1,624	3,676	35,794

39 Student-Athlete Meals (non-travel) \$61,131 Include meal allowance and food/snacks provided to student-athletes.

Note: Meals provided during team travel should be reported in Category 28.

Expenses by Object of Expenditure	Men's Teams Only Student-Athlete Meals (non-travel)	Women's Teams Only Student-Athlete Meals (non-travel)	Not Allocated by Gender Student-Athlete Meals (non-travel)
Baseball	541		
Basketball		4,875	
Football	33,804		
Soccer		2,582	
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball		2,738	
Wrestling	3,500		
Others			
Subtotal All Teams	37,845	10,195	0
Expenses Not Related to Specific Teams			13,091
Total Expenses	37,845	10,195	13,091

Reporting Institution: Northern State University

40 Other Operating Expenses \$75,413 Input any operating expenses paid by athletics in the report year which cannot be classified into one of the stated categories, including:

- Non-team travel (conferences, etc.).
- Team banquets and awards.

If the figure is greater than 10% of total expenses, please report the top three activities included in this category in the comments section.

Expenses by Object of Expenditure	Men's Teams Only Other Operating Expenses	Women's Teams Only Other Operating Expenses	Not Allocated by Gender Other Operating Expenses
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			75,413
Total Expenses	0	0	75,413

Reporting Institution: Northern State University

41 Football Bowl Expenses \$0 Input all expenditures related to participation in a post-season football bowl game, including:

- Team travel, lodging and meal expenses.
- Bonuses related to football bowl participation.
- Spirit groups.
- Uniforms.

Note: All post-season football bowl related coaching compensation/bonuses should be reported in Category 41A, Bowl Expenses – Coaching Compensation/Bonuses.

Expenses by Object of Expenditure	Men's Teams Only	Women's Teams Only	Not Allocated by Gender
	Football Bowl Expenses	Football Bowl Expenses	Football Bowl Expenses
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X-Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Reporting Institution: Northern State University

41A Football Bowl Expenses - Coaching \$0 Input all coaching bonuses related to participation in a post-season football bowl game (Football only).
Compensation/Bonuses

Note: All other post-season football bowl related expenses should be reported in Category 41, Football Bowl Expenses.

Expenses by Object of Expenditure	Men's Teams Only Football Bowl Expenses - Coaching Compensation/ Bonuses	Women's Teams Only Football Bowl Expenses - Coaching Compensation/ Bonuses	Not Allocated by Gender Football Bowl Expenses - Coaching Compensation/ Bonuses
Baseball			
Basketball			
Football			
Soccer			
Softball			
Swimming and Diving			
Track and Field, X- Country			
Volleyball			
Wrestling			
Others			
Subtotal All Teams	0	0	0
Expenses Not Related to Specific Teams			
Total Expenses	0	0	0

Total Operating Expenses \$7,425,299 Total of Categories 20-41A.

Expenses by Object of Expenditure	Men's Teams Only Total Operating Expenses	Women's Teams Only Total Operating Expenses	Not Allocated by Gender Total Operating Expenses
Baseball	520,415		
Basketball	625,825	521,647	
Football	1,887,149		
Soccer		398,531	
Softball		272,663	
Swimming and Diving		242,818	
Track and Field, X-Country	396,946	390,667	
Volleyball		467,792	
Wrestling	540,656		
Others			
Subtotal All Teams	3,970,991	2,294,118	0
Expenses Not Related to Specific Teams	145	0	1,160,045
Total Expenses	3,971,136	2,294,118	1,160,045

Athletics Participation

Table 523 Table 1 - - - Athletics Participation. A participant is a student-athlete who, as of the day of a varsity team's first scheduled contest in the traditional season: (a) is listed as a team member; (b) practices with the varsity team and receives coaching from one or more varsity coaches; or (c) receives athletically-related student aid.

Any student who satisfies one or more of the criteria above is a participant, including a student on a team the institution designates or defines as junior varsity, freshman, or novice, or a student who does not play in a scheduled contest, whether for medical reasons or to preserve eligibility (i.e., a redshirt).

Student-athletes who participate in more than one sport should be counted in each sport. The Coed Teams column is marked based on the content of the sports sponsored table (Mixed Sports) in the School Info page. **Male practice players are NOT to be included as participants in this table.**

If the sport was cancelled due to COVID-19, please enter the participant figures for those who received athletics aid, practiced with the varsity team or received coaching from one or more varsity coaches, or were listed on the team's roster or eligibility list as of the first scheduled practice. For those teams whose seasons were cancelled entirely due to COVID-19, please enter the figures for those who received athletics aid or were enrolled at your institution and intended to participate in the sport.

Sport	Coed Teams	Number of Participants		Number of Participants		Number of Participants	
		Men's Teams	Women's Teams	Men's Teams	Women's Teams	Men's Teams	Women's Teams
Baseball		59		3		0	
Basketball		17	15	0	0	0	0
Cross Country		9	11	9	11		
Football		134		8		3	
Soccer			30		0		0
Softball			16		0		0
Swimming and Diving			22		0		0
Track, Indoor		44	36	42	33	13	11
Track, Outdoor		43	34	42	33	13	11
Volleyball			19		0		0
Wrestling		34		0		0	
Others							
Total Participants		340	183	104	77	29	22

Reporting Institution: Northern State University

Sport	Number of Participants			Number of Participants Participating on a Second Team		Number of Participants Participating on a Third Team	
	Coed Teams	Men's Teams	Women's Teams	Men's Teams	Women's Teams	Men's Teams	Women's Teams
Participant Proportion		65.0%	35.0%				
Unduplicated Count of Participants		283	141				

Head Coaching Assignments - Men's Teams

Table 2A

5 Table 2A - - - Head Coaches Assignments Men's Teams

Sport	Head Coaches of Men's Teams							
	Male Coaches - Head Count				Female Coaches - Head Count			
	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer
Baseball	1	0	1	0	0	0	0	0
Basketball	1	0	1	0	0	0	0	0
Football	1	0	1	0	0	0	0	0
Track and Field, X-Country	0	0	0	0	1	0	1	0
Wrestling	1	0	1	0	0	0	0	0
Others								
Coaching Position Totals	4	0	4	0	1	0	1	0

Head Coaching Assignments - Women's Teams

Table 2B

6 Table 2B - - - Head Coaches Assignments Women's Teams

Sport	Head Coaches of Women's Teams							
	Male Coaches - Head Count				Female Coaches - Head Count			
	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer
Basketball	0	0	0	0	1	0	1	0
Soccer	1	0	1	0	0	0	0	0
Softball	0	0	0	0	1	0	1	0
Swimming and Diving	1	0	1	0	0	0	0	0
Track and Field, X-Country	0	0	0	0	1	0	1	0
Volleyball	1	0	1	0	0	0	0	0
Others								
Coaching Position Totals	3	0	3	0	3	0	3	0

Assistant Coaching Assignments - Men's Teams

Table 3A

17 Table 3A - - - Assistant Coaches Assignments Men's Teams

Sport	Assistant Coaches of Men's Teams							
	Male Coaches - Head Count				Female Coaches - Head Count			
	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer
Baseball	0	2	0	2	0	0	0	0
Basketball	1	1	1	1	0	0	0	0
Football	5	3	5	3	0	0	0	0
Track and Field, X-Country	0	3	0	4	0	0	0	1
Wrestling	1	1	1	1	0	0	0	0
Others								
Coaching Position Totals	7	10	7	11	0	0	0	1

Assistant Coaching Assignments - Women's Teams

Table 3B

9 Table 3B - - - Assistant Coaches Assignments Women's Teams

Sport	Assistant Coaches of Women's Teams							
	Male Coaches - Head Count				Female Coaches - Head Count			
	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer	Full Time Coaching Duties	Part Time Coaching Duties	Full Time University Employee	Part Time University Employee or Volunteer
Basketball	1	1	1	1	0	0	0	0
Soccer	0	0	0	0	1	0	1	0
Softball	0	0	0	0	0	1	0	1
Swimming and Diving	0	1	0	1	0	0	0	0
Track and Field, X-Country	0	3	0	4	0	0	0	1
Volleyball	0	0	0	0	1	0	1	0
Others								
Coaching Position Totals	1	5	1	6	2	1	2	2

Other Reporting Items

AUP Data Categories:

50 - Excess Transfers to Institution: \$0
51 - Conference Realignment Expenses: \$0
52 - Total Athletics Related Debt: \$0
53 - Total Institutional Debt: \$14,094,945
54 - Athletics Dedicated Endowments: \$7,773,652
55 - Institutional Endowments: \$30,938,804
56 - Athletics Related Capital Expenditures: \$5,613,458

Other Data Categories:

Institutional Expenses: \$49,881,157
Athletically-Related Facilities Annual Debt Service: \$0
Institution's Annual Debt Service: \$1,367,091
Institution's Education and General Expenses: \$44,167,743
Average Cost of Full Grant-in-Aid - In-State: \$16,453
Average Cost of Full Grant-in-Aid - Out-of-State: \$19,555
Average Cost of Attendance - In-State: \$23,795
Average Cost of Attendance - Out-of-State: \$26,897
Expenses Dedicated to Compliance: \$81,454
Name of Compliance Software Used: NCAA Compliance
Assistant
Compliance FTEs: 1

Pell Grants

Men's Team Sports

Sport	Pell Grants	Prior Year Pell Grants	Variance Totals	Total Dollar Amount for SAs on Pell Grants
Baseball	7	10	-3	39,362
Basketball	2	1	1	9,317
Football	34	31	3	160,380
Track and Field, X-Country	11	9	2	61,674
Wrestling	8	6	2	41,206
Men's Total	62	57	5	311,939

Women's Team Sports

Sport	Pell Grants	Prior Year Pell Grants	Variance Totals	Total Dollar Amount for SAs on Pell Grants
Basketball	3	3	0	19,320
Soccer	2	2	0	5,823
Softball	3	3	0	13,885
Swimming and Diving	2	3	-1	11,440
Track and Field, X-Country	6	5	1	24,573
Volleyball	0	1	-1	0
Women's Total	16	17	-1	75,041

Mixed Team Sports

Sport	Pell Grants	Prior Year Pell Grants	Variance Totals	Total Dollar Amount for SAs on Pell Grants
Mixed Total	0		0	0

	Pell Grants	Prior Year Pell Grants	Variance Totals	Total Dollar Amount for SAs on Pell Grants
Total	78	74	4	\$386,980

Reporting Institution: Northern State University

Comments

Comments: The revenues and expense exceed the FY21 report. This is due to the increase in activity in FY22. Namly due to the fall sports not being performed in FY21.

Miscellaneous Information**Note: These values are calculated from data entered earlier in the system.**

- Athletically Related Student Aid Input the total dollar amount of athletic student-aid for the reporting year including:
- Summer school.
 - Tuition discounts and waivers (unless it is a discount or waiver available to the general student body).
 - Aid given to student-athletes who are inactive (medical reasons) or no longer eligible (exhausted eligibility).
 - Other expenses related to attendance.

Note: Division I Grants-in-aid equivalencies are calculated by using the revenue distribution equivalencies by sport and in aggregate. (Athletic grant amount divided by the full grant amount). Other expenses related to attendance (also known as cost of attendance) should not be included in the grants-in-aid revenue distribution equivalencies. Only tuition, fees, room, board and course related books are countable for grants-in-aid revenue distribution per Bylaw 20.02.7.

Athletics aid awarded to non-athletes (student-managers, graduate assistants, trainers) should be reported as Expenses Not Related to Specific Teams. It is permissible to report only dollars in the Expenses Not Related to Specific Teams row as long as you have reported non- zero entries for Equivalencies, Number of Students, and Dollars (all 3 required for at least one sport).

Note: Pell grants are provided by the government, not the institution or athletics department, and therefore should be excluded from reporting in this category.

Note: This information can be managed within the NCAA's Compliance Assistance (CA) software. The equivalencies entered into compliance assistance will automatically populate to the athletic student aid section within the NCAA Financial Reporting System when the CA import feature is selected.

Men's Teams	\$1,173,423
Women's Teams	\$633,690
Total Amount	\$1,807,113

- Recruiting Expenditures Input transportation, lodging and meals for prospective student-athletes and institutional personnel on official and unofficial visits, telephone call charges, postage and such. Include value of use of institution's own vehicles or airplanes as well as in-kind value of loaned or contributed transportation.

Men's Teams	\$84,669
Women's Teams	\$39,328

Total Amount	\$123,997
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Head Coaches Salaries

Input compensation, bonuses and benefits paid to all coaches reportable on the university or related entities W-2 and 1099 forms, as well as non-taxable benefits (1098T), inclusive of:

- Gross wages and bonuses.
- Taxable and non-taxable benefits include: allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions (for self or a dependent) and earned deferred compensation, including those funded by the state.

Place any severance payments in Category 26.

Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.

Average Salaries of Head Coaches	Dollars per FTE	FTE's	Dollars per Position	Number of Positions
Men's Teams	\$95,725	5	\$79,771	6
Women's Teams	\$76,486	6	\$65,559	7

Assistant Coaches Salaries

Input compensation, bonuses and benefits paid to all coaches reportable on the university or related entities W-2 and 1099 forms, as well as non-taxable benefits (1098T), inclusive of:

- Gross wages and bonuses.
- Taxable and non-taxable benefits include: allowances, speaking fees, retirement, stipends, memberships, media income, tuition reimbursement/exemptions (for self or a dependent) and earned deferred compensation, including those funded by the state.

Place any severance payments in Category 26.

Note: Bonuses related to participation in a post-season football bowl game should be included in Category 41A.

Average Salaries of Assistant Coaches	Dollars per FTE	FTE's	Dollars per Position	Number of Positions
Men's Teams	\$55,698	11.1	\$32,539	19
Women's Teams	\$54,830	4.94	\$27,086	10

**Statement of Revenues and Expenses
For the fiscal year ended 2022**

ID	Item	Football	Men's Basketball	Women's Basketball	Other Sports	Non-Program Specific	Total
<i>Revenues</i>							
1	Ticket Sales	\$0	\$19,381	\$19,713	\$21,555	\$0	\$60,649
2	Direct State or Other Government Support	\$0	\$0	\$0	\$0	\$0	\$0
3	Student Fees	\$29,500	\$11,398	\$12,500	\$300,056	\$34,982	\$388,436
4	Direct Institutional Support	\$587,999	\$283,479	\$257,603	\$1,060,497	\$813,118	\$3,002,696
5	Less - Transfers to Institution	\$0	\$0	\$0	\$0	\$0	\$0
6	Indirect Institutional Support	\$208,442	\$16,533	\$14,588	\$349,790	\$0	\$589,353
6A	Indirect Institutional Support - Athletic Facilities Debt Service, Lease and Rental Fees	\$0	\$0	\$0	\$0	\$0	\$0
7	Guarantees	\$0	\$0	\$0	\$500	\$0	\$500
8	Contributions	\$470,182	\$70,661	\$77,430	\$1,217,829	\$13,214	\$1,849,316
9	In-Kind	\$2,250	\$1,050	\$525	\$6,375	\$99,895	\$110,095
10	Compensation and Benefits provided by a third party	\$49,536	\$6,284	\$5,545	\$131,974	\$0	\$193,339
11	Media Rights	\$0	\$0	\$0	\$0	\$7,500	\$7,500
12	NCAA Distributions	\$0	\$0	\$0	\$18,632	\$16,432	\$35,064
13	Conference Distributions (Non Media and Non Football Bowl)	\$0	\$0	\$0	\$9,400	\$3,468	\$12,868
13A	Conference Distributions of Football Bowl Generated Revenue	\$0	\$0	\$0	\$0	\$0	\$0
14	Program, Novelty, Parking and Concession Sales	\$64,709	\$8,209	\$7,244	\$172,396	\$0	\$252,558
15	Royalties, Licensing, Advertisement and Sponsorships	\$98,680	\$12,519	\$11,046	\$262,903	\$0	\$385,148
16	Sports Camp Revenues	\$21,123	\$21,215	\$7,825	\$201,657	\$0	\$251,820
17	Athletics Restricted Endowment and Investments Income	\$95,970	\$12,175	\$10,743	\$255,682	\$0	\$374,570
18	Other Operating Revenue	\$0	\$0	\$0	\$17,596	\$35,000	\$52,596
19	Football Bowl Revenues	\$0	\$0	\$0	\$0	\$0	\$0
	Total Operating Revenues	\$1,628,391	\$462,904	\$424,762	\$4,026,842	\$1,023,609	\$7,566,508

Expenses

ID	Item	Football	Men's Basketball	Women's Basketball	Other Sports	Non-Program Specific	Total
20	Athletic Student Aid	\$700,458	\$191,202	\$162,175	\$753,278	\$0	\$1,807,113
21	Guarantees	\$0	\$11,500	\$6,500	\$0	\$0	\$18,000
22	Coaching Salaries, Benefits and Bonuses paid by the University and Related Entities	\$486,880	\$229,984	\$196,993	\$912,787	\$0	\$1,826,644
23	Coaching Salaries, Benefits and Bonuses paid by a Third Party	\$0	\$0	\$0	\$0	\$0	\$0
24	Support Staff/Administrative Compensation, Benefits and Bonuses paid by the University and Related Entities	\$0	\$0	\$0	\$0	\$786,327	\$786,327
25	Support Staff/Administrative Compensation, Benefits and Bonuses paid by Third Party	\$49,536	\$6,284	\$5,545	\$131,974	\$0	\$193,339
26	Severance Payments	\$0	\$0	\$0	\$0	\$0	\$0
27	Recruiting	\$49,865	\$18,921	\$10,438	\$44,773	\$49,915	\$173,912
28	Team Travel	\$85,470	\$84,178	\$63,696	\$456,129	\$6,612	\$696,085
29	Sports Equipment, Uniforms and Supplies	\$161,974	\$26,906	\$23,538	\$235,814	\$63,723	\$511,955
30	Game Expenses	\$48,270	\$29,369	\$20,215	\$104,454	\$111,590	\$313,898
31	Fund Raising, Marketing and Promotion	\$57,190	\$7,255	\$6,402	\$152,363	\$0	\$223,210
32	Sports Camp Expenses	\$5,260	\$3,693	\$4,966	\$70,198	\$16,775	\$100,892
33	Spirit Groups	\$0	\$0	\$0	\$0	\$0	\$0
34	Athletic Facilities Debt Service, Leases and Rental Fee	\$0	\$0	\$0	\$5,983	\$950	\$6,933
35	Direct Overhead and Administrative Expenses	\$0	\$0	\$0	\$0	\$0	\$0
36	Indirect Institutional Support	\$208,442	\$16,533	\$14,588	\$349,790	\$0	\$589,353
37	Medical Expenses and Insurance	\$0	\$0	\$0	\$0	\$0	\$0
38	Memberships and Dues	\$0	\$0	\$1,716	\$3,584	\$35,794	\$41,094
39	Student-Athlete Meals (non-travel)	\$33,804	\$0	\$4,875	\$9,361	\$13,091	\$61,131
40	Other Operating Expenses	\$0	\$0	\$0	\$0	\$75,413	\$75,413
41	Football Bowl Expenses	\$0	\$0	\$0	\$0	\$0	\$0

Reporting Institution: Northern State University

ID	Item	Football	Men's Basketball	Women's Basketball	Other Sports	Non-Program Specific	Total
41A	Football Bowl Expenses - Coaching Compensation/ Bonuses	\$0	\$0	\$0	\$0	\$0	\$0
	Total Operating Expenses	\$1,887,149	\$625,825	\$521,647	\$3,230,488	\$1,160,190	\$7,425,299
	Excess (Deficiencies) of Revenues Over (Under) Expenses	-\$258,758	-\$162,921	-\$96,885	\$796,354	-\$136,581	\$141,209

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance
Consent

AGENDA ITEM: 5 – W
DATE: March 29-30, 2023

SUBJECT

2022-2023 Regional Tuition and Fees Survey

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Annually, the Board office conducts a comprehensive tuition survey of the four-year public institutions in the surrounding states. States participating are Iowa, Minnesota, Montana, Nebraska, North Dakota, and Wyoming. The survey compares mandatory tuition and fee costs and total costs using the following parameters:

1. Tuition and Fees – This represents tuition and any mandatory fees for 30 credit hours per year for undergraduate and 24 credit hours for graduate. These data are collected for undergraduates and graduates for residents and nonresidents.
2. Total Cost – This number is a combination of the tuition and fee costs plus the cost of housing and meals. Housing is based on a double occupancy room and the meal plan is based on a plan that provides 15 meals per week or one that is close to that.

The figures reflected in the study only include costs that are identified for all students. Special discipline fees are not included since they cannot be identified for all students. Therefore, a student could pay costs higher than those reflected in this report if he or she were enrolled in a discipline with special support fees.

It is important to also note that the nonresident rates do not reflect any reciprocity agreements or other tuition reduction programs between states. Therefore, a nonresident student could attend a given institution at a lower cost than indicated in this report.

The report is presented in four sections. Section I provides summary tables comparing individual South Dakota university costs to average costs for comparable Carnegie classified institutions for tuition and fees and total costs. Section I also provides a comparable South Dakota average cost to the survey average by student classification. Section II provides the tuition and fee cost information for all thirty-nine institutions and compares them by institution classification. Section III combines tuition and fees with

(Continued)

INFORMATIONAL ITEM

room and board costs to exhibit a total cost comparison. The classifications of baccalaureate, masters and doctoral are used to compare like institutions. Section IV provides a historic comparison of tuition and fees and total costs for the institutions from 2012-2013 to 2022-2023.

IMPACT AND RECOMMENDATIONS

When looking at how South Dakota tuition and fee rates rank in the region (ranking from lowest to highest), South Dakota ranks fifth highest out of seven states for undergraduate resident tuition and fees, and the third highest out of seven states for graduate resident tuition and fees. South Dakota is second lowest for undergraduate nonresident tuition and fees and second lowest for graduate nonresident tuition and fees.

Tuition & Mandatory Fees

	Undergraduate				Graduate			
	Resident		Nonresident		Resident		Nonresident	
	Rank*	Avg.	Rank*	Avg.	Rank*	Avg.	Rank*	Avg.
Iowa	6	\$9,966	7	\$26,499	5	\$11,776	7	\$27,187
Minnesota	7	\$11,593	4	\$16,339	7	\$14,952	4	\$19,162
Montana	2	\$6,890	6	\$23,226	2	\$8,284	6	\$26,740
Nebraska	3	\$8,371	3	\$14,971	1	\$8,194	3	\$16,605
North Dakota	4	\$9,283	1	\$12,549	6	\$11,988	1	\$15,668
South Dakota	5	\$9,356	2	\$12,815	3	\$9,178	2	\$16,522
Wyoming	1	\$6,442	5	\$21,592	4	\$9,576	5	\$24,432
Seven State Average		\$8,843		\$18,285		\$10,564		\$20,902

*Ranked lowest to highest

South Dakota's undergraduate and graduate resident and nonresident total costs are the lowest or second lowest in the seven-state comparison. The low nonresident rates reflect the goal of recruiting nonresident students to build the SD workforce.

Total Cost

	Undergraduate				Graduate			
	Resident		Nonresident		Resident		Nonresident	
	Rank*	Avg.	Rank*	Avg.	Rank*	Avg.	Rank*	Avg.
Iowa	6	\$20,151	7	\$36,685	6	\$21,961	7	\$37,373
Minnesota	7	\$21,414	4	\$26,635	7	\$24,985	4	\$29,721
Montana	1	\$15,937	5	\$32,274	2	\$17,456	5	\$35,911
Nebraska	5	\$18,590	3	\$25,190	3	\$18,413	3	\$26,824
North Dakota	3	\$17,768	2	\$21,034	4	\$20,571	2	\$24,250
South Dakota	2	\$16,810	1	\$20,268	1	\$16,632	1	\$23,975
Wyoming	4	\$18,052	6	\$33,202	5	\$21,186	6	\$36,042
Seven State Average		\$18,389		\$27,898		\$20,172		\$30,585

*Ranked lowest to highest

South Dakota has focused significant efforts on affordability for resident students. As a result of tuition and fee freezes the last three years running, South Dakota's increased costs over a ten-year period are less than all but Minnesota for resident rates. South Dakota's nonresident undergraduate tuition and fees costs have increased 25.6% over that same period, more than all other states except Wyoming and North Dakota.

Percentage Increase Over Ten-Year Period			
Tuition and Mandatory Fees			
<u>Undergraduate Resident</u>		<u>Undergraduate Nonresident</u>	
Minnesota	1.9%	Iowa	(26.5%)
South Dakota	8.8%	Minnesota	(25.5%)
Montana	10.7%	Nebraska	(1.2%)
Nebraska	12.5%	Montana	15.2%
North Dakota	16.4%	South Dakota	25.6%
Iowa	29.2%	North Dakota	35.8%
Wyoming	46.3%	Wyoming	52.9%

South Dakota also increased its total cost for undergraduate residents less than only North Dakota at 31.9%. The total cost increase for nonresidents was the third highest of all seven states.

Percentage Increase Over Ten-Year Period			
Total Cost			
<u>Undergraduate Resident</u>		<u>Undergraduate Nonresident</u>	
Iowa	12.8%	Iowa	(13.6%)
Minnesota	15.0%	Minnesota	(9.0%)
Nebraska	18.8%	Nebraska	6.1%
Wyoming	21.2%	Montana	19.4%
Montana	22.6%	South Dakota	25.1%
South Dakota	31.9%	North Dakota	36.0%
North Dakota	38.0%	Wyoming	45.6%

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – A
DATE: March 29-30, 2023

SUBJECT

NSU and Presentation College Teach-Out Agreement

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

[BOR Policy 2:5:2](#) – External (Non-Regental System) Accredited University/College
Transfer of Credit

BACKGROUND / DISCUSSION

With the announcement of Presentation College closure in summer 2023, Northern State University (NSU), which is regionally located in Aberdeen and northeastern South Dakota, has entered into a teach-out agreement for Presentation College students. These students may finish the remainder of their college program at NSU as approved by the agreement (Attachment I).

IMPACT AND RECOMMENDATIONS

To comply with BOR Policy 5:3 and BOR Policy 2:5:2, Northern State University requests approval for the Teach-Out Agreement as provided in Attachment I.

ATTACHMENTS

Attachment I – Northern State University and Presentation College Teach-Out Agreement.

DRAFT MOTION 20230329_6-A:

I move to approve Northern State University's Teach-Out Agreement with Presentation College, as presented.

**Teach-Out Agreement between
Northern State University and Presentation College
January 23, 2023**

Presentation College and Northern State University, both institutions of higher education accredited by the Higher Learning Commission, agree to enter into the following Teach-Out Agreement in order to enable undergraduate students currently enrolled at Presentation College an opportunity to complete their programs of study, and to provide for a smooth and seamless transition, at Northern State University. Both Presentation College and Northern State University understand that the terms enumerated herein should serve as guidelines to foster student success.

At Northern State University, Presentation College students will receive an education that's high-quality, affordable—and personalized. Students will experience hands-on learning guided by world-class, supportive faculty. Students will enjoy a full campus life, with opportunities to choose from numerous student activities and events while remaining in the Aberdeen community. Northern's students, faculty, and staff are committed to helping Presentation students belong.

Specifically, Presentation College (PC) and Northern State University (NSU) agree to the following:

1. NSU will offer courses of study toward approved baccalaureate degrees. NSU's academic programs are available in both in person and online formats.

On-Campus Teach-Out Programs

- Human Performance and Fitness
- Sport Marketing and Administration
- Biology
- Psychology
- Business Administration
- Business Management
- Communication Studies
- Criminal Justice
- Sociology
- Bachelor of General Studies (BGS)
- AS Business
- AA General Studies

Online Teach-Out Programs

- Business Administration
- Business Management
- Criminal Justice

- Bachelor of General Studies (BGS)
- AS Business
- AA General Studies

PC students with GPAs higher than 3.5 are eligible for acceptance into the nationally recognized NSU Honors Program and all benefits afforded to students in that program.

PC students pursuing degrees in Business Administration and Business Management are eligible for NSU's accelerated master's degree programs (4+1) in the MS in Accounting Analytics and the MS in Banking and Financial Services. PC students pursuing degrees in Human Performance and Fitness and Sport Marketing and Administration are eligible for NSU's accelerated master's degree programs (4+1) in the MEd in Sport Performance and Leadership.

After earning their bachelor's degree from NSU, all PC students may apply for admission to NSU's 11 master's degree programs, including MEd in Secondary Education (which leads to initial teaching licensure) and MEd Counseling (which leads to licensure), and may apply for graduate assistantships on campus.

NSU is not approved to offer degrees in nursing or radiologic technology and therefore excludes those programs from this teach-out.

2. NSU will waive admission application fees for current students and all students who have stopped out since 2013. Students will be provided a simplified application process from NSU Admissions Office.
3. NSU will accept currently enrolled PC students, or those on leave of absence (or who have stopped out since 2013), or newly admitted students to PC for Fall 2023.
4. All PC students in good academic standing will be automatically accepted.
5. NSU will provide academic support to PC students transitioning to NSU and will make best efforts to ensure that PC students are able to register for the classes that they need or authorize appropriate substitute courses. NSU provides a broad array of student success services through its Student Success Center. See <https://northern.edu/student-life/student-success-center>. All NSU student success services will be available to PC teach out students.
6. NSU will conduct a special orientation for transitioning PC students on the campus of NSU to answer questions, provide advising, and course registration. NSU will provide information and advising to PC students about options and pathways for completing their degrees at NSU through NSU's on-campus and online programs.
7. NSU will offer comparable tuition to PC students consistent with SD Board of Regents (SDBOR) tuition and fee rates. Costs are outlined at <https://northern.edu/financial-aid/tuition-costs>. NSU financial aid staff will support each individual PC student with federal financial and scholarship advising. PC students who are residents of North Dakota, Nebraska, Iowa, Montana, Wyoming, Colorado, Illinois, and Wisconsin are eligible for in-state tuition through the SDBOR South Dakota Advantage rate, as are children of NSU

- alumni. PC students who are residents of Minnesota are eligible for Minnesota reciprocity tuition rate. Students who are eligible for military or veteran's benefits will receive the full support of the NSU Military and Veterans Affairs Officer.
8. PC students who have completed all General Education requirements at PC will have their general education transferred as a block satisfying the Regental General Education Goals. PC will confirm completion of PC's general education requirements so students can be approved for the full block transfer.
 9. Any major requirement not articulated by course will need to be completed by the student.
 10. The PC Lantern Series courses will count as NSU's IDL 190 First Year Seminar and Human Values requirements.
 11. The SDBOR authorizes NSU to accept 100% of successfully completed credits of coursework from PC in accordance with BOR Policy 2:5 policy series. <https://www.sdbor.edu/policy/documents/2-5.pdf>
 12. PC students who transition to NSU and successfully complete all degree requirements of the NSU major program will receive an NSU diploma. Exceptions to the course residency requirements may be made on an individual student basis as needed. NSU will not serve as the transcription institution for PC.
 13. PC will announce it has reached an agreement with NSU and will provide information to students, staff, and parents regarding the nature of the Agreement. PC and NSU will provide direct links between their institutional websites indicating the existence of this Agreement.
 14. NSU is a member of the Northern Sun Intercollegiate Conference (NCAA D-II) for athletic programs. NSU will offer a personal consultation with NSU athletic personnel for each PC student athlete (upon request) to determine eligibility to compete at NSU. PC athletes are eligible for recruiting by NSU Athletics. NSU Athletics will evaluate eligible PC athletes for open roster spots.
 15. PC and NSU will exchange data and documents, in accordance with FERPA laws, to facilitate the maintenance and improvement of the teach out arrangements and promote effective cooperation between the two institutions. PC will provide PC students and NSU with a FERPA waiver to access admissions, grades, and financial aid data after obtaining appropriate permission from the students involved and in compliance with local, state, and federal laws and Department of Education guidelines, e.g., FERPA.
 16. The pathway to graduation for each student transferring to NSU will allow the student to complete the student's academic program on the same timeframe as was possible at PC as long as the student continues to maintain satisfactory progress and completes all requirements, per the agreed upon plan.
 17. The Executive Director & CEO of the SDBOR submitted the attached letter to NSU supporting this agreement and indicating the teach out will be presented to the SDBOR for formal ratification at its March 2023 meeting.
 18. The obligations of the parties set forth herein shall terminate when all PC students accepted by NSU pursuant to this Agreement have either graduated from NSU or failed to be continuously enrolled at NSU.

IN WITNESS THEREOF, the parties have executed this Agreement on the date indicated:



Dr. Neal Schnoor
President
Northern State University

1-23-2023

Date



Dr. Paula Langteau
President
Presentation College

01/23/23

Date

**BOARD OF REGENTS**

306 EAST CAPITOL AVENUE, SUITE 200
 PIERRE, SOUTH DAKOTA 57501-2545
 (605) 773-3455
www.sdbor.edu

 OFFICE OF THE EXECUTIVE DIRECTOR

January 20, 2023

Dr. Neal Schnoor
 President
 Northern State University
 1200 S Jay Street
 Aberdeen, SD 57401

Dr. Neal Schnoor,

This letter serves to provide Northern State University authority to engage in a Teach Out contract between Northern State University and Presentation College. [Board of Regents Policy 5:3 Agreements and Contracts](#) provides in section C.2 that the Executive Director has the authority to provide assurances that articulation of transfer may be entered between the university and another institution. Formal approval as outlined by C.1 will be completed by the Board of Regents at their next Board meeting scheduled for March 2023.

I encourage the partnership between Northern State University and Presentation College to ensure that the students have a plan to proceed.

Sincerely,

Dr. Brian L. Maher
 Executive Director and CEO

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – B
DATE: March 29-30, 2023

SUBJECT

Revised BOR Policy 2:20 – Catalogs; and Repeal BOR Policy 1:10 – Relationship of Curriculum and Instruction to Statutory Objectives (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:10](#) – Relationship of Curriculum and Instruction to Statutory Objectives

[BOR Policy 2:36](#) – Accreditation

[BOR Policy 2:20](#) – Catalogs

BACKGROUND / DISCUSSION

At the October 2022 BOR meeting, the Board of Regents approved the new BOR Policy Mission Statements to include a comprehensive statement about the university to include the following sections: Organizational Structure, Academic Curriculum and Credentials, and specific Research, Economical, Regional, and or other unique university characteristic. In October, the Board also approved BOR Policy 2:36 on Accreditation.

The Academic Affairs Council, with the assistance of the accreditation liaison officers at each of the universities, evaluated BOR Policy 1:10 to the new university BOR Policies 1:10:1 through 1:10:6. It was recommended to the council to repeal policy 1:10 as it was redundant to the newly approved policies. In this recommendation, it was recommended that BOR Policy 2:20 be updated to reflect the university catalog requirements to post the Board approved policy statements on mission.

With the recommendation by the Accreditation Officers to repeal BOR Policy 1:10 and move the requirements for the academic catalog to a different policy on institutional missions, BOR Policy 2:20 (Catalogs) has been updated to reflect that recommendation.

Changes include to BOR Policy 2:20:

1. BOR Policy Template Updated
2. Definitions Added
3. Insert of the Institutional Mission
4. Insert of BOR Policies currently posted in some of the catalogs.

(Continued)

DRAFT MOTION 20230329_6-B:

I move to approve the first reading of the proposed revisions to BOR Policy 2:20 and repeal of BOR Policy 1:10, as presented.

Revised BOR Policy 2:20; Repeal BOR Policy 1:10

March 29-30, 2023

Page 2 of 2

IMPACT AND RECOMMENDATIONS

Board staff recommends revising BOR Policy 2:20 and repealing BOR Policy 1:10 based on the research and recommendations of the Academic Affairs Council.

ATTACHMENTS

Attachment I – Proposed Revisions to BOR Policy 2:20

Attachment II – Proposed Repeal of BOR Policy 1:10

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Academic Catalogs System Requirements

NUMBER: 2:20

A. PURPOSE

Academic catalogs are critical for students as they navigate their university experience. Academic catalogs provide information to students regarding academic policies, course descriptions, and degree requirements. This policy sets forth Regental system requirements.

B. DEFINITIONS

1. **Academic Catalog:** Defined as an electronic and/or printed catalog that provides degree program requirements, course requirements, and academic requirements of the university.
2. **Institution(s):** Defined as one of the six (6) universities: Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, and University of South Dakota.

C. POLICY STATEMENTS

1. A statement of the statutory institutional objectives must appear as a part of the catalog published at each institution. The BOR Policy on Institutional Mission for those institutions (BOR Policy 1:10:1 through 1:10:6) shall be added to the Academic Catalog.
2. BOR Policy 1:19 shall be posted with the Academic Catalog.
3. BOR Policy 2:17 shall be posted in the Academic Catalog.
4. A statement on FERPA rights shall be added to the Academic Catalog.
5. Each university catalog shall contain the following statement:

The information contained in this catalog is the most accurate available at the time of publication, but changes may become effective before the next catalog is published. It is ultimately the student's responsibility to stay abreast of current regulations, curricula, and the status of specific programs being offered. Further, the university reserves the right, as approved by the Board of Regents, to modify requirements, curricula offerings, and charges, and to add, alter, or delete courses and programs through appropriate procedures. While reasonable efforts will be made to publicize such changes, a student is encouraged to seek current information from appropriate offices.

The statement shall be placed in bold typeface on the inside of the front cover of the catalog or on the first page of the catalog.

FORMS / APPENDICES:

None

SOURCE:

BOR December 1995; BOR June 2014; [BOR May 2023](#).

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: ~~Relationship of Curriculum and Instruction to Statutory Objectives~~

NUMBER: ~~1:10~~

~~Curriculum and instruction at each institution shall conform to statutorily established objectives. Planning and operation of curriculum shall be in accordance with individual institutional guidelines. A statement of the statutory institutional objectives must appear as a part of the catalog published at each institution.~~

~~The mission statement for each institution shall include an explanation of the purpose established by the legislature and the programs authorized by the Board to implement that purpose.~~

~~Each campus must seek and receive Board approval before applying for initial accreditation or an expanded scope of accreditation for academic programs. Requests to the Board for initial accreditation or an expanded accreditation must be in a format determined by the Academic Affairs Council. In disciplines where approval or accreditation is required and not optional to practice in the profession, the Request to Seek Accreditation must be submitted with the Program Request (Class III).~~

~~A campus seeking a delay in an accreditation visit shall provide the Executive Director with an information copy of the request and a copy of the accrediting agency's response. The Executive Director shall provide this information to the Board in a timely manner.~~

SOURCE: ~~BR, 266, 1965; BOR, August 1994; BOR, May 2002~~

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – C
DATE: March 29-30, 2023

SUBJECT

Revised BOR Policy 1:17 – Sexual Harassment (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:17](#) – Sexual Harassment

BACKGROUND / DISCUSSION

BOR Policy 1:17 effectively sets forth the system’s implementation of the US Department of Education’s (“US DOE”) Title rules, outlining the various processes and protocols for addressing sexual harassment allegations on campus. Consequently, this area is heavily driven by federal authority on the topic, which necessitates changes in policy when guidance or rules change at the federal level.

The Title rules provided that if a party or witness does not submit to cross-examination at a live hearing, the hearing examiner must not rely on any statement of that party or witness in reaching a determination regarding responsibility, which was reflected in BOR Policy 1:17. In response to a federal district court decision in *Victim Rights Law Center, et al. v. Cardona*, the US DOE issued guidance in a [letter](#) dated August 24, 2021, indicating that as a result of the aforementioned ruling, US DOE would cease enforcement of the cross-examination requirement in rule, stating that a postsecondary institution may consider statements made by parties and witnesses, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. The US DOE subsequently updated their guidance, altering their previous interpretation of the judicial decision, stating:

[t]he 2020 amendments at 34 C.F.R. 106.45(b)(1)(ii) require ‘an objective evaluation of all relevant evidence.’ To the extent that statements are made by a party or witness who does not submit to cross-examination at a live hearing satisfy the regulation’s relevance rules, they must be considered in any postsecondary school’s Title IX grievance process...

Consequently, BOR Policy 1:17 is being revised to require consideration of statements made by a party or witness who does not submit to cross-examination, if they otherwise

(Continued)

DRAFT MOTION 20230329_6-C:

I move 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 1:17, as presented.

satisfy the relevance rules, in compliance with the revised guidance from the US DOE on the topic.

IMPACT AND RECOMMENDATION

The proposed revisions set forth in BOR Policy 1:17 update the policy to align with current US DOE guidance pertaining to consideration of statements made by a party or witness who does not submit to cross-examination at a live hearing.

Board staff recommends approval.

ATTACHMENTS

Attachment I – Proposed Revisions to BOR Policy 1:17

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Sexual Harassment

NUMBER: 1:17

A. PURPOSE

To establish policy prohibiting sexual harassment, the process for investigating and determining when sexual harassment has occurred, and the appeal process available when a violation is found.

B. DEFINITIONS

1. **Actual knowledge:** Notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator, any employee of the institution who has authority to institute corrective measures on behalf of the institution or any employee at the Special Schools. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only employee of the institution with actual knowledge is the respondent.
2. **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
3. **Consent:** As set forth in BOR Policy 1:17:1(3)E.
4. **Day:** Calendar days.
5. **Education program or activity:** Any locations, events, or circumstances taking place in the United States where the institution exercised substantial control over both the respondent and the context in which the alleged violation occurs—including locations that correspond to land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by, the institution, and adjacent streets and sidewalks. For purposes of this policy, the term also includes any building owned or controlled by a student organization that is officially recognized by the institution.
6. **Formal complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against and respondent and requesting that the institution investigate the allegation of sexual harassment.
7. **Institution:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, University of South Dakota, South Dakota School for the Deaf and South Dakota School for the Blind and Visually Impaired.
8. **Respondent:** An individual that has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

- 9. Sexual harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 - 9.1. An employee of an institution conditioning the provision of education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
 - 9.2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
 - 9.3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA), the definitions of which are set forth in BOR Policy 1:17.1.
- 10. Special Schools:** South Dakota School for the Deaf and South Dakota School for the Blind and Visually Impaired.
- 11. Supportive measures:** Non-disciplinary, non-punitive individualized services offered to the complainant or the respondent.
- 12. Working day:** Monday through Friday, except for holidays and other times when the institution's administrative offices are closed.
- 13. Written notice:** Notice provided either via email to the student and/or employee at their official institutional email account. Notice is deemed received the day after it is sent via email.

C. POLICY

1. Scope

These procedures apply to allegations of sexual harassment occurring in connection with an institution's education program or activity. Allegations of harassment not constituting sexual harassment shall be handled pursuant to BOR Policy 1:18 and/or 3:4, as appropriate.

2. Institutional Response

An institution with actual knowledge of sexual harassment in connection with an education program or activity must respond promptly in a manner that is not clearly unreasonable in light of the known circumstances. An institution must treat complainants and respondents equitably by offering supportive measures, with or without the filing of a formal complaint, and when a formal complaint is filed, by following the grievance process outlined below prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures.

2.1. Supportive Measures

Supportive measures shall be offered at no cost, and should be designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment, or deter sexual harassment.

- 2.1.1. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
 - 2.1.2. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
 - 2.1.3. Institutions must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measure.
 - 2.1.4. Nothing contained in this policy shall be construed to preclude an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- 2.2. General Requirements
- In response to a formal complaint, an institution's grievance process must comply with the requirements of this section, to include the equal application of the same to both parties. Nothing contained herein should be read to restrict any right that would otherwise be protected by the First Amendment of the U.S. Constitution, deprive a person of due process protected by the Fifth and Fourteenth Amendments of the U.S. Constitution, or otherwise restrict any other rights guaranteed against government action by the U.S. Constitution.
- 2.2.1. Institutions must treat complainants and respondents equitable by providing remedies to a complainant where a determination of responsibility of sexual harassment has been made against the respondent in accordance with the process set forth herein.
 - 2.2.2. Remedies implemented by an institution must be designed to restore or preserve equal access to the education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
 - 2.2.3. Institutions must require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that

credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

- 2.2.4. Institutions must require the Title IX Coordinator(s), investigator(s), decision-maker(s), or any person(s) designated by an institution to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2.2.5. Institutions must ensure the Title IX Coordinator(s), investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process receive training on the definition of sexual harassment; the scope of the education activity or program; how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 2.2.6. Institutions must ensure the decision-maker(s) receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- 2.2.7. Institutions must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- 2.2.8. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- 2.2.9. Institutions must include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Determinations on responsibility will be made using the preponderance of the evidence standard. The preponderance of the evidence indicating responsibility is shown if, in considering all the evidence it is more likely than not that the respondent is responsible for the alleged conduct.
- 2.2.10. Institutions may grant temporary delays or extensions of any deadline set forth in this policy which occur prior to the hearing, for good cause such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity (excluding cooperative agreements); or the need for language assistance or accommodation of disabilities. If any such temporary delays or extensions are granted the institution must notify the parties in writing of the reason for any such short-term delay or extension.
- 2.2.11. Following a determination of responsibility by the institution, the disciplinary sanctions listed below in this section may be imposed on the respondent. More than one of these disciplinary sanctions may be imposed for any single finding

of responsibility. Imposition of a disciplinary sanction may be delayed or suspended on such conditions as the institution may prescribe.

- 2.2.11.1. Warning – A statement to the respondent that the respondent has violated this policy.
- 2.2.11.2. Probation – Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the respondent is later found to have engaged in any additional violation(s) during the probationary period.
- 2.2.11.3. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in institutional activities, and/or access to institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the respondent's expense.
- 2.2.11.4. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
- 2.2.11.5. Educational/Personal Development Sanctions – work assignments, service to the institution or community, workshops, counseling or other related educational, training or personal development activities.
- 2.2.11.6. Residence Suspension – Separation of the respondent from the institution's residence facilities for a definite period of time, after which the respondent is eligible to return. Conditions for return to the residence facilities may be specified.
- 2.2.11.7. Residence Expulsion – Permanent separation of the respondent from the institution's residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.
- 2.2.11.8. Suspension – Separation of the respondent from the institution for a definite period of time, after which the respondent is eligible to return. Conditions for return may be specified. A respondent who has been suspended from one institution may not enroll at another institution until the period of suspension has ended.
- 2.2.11.9. Expulsion – Permanent separation of the respondent from the institution. A respondent who has been expelled from one institution may not enroll at another institution. A sanction of expulsion will take the form of suspension pending completion of the appeals process.
- 2.2.11.10. Adverse Employment Action(s) – the institution may take adverse employment action, to include suspension, with or without pay, reassignment, demotion, and termination.
- 2.2.11.11. Withholding Degree – the institution may withhold awarding a degree otherwise earned until the completion of the grievance process or the completion of all disciplinary sanctions imposed.

- 2.2.11.12. Revoking Admission and/or Degree – the institution may revoke admission to, or a degree awarded from, the institution for violation of institutional standards for obtaining admission or the degree, or for other serious violations committed by the respondent prior to graduation.

3. Receipt of Formal Complaint

- 3.1. An institution must investigate the allegations in a formal complaint. A formal complaint may be filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegations of sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Within 5 working days of receiving a formal complaint, the institution must provide written notice to the parties who are known. The written notice shall include:
- 3.1.1. Notice of allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interviews. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
 - 3.1.2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - 3.1.3. A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; that the advisor may accompany the party to related meetings or proceedings; and that the party and their advisor may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. In the event the institution has established any restrictions regarding the extent to which an advisor may participate in the proceedings pursuant to section 4.4 below, a statement informing the parties of the applicable restriction(s) shall be included.
 - 3.1.4. A statement of the maximum disciplinary sanction(s) that may be imposed on respondent following a determination of responsibility by the institution.
 - 3.1.5. A statement informing the parties of any applicable provision in policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- 3.2. If, in the course of the investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to section 3.1 above, the institution must provide notice of the additional allegations to the parties whose identities are known.
- 3.3. Where the allegations of sexual harassment arise out of the same facts or circumstances, an institution may consolidate formal complaints as to allegations

against more than one respondent, or by more than one complainant against one or more respondents.

- 3.4. Within 10 working days of receiving a formal complaint, the institution shall determine whether the conduct alleged, if taken as true, would constitute sexual harassment, and if the allegations contained in the formal complaint occurred in the institution's education program or activity. The institution shall dismiss the formal complaint if the factual allegations, if taken as true, either:
 - 3.4.1. Fail to constitute sexual harassment; or
 - 3.4.2. Did not occur in the institution's education program or activity.
- 3.5. An institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by, or otherwise affiliated with, the institution; or specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 3.6. Within 5 working days of dismissing a formal complaint or any allegations therein, the institution shall send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- 3.7. Nothing contained in this policy shall preclude an institution from placing a non-student employee respondent on administrative leave, in accordance with applicable BOR Policy, during the pendency of a grievance process hereunder.

4. Investigation of a Formal Complaint

- 4.1. Institutions shall ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties provided.
- 4.2. Institutions shall provide equal opportunity to the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- 4.3. Institutions may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- 4.4. Institutions shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- 4.5. Institutions shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, at least 5 working days in advance.

- 4.6. An institution shall ensure both parties and their advisors have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the institution must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- 4.7. Institutions shall create an investigative report that fairly summarizes relevant evidence and, at least 10 working days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

5. Hearings

- 5.1. Institutions shall provide for a live hearing conducted before a hearing examiner using the contested case proceedings set forth in SDCL chapter 1-26. However, the use of the procedures afforded to contested case proceedings under SDCL chapter 1-26 is not determinative as to the matters status as a contested case under South Dakota law. The individual facts and circumstances shall determine whether or not the matter meets the legal threshold for a contested case, regardless of the process afforded herein. Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The institution shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- 5.2. Institutions shall provide notice to both parties at least 15 days in advance of the live hearing, which notice shall include:
 - 5.2.1. A statement of the time, place, and nature of the hearing;
 - 5.2.2. A statement regarding the legal authority and jurisdiction under which the hearing is to be held;
 - 5.2.3. A reference to the particular policy, rules or laws involved;
 - 5.2.4. A short and plain statement of the allegations asserted;
 - 5.2.5. A statement of any action authorized, which may affect the parties, as a result of any decision made at the hearing;

- 5.2.6. A statement that the hearing is an adversarial proceeding and that a party has the right at the hearing, to be present, to be represented by an attorney, and that these and other due process rights will be forfeited if they are not exercised at the hearing;
 - 5.2.7. A statement that if the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party may require the use of the Office of Hearing Examiners by giving notice of the request to the institution no later than ten (10) days after service of the notice required by this section; and
 - 5.2.8. A statement that the final decision may be appealed to circuit court and the South Dakota Supreme Court as provided by law.
- 5.3. If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be an attorney. Without limiting the due process provided for contested case proceedings pursuant to SDCL chapter 1-26, the live hearing must:
- 5.3.1. Permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
 - 5.3.2. Require cross-examination to be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
 - 5.3.3. If requested by either party, provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing examiner and parties to simultaneously see and hear the party or the witness answering questions.
 - 5.3.4. Require the hearing examiner to determine whether any question asked of a complainant, respondent, or witness is relevant before they may answer the question and explain any decision to exclude a question as not relevant before a party or witness answers a cross-examination or other question.
 - 5.3.5. Ensure questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - 5.3.6. ~~Ensure that~~ To the extent statements made by if a party or witness who does not submit to cross-examination at the live hearing satisfy the relevance rules, they must be considered by the hearing examiner ~~must not rely on any statement of that party or witness~~ in reaching a determination regarding responsibility; provided, however, the hearing examiner cannot draw an inference about the determination regarding responsibility solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- 5.4. The hearing examiner shall issue a proposed determination to the president/superintendent of the institution, or their designee, who cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The institution must then issue a written determination regarding responsibility. To reach this determination, the institution must apply the preponderance of the evidence standard as described in section 2.2.9 above. In reviewing the proposed determination, the institution must give due regard to the hearing examiner's opportunity to observe the witnesses. If the institution rejects or modifies the proposed determination of the hearing examiner, or any part thereof, the institution shall provide the reasons for doing so in writing to the parties. The written determination must include:
- 5.4.1. Identification of the allegations potentially constituting sexual harassment;
 - 5.4.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 5.4.3. Findings of fact supporting the determination;
 - 5.4.4. Conclusions regarding the application of the institution's code of conduct to the facts;
 - 5.4.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the recipient to the complainant; and
 - 5.4.6. The institution's procedures and permissible bases for the complainant and respondent to petition for administrative review.
- 5.5. The institution must provide the proposed written determination to the parties simultaneously. The proposed determination regarding responsibility becomes final either at the conclusion of the petition for administrative review to the Executive Director provided for in section 6 below, or if a petition for administrative review is not filed by either party in accordance therewith, the date on which the petition for administrative review would no longer be considered timely. If no petition for administrative review is filed within the timeframe provided in section 6 below, upon the expiration thereof, the proposed determination of the institution shall constitute the final decision on the matter, which is subject to appeal to circuit court in accordance with the provisions of SDCL ch. 1-26.
- 5.6. The Title IX Coordinator is responsible for effective implementation of any remedies.

6. Petition for Administrative Review

- 6.1. The complainant and respondent may petition for administrative review of an institution's proposed determination regarding responsibility, and an institution's dismissal of a formal complaint or any allegations therein, by petitioning in writing to Executive Director of the Board of Regents no later than ten (10) working days after notice of the institution's decision is deemed received. Petitions for

administrative review under this section are limited those made on the following bases:

- 6.1.1. A procedural irregularity that affected the outcome of the matter;
 - 6.1.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - 6.1.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- 6.2. A petition filed with the Executive Director must include the party's supporting arguments and documentation. Petitions that fail to include supporting arguments and documents or which are not made on one of the bases set forth in section 6.1 above will be rejected.
- 6.3. Within five (5) working days of receiving a petition for administrative review, the Executive Director, or their designee, shall provide written notice of the petition to the other party. That party will have five (5) working days from the date of the notice to submit a written statement to the Executive Director in support of, or challenging, the outcome.
- 6.4. Petitions for administrative review will be limited to a review of:
- 6.4.1. The written determination of the institution, which shall include the proposed determination of the hearing examiner;
 - 6.4.2. The verbatim record of the hearing;
 - 6.4.3. Supporting documents submitted as part of the hearing; and
 - 6.4.4. Written statements and/or supporting documentation submitted by the respondent and/or complainant in accordance with the appeal process set forth herein.
- 6.5. After receipt of the non-petitioning party's written statement pursuant to section 6.3 above, or after the expiration of the time provided therefore, the Executive Director will issue a decision on the matter. The Executive Director's review of the petition will be limited to determining whether: (i) any material decisions lack substantial support in the record, and (ii) any procedural errors materially impacting the integrity of the decision. The Executive Director will not substitute their judgement for that of the institution unless it forms a definite and firm conviction that a mistake has been committed. The Executive Director may affirm the determination of the institution, modify the determination of the institution, in whole or in-part, or return the matter to the institution for reconsideration, additional investigation and/or a new hearing.
- 6.6. The Executive Director will provide their written decision simultaneously to both parties. The decision of the Executive Director shall constitute the final decision on the matter, which is subject to appeal to circuit court in accordance with the provisions of SDCL ch. 1-26.

7. Informal Resolution

- 7.1. At any point prior to reaching a determination regarding responsibility the institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:
 - 7.1.1. Provides to the parties written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
 - 7.1.2. Obtains the parties' voluntary, written consent to the informal resolution process; and
 - 7.1.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- 7.2. An institution may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.
- 7.3. An institution may not require parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.

8. Title IX Coordinator

- 8.1. Each institution will designate a Title IX Coordinator who will be responsible for carrying out the responsibilities specified in this policy and for monitoring overall compliance with this policy and related federal, state or local legislation, rule or regulation.
- 8.2. Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for an institution's Title IX Coordinator.
- 8.3. Each institution must notify applicants for admission and employment, students, employees, all professional organizations holding professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee designated as the institution's Title IX Coordinator, and that the institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Each institution must also prominently display the aforementioned contact information for the institution's Title IX Coordinator, and any applicable Title IX policies, on its website.
- 8.4. Nothing contained in this section 8 should be construed to prohibit or prevent institutions from using shared employees, resources and/or services to carry out and

administer this policy, unless this policy and/or applicable federal, state or local legislation, rule or regulation explicitly requires the institution's Title IX Coordinator to perform or be responsible for the same.

9. Retaliation

- 9.1. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination under this policy.
- 9.2. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under section 9.1 above.
- 9.3. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under section 9.1 above, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

10. Preservation of Records

- 10.1. The following records must be maintained for a period of seven (7) years:
 - 10.1.1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required pursuant to section 5.1 above, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
 - 10.1.2. Any appeal and the result therefrom;
 - 10.1.3. Any informal resolution and the result therefrom; and
 - 10.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

Institutions must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

- 10.2. For each response required under section 10.1 above, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If an institution does not provide a complainant with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

FORMS / APPENDICES:

None

SOURCE:

BOR August 2020; [BOR March 2023](#).

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 6 – D
DATE: March 29-30, 2023

SUBJECT

New BOR Policy – Minors on Campus (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL chapter 11-12](#) – Adult Oriented Business

[SDCL chapter 22-24](#) – Obscenity and Public Indecency

BACKGROUND / DISCUSSION

At its special meeting on December 21st, the Board directed staff to develop a policy to safeguard and protect the well-being of minors visiting campus, attending university-sponsored events or programs, or participating in external organization programs and activities on campus. The proposed policy set forth in Attachment I is the product of the Board's directive, which establishes a responsible framework to provide for the protection and care of minors invited to campus for activities, programs, or events.

The proposed policy applies to university sponsored programs, as well as externally sponsored programs occurring on campus, involving the presence of minors, providing certain baseline requirements in areas such as: prohibited conduct; appropriate supervision of non-student minors; background checks; duty to report inappropriate conduct; and sanctions for noncompliance. Board staff has solicited and received input from various stakeholders, and they will continue to evaluate input and make any necessary revisions to the policy as it works its way through the approval process. Staff will walk through the key aspects of the policy and provide any updates from stakeholder input at the meeting.

IMPACT AND RECOMMENDATION

The proposed Minors on Campus Policy will provide consistent protocol and process across the system for events bringing minors to campus. Approval of the first reading will allow the policy to advance to a future meeting for final approval, allowing an opportunity for additional modifications based on Board feedback and/or stakeholder input, whether prior to or after the Board's March meeting.

Staff recommends approval.

ATTACHMENTS

Attachment I – New BOR Policy – Minors on Campus

DRAFT MOTION 20230329_6-D:

I move to approve the first reading of the new BOR Policy – Minors on Campus, as presented.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Minors on Campus

NUMBER: Replace with Policy Number

A. PURPOSE

To take affirmative steps to safeguard and protect the well-being of minors visiting campus, attending university-sponsored events and programs, or participating in external organization programs and activities that utilize campus facilities.

B. DEFINITIONS

1. **Authorized Adult:** An individual age eighteen (18) and older, paid or unpaid, who interacts directly with, supervises, chaperones, or otherwise oversees Non-Student Minors participating in a Program.
2. **External Organization:** Any individual or group not acting on behalf of the institution, or any individual or group acting independently of the institution, which includes recognized student organizations.
3. **Externally Sponsored:** Under the direct control of an External Organization.
4. **Minor:** An individual under the age of eighteen (18).
5. **Non-Student Minor:** A minor who is not enrolled or accepted for enrollment at the university. The term includes students who are dually enrolled in university programs while also enrolled in primary or secondary schools.
6. **One-On-One Contact:** Personal, unsupervised interaction between any Authorized Adult and a Minor without at least one other Authorized Adult, parent, or legal guardian being present.
7. **Program:** Any non-credit activity, event, or program that is University Sponsored, regardless of its location, or any activity, event, or program that is Externally Sponsored and uses University Facilities, but shall exclude the following exempt Programs:
 - 7.1. Research protocols involving Minors as human subjects, which are subject to the requirements specified by the relevant Institutional Review Board;
 - 7.2. University Sponsored or Externally Sponsored athletic competitions which are open to the general public in full group or assembly format;
 - 7.3. Recreational, exercise, or wellness programs or activities conducted in a facility open to membership or use by non-university affiliated persons by means of written agreement with an External Organization; and

- 7.4. Private events held by an External Organization in University Facilities through a written agreement with the university which are not open to, whether by paid admission or otherwise, the general public, student body, or campus community.
- 8. Program Leader:** The Authorized Adult designated by the program sponsor that is responsible for the operation and management of the program.
- 9. University Facilities:** Buildings, structures, facilities, landscaping, and grounds owned or controlled by the university, but excluding municipal streets or sidewalks or public highways or rights of way that abut a campus.
- 10. University Sponsored:** Under the direct control of university employees acting within the scope of their employment.
- 11. Youth Program:** Any Program that is designed to serve or is targeted towards Non-Student Minors, at which parents or guardians are not expected to remain with, and be responsible for, their Non-Student Minor.

C. POLICY

1. Non-Student Minors on Campus

- 1.1. Non-Student Minors are generally permitted in University Facilities as invitees, participants, or visitors, so long as they adhere to applicable BOR and/or university policies. Non-Student Minors who fail to comply with BOR and/or university policies while in University Facilities may be immediately removed from University Facilities. Non-Student Minors are generally not permitted in University Facilities without an authorized purpose or express written permission, or unless they are accompanied by an Authorized Adult, parent or legal guardian, or other chaperone permitted to be in the University Facilities by virtue of their status as a student, employee, or volunteer of the university.
- 1.2. All Non-Student Minors participating in Programs on campus are generally permitted supervised use of the University Facilities identified for the Program. The University reserves the right to restrict anyone, including Non-Student Minors, from certain areas or facilities or from using specified equipment.

2. Programs Involving Non-Student Minors

2.1. Prohibited Conduct

- 2.1.1. No Program involving the presence of Non-Student Minors may include:
- 2.1.1.1. Specific sexual activities, as defined by SDCL § 11-12-1(15), or any material or other media of any kind depicting specific sexual activities;
 - 2.1.1.2. Obscene live conduct, as defined by SDCL § 22-24-27;
 - 2.1.1.3. Any material, performance, description, or representation, in whatever form, meeting the definition of harmful to minors in SDCL §22-24-27(4);
 - 2.1.1.4. Nudity, as defined by SDCL § 11-12-1(10), unless the Program is advertised with a disclaimer noting it contains nudity; or

- 2.1.1.5. Content that is patently offensive to prevailing community standards in the adult community as a whole with respect to what is suitable material for minors, unless the Program is advertised with a disclaimer noting it contains, as appropriate, adult language, adult content, excessive violence, and/or explicit content.
- 2.1.2. Authorized Adults participating in Programs involving the presence of Non-Student Minors may not:
 - 2.1.2.1. Have One-On-One Contact with Non-Student Minors, unless the nature of the specific Program activity requires the same (e.g., private lessons, tutoring, interviews, etc.), in which case the One-On-One Contact must take place in a location that is observable, open, and interruptible;
 - 2.1.2.2. Have any direct electronic contact, including social media, with Non-Student Minors without an education or programmatic purpose for the communication and without another Authorized Adult, or the Non-Student Minors parent or guardian, being included in the communication;
 - 2.1.2.3. Enter a Minor's room, bathroom facility, changing area, shower area or similar area without another Authorized Adult in attendance;
 - 2.1.2.4. Take pictures of Non-Student Minors except as part of official pictures of the Program and only when the parent or legal guardian has signed the appropriate waiver;
 - 2.1.2.5. Haze, bully, or otherwise engage in abusive conduct of any kind toward, or in the presence of, a Non-Student Minor;
 - 2.1.2.6. Use alcohol or illegal drugs while supervising, or in the presence of, a Non-Student Minor;
 - 2.1.2.7. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, or manner that a person could reasonably interpret as inappropriate, any Non-Student Minor or allow the same between Non-Student Minors; or
 - 2.1.2.8. Use or allow any obscene or sexually suggestive comments or sexual innuendo to, or in the presence of, a Non-Student Minor.
- 2.2. All Programs, Authorized Adults, and any other individual(s) participating in a Program, must comply with the provisions of this policy, any applicable BOR or university policy or procedure, and/or any other applicable requirement of federal, state, or local laws or regulations.
- 2.3. Program Leader
 - 2.3.1. A Program Leader must be appointed for each Program involving the presence of Non-Student Minors.
 - 2.3.2. The Program Leader is responsible for:

- 2.3.2.1. Training all employees and volunteers in, and adhering to, this policy and any other applicable policies, procedures, laws, or regulations applicable to the Program;
- 2.3.2.2. Certifying background checks have been conducted on Authorized Adults in accordance with this policy;
- 2.3.2.3. Establishing a procedure for notification of parents or legal guardians of all participants in the event of an emergency;
- 2.3.2.4. Completing and retaining all required forms; and
- 2.3.2.5. Establishing a plan for maintaining adequate supervision considering the number and age of Non-Student Minors participating in the Program.

2.4. Supervision

- 2.4.1. Youth Programs must be supervised by two (2) or more Authorized Adults at all times.
- 2.4.2. Separate sleeping accommodations are required for Authorized Adults and Non-Student Minors participating in Programs involving overnight stays, unless the Authorized Adult is a parent, guardian, or sibling of the Non-Student Minor. Signed written permission from a parent or guardian is required for a Non-Student Minor to stay overnight while participating in a Program.

2.5. Background Checks

- 2.5.1. For University Sponsored Youth Programs, background checks shall be conducted or required for all Authorized Adults participating in Programs involving Non-Student Minors in accordance with applicable university policy.
- 2.5.2. For Youth Programs sponsored by External Organizations, all Authorized Adults affiliated with the Youth Program must have been subject to, and pass, a criminal background check and a sex offender registry check within the previous twelve months. At a minimum, the criminal background check and sex offender registry check must consist of a search conducted by a qualified background check service provider, and include a review of criminal court records of all counties of residence based on the Authorized Adult's past seven (7) years of residential addresses. After the background check process and at any time during the Youth Program, Authorized Adults are required to notify the Program Leader of an arrest or conviction as soon as reasonably possible if the arrest or conviction could result in the Authorized Adult's disqualification from participation as such in the Youth Program. Pending charges will be reviewed in conformity with the standards contained in the university's background check policies and applicable law.
- 2.5.3. Authorized Adults shall cooperate with any request for a background check made pursuant to this policy.
- 2.5.4. No Authorized Adult may be listed on any sex offender registry. The following types of convictions will normally render an individual ineligible to work or volunteer at a Program:

- 2.5.4.1. Drug distribution or felony drug possession;
- 2.5.4.2. Sexual offenses;
- 2.5.4.3. Domestic violence;
- 2.5.4.4. Stalking
- 2.5.4.5. Crimes of violence involving physical injury to another person;
- 2.5.4.6. Child abuse, molestation, child pornography or other crimes involving child endangerment, including neglect and abandonment;
- 2.5.4.7. Murder;
- 2.5.4.8. Kidnapping; or
- 2.5.4.9. Any other crime involving moral turpitude, as defined in SDCL § 22-1-2(25).
- 2.5.5. The following Authorized Adults are excluded from the background check requirements under this policy, unless the nature of the Program involves overnight stays:
 - 2.5.5.1. Authorized Adults who engage with Non-Student Minors at Programs where the Non-Student Minors are under the direct supervision, care and control of teachers, parents or other adult chaperones from the Non-Student Minor's school or organization; and
 - 2.5.5.2. Guest presenters or participants in Programs if Non-Student Minors remain under the direct supervision of Authorized Adults who have successfully completed a background check pursuant to this policy.
- 2.6. Duty to Report Inappropriate Conduct
 - 2.6.1. Anyone who is not subject to a recognized legal privilege who witnesses or suspects that there may be inappropriate conduct towards or touching of Minors must immediately contact the university's designated law enforcement unit. Further, all participation in the Program by a person accused or suspected of inappropriate conduct with a Minor must immediately cease until the allegations have been satisfactorily resolved by the university's designated law enforcement unit.

3. External Organization Contracts

- 3.1. External Organizations that operate Programs involving Non-Student Minors must be aware of, and comply with, this policy. The specific requirements of this policy must be incorporated into any contract or subcontract with External Organizations for Programs that involve Non-Student Minors.

4. Sanctions

- 4.1. Failure to comply with the provisions of this policy, any applicable BOR or university policy or procedure, and/or any other applicable requirement of federal, state, or local laws or regulations may result in suspension, discontinuance and/or cancellation of the Program and/or discipline in accordance with BOR and/or university policies.

5. Exceptions

- 5.1. Only in rare and unusual circumstances may an exception to this policy be granted. Individuals may submit a written request for exception to the university president, or their designee, who will determine whether an exception to the policy will be granted. Any approved exception to this policy must be in writing, to include the nature of the exception and the rationale for its approval.

FORMS / APPENDICES:

None

SOURCE:

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – A
DATE: March 29-30, 2023

SUBJECT

FY24 On-Campus Tuition and Mandatory Fees

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-53-6](#) – Tuition Rates and Fees

[BOR Policy 5:5](#) – Tuition and Fees: General Procedures

[BOR Policy 5:5:1](#) – Tuition and Fees: On-Campus Tuition

BACKGROUND / DISCUSSION

Mandatory tuition and fees include tuition, the general activity fee, and the laptop fee for Dakota State University (DSU) and South Dakota School of Mines & Technology (SDSMT). Discipline fees along with housing and food service are not included in the calculation of the mandatory cost since they are not assessed to all students.

For the second year in a row, the 2023 South Dakota Legislative Session concluded with legislators increasing base funding for the Board of Regents to continue to freeze tuition at FY22 rates by covering the salary policy costs for tuition funded employees. Tuition and mandatory fees will remain at the FY22 rate because of this continued support.

The tuition rate for South Dakota National Guard (SDNG) members is reduced to zero beginning in Fall of 2023 as a result of the passage of House Bill 1039, which provides for free tuition to members of the SDNG. Additional General Funds in the amount of \$1,971,852 were added to campus base budgets to accommodate the cost of this tuition waiver.

The FY24 proposal for tuition and mandatory fees attempts to keep the cost to students as low as possible in consideration of student access, service to students, and delivering the highest quality education possible to our students.

Cost Drivers

The Legislature adopted a 7% salary policy for all employees, including faculty, exempt, and CSA. The employer-paid health care benefit cost is set to increase by \$1,910 for FY24,

(Continued)

DRAFT MOTION 20230329_7-A:

I move to approve the FY24 On-Campus Tuition and Mandatory Fees as presented in Attachment I.

bringing the annual premium rate to \$11,782 for each benefit-eligible employee. It is important to note that in most years, the state only provides funding for the general fund portion of the salary package; adding authority for federal and other fund salary needs. Typically funding for the increases to federal and other fund employees needs to be raised internally. For FY24, the legislature authorized base funding be allocated to the campuses to offset salary policy increases for employees paid via tuition.

On-Campus Tuition Rates

The six universities receive general fund appropriations that are used to support on-campus operations. All courses taught on campus are offered at the Board approved on-campus tuition rate except for remedial courses which are offered at the off-campus rate. The special or reduced on-campus tuition rates are tied to the undergraduate and graduate base rates. A complete listing of on-campus tuition rates with the proposed increases for FY24 can be found in Attachment I.

USD Law School Tuition

The University of South Dakota (USD) Law School utilizes semester-based tuition rates and discipline fees. This tuition and fee structure simplifies the tuition and fee rates and encourages students to take more than the 90 credit hours required for graduation, thereby making it possible for the Law School to offer a broader curriculum that is more attractive to prospective students.

In keeping with BOR policy, the Law School tuition and fee costs should be comparable to regional law schools with a mission to attract students who want to practice law in their own state. South Dakota's FY23 costs are 11.63% below the average of the regional law schools, excluding the University of Minnesota-Twin Cities. There is no recommended increase to the Law School cost, commensurate with the USD graduate tuition being held flat.

University of Iowa	\$30,152
Average	\$19,005
University of Wyoming	\$17,544
University of Montana	\$17,167
University of South Dakota	\$16,794
University of North Dakota	\$16,725
University of Nebraska--Lincoln	\$15,648

Sanford School of Medicine

Students attending the Sanford School of Medicine (SSOM) on the campus of the University of South Dakota (USD) pay the on-campus tuition rate set annually by the Board of Regents, plus the general activity fee for the first two years while in Vermillion.

The Board adopted the practice of comparing the Sanford School of Medicine, a community-based school, to other public community-based schools across the country for

establishing annual cost. If the School of Medicine rates were below the community-based average, the tuition rate would increase by the amount below the average plus mandatory increases. If the Medical School rate was above the community-based average, it would increase by the graduate tuition rate increase.

The following table provides the comparable tuition and fee costs:

Michigan State University College of Medicine	\$47,184
Northeast Ohio University College of Medicine and Pharmacy	\$46,900
University of South Carolina School of Medicine	\$44,612
Central Michigan University	\$44,127
City University of New York	\$41,912
Washington State- E.S. Floyd College of Medicine	\$40,610
Wright State-Boonshoft School of Medicine	\$40,252
East Tennessee State University - Quillen	\$38,658
Southern Illinois University School of Medicine	\$38,542
Eastern Virginia Medical School	\$38,285
Florida International University - Wertheim	\$38,016
University of Hawaii – Burns School of Medicine	\$37,444
University of North Dakota School of Medicine	\$36,074
<i>University of South Dakota-Sanford School of Medicine</i>	<i>\$34,372</i>
<i>Mean / Average</i>	<i>\$34,283</i>
University of Nevada School of Medicine - Reno	\$33,499
Florida Atlantic University – Schmidt College of Medicine	\$31,830
University of Central Florida College of Medicine	\$29,680
Florida State University College of Medicine	\$28,987
Marshall University - Edwards School of Medicine	\$24,376
Houston-Fertitta	\$23,154
Texas Tech University School of Medicine	\$22,076
Texas Tech University School of Medicine - Foster	\$21,484
University of Texas – Austin - Dell Medical School	\$21,086

The FY23 annual tuition plus mandatory fees for the School of Medicine is above the community-based average. The School of Medicine annual tuition rate for FY24, however, will remain flat due to the increase in general funds to cover salary policy.

Minnesota Reciprocity Rates

Minnesota Reciprocity rates will not change until the Fall 2023 semester when the FY24 rates will have been negotiated with the Minnesota Higher Education Service Office.

Mandatory Fees

Each student pays the campus' general activity fee (GAF) per credit hour, and students at DSU and SDSMT pay the mandatory laptop fee each semester. These are the fees included when determining the average mandatory cost increase for students.

General Activity Fee (GAF)

The GAF supports student functions related to the co-curricular activities and operations of the student union buildings, including student organizations, cultural events, homecoming, student government, student newspapers, athletics, intramural activities, fine arts, and debt on student unions, athletic facilities, and wellness facilities as approved by the Board. In accordance with Board policy, committees composed of a majority of student representatives are to recommend changes in the GAF to the presidents.

Comparable GAF Rates

Some of the universities have financed debt related to food service operations by including a facility fee on food service rates. To make an apples-to-apples comparison on student support related to student services and student unions, the facility fee needs to be included in the calculation. In the chart below, the projected facility revenue for BHSU, SDSMT, and USD was divided by the number of projected credit hours for each institution. The quotient was then added to the FY24 proposed GAF, so the numbers are comparable.

Comparable GAF Rate Review				
	FY24 Proposed Rate	Additional Increase Requested	Facility Fee Converted to Per Cr Hr. Rate	Comparable FY24 Rate
BHSU	\$38.25	\$0.00	\$8.60	\$46.85
DSU	\$40.65	\$0.00		\$40.65
NSU	\$40.95	\$0.00		\$40.95
SDSMT	\$49.60	\$0.00	\$1.47	\$51.07
SDSU	\$50.85	\$0.00		\$50.85
USD	\$55.30	\$0.00	\$2.70	\$58.00

Computer Lease Fees

DSU launched its mobile computing initiative at the start of the FY05 fall semester. SDSMT launched its mobile computing initiative starting with the freshmen class in FY07. The per-semester fee is used to cover the cost to lease laptop/tablet PCs for full-time, on-campus students and to support the operating costs of the program. The cost of the mobile computing programs at DSU and SDSMT are part of the mandatory costs paid by students. The fee will remain flat at both DSU and at SDSMT.

IMPACT AND RECOMMENDATIONS

It is recommended that FY24 tuition, GAF, and computer lease fees remain flat.

Proposed FY24 Resident Undergraduate Mandatory Tuition and Fee Increase				
	<u>FY23 Cost</u>	<u>FY24 Cost</u>	<u>\$ Increase</u>	<u>% Increase</u>
Black Hills State University	\$8,763.00	\$8,763.00	\$0.00	0.0%
Dakota State University	\$9,632.50	\$9,632.50	\$0.00	0.0%
Northern State University	\$8,844.00	\$8,844.00	\$0.00	0.0%
SD School of Mines & Technology	\$10,167.00	\$10,167.00	\$0.00	0.0%
South Dakota State University	\$9,298.50	\$9,298.50	\$0.00	0.0%
University of South Dakota	\$9,432.00	\$9,432.00	\$0.00	0.0%
System Average Cost	\$9,356.39	\$9,356.39	\$0.00	0.0%

ATTACHMENTS

Attachment I – Proposed FY24 On-Campus Tuition and Mandatory Fee Schedule

Attachment II – Programs Proposed for Inclusion in the Western Regional Graduate Program (WRGP) through the Western Interstate Commission for Higher Education (WICHE)

South Dakota Board of Regents
Proposed FY24 On-Campus Tuition and Mandatory Fees

	Current Rate	\$ Increase	% Increase	FY24 Rate
Black Hills State University				
Undergraduate - Per Credit Hour				
Resident	\$253.85	\$0.00	0.0%	\$253.85
Guard STA 50%	\$126.95	-\$126.95	-100.0%	\$0.00
State Employee, ROTC, Teacher Certification	\$126.95	\$0.00	0.0%	\$126.95
Over Sixty-Five	\$139.60	\$0.00	0.0%	\$139.60
Remedial ⁽⁷⁾	\$354.75	\$0.00	0.0%	\$354.75
Active Duty Military Personnel Resident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Resident	\$250.00	\$0.00	0.0%	\$250.00
Western Undergraduate Exchange ⁽²⁾	\$357.25	\$0.00	0.0%	\$357.25
Nonresident	\$357.25	\$0.00	0.0%	\$357.25
Active Duty Military Personnel Nonresident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Nonresident	\$250.00	\$0.00	0.0%	\$250.00
Child of Alumni ⁽⁴⁾	\$253.85	\$0.00	0.0%	\$253.85
South Dakota Advantage ⁽³⁾	\$253.85	\$0.00	0.0%	\$253.85
Minnesota Reciprocity - SP23 SU23	\$321.42			\$321.42
Graduate - Per Credit Hour				
Resident	\$333.25	\$0.00	0.0%	\$333.25
Guard STA 50%	\$166.65	-\$166.65	-100.0%	\$0.00
State Employee, Teacher Certification	\$166.65	\$0.00	0.0%	\$166.65
Active Duty Military Personnel Resident	\$300.00	\$0.00	0.0%	\$300.00
DOD Civilian Resident	\$300.00	\$0.00	0.0%	\$300.00
Graduate Assistant	\$176.60	\$0.00	0.0%	\$176.60
Over Sixty-Five	\$183.30	\$0.00	0.0%	\$183.30
Nonresident	\$622.15	\$0.00	0.0%	\$622.15
Active Duty Military Personnel Nonresident	\$300.00	\$0.00	0.0%	\$300.00
DOD Civilian Nonresident	\$300.00	\$0.00	0.0%	\$300.00
Child of Alumni ⁽⁸⁾	\$0.00	\$333.25	100.0%	\$333.25
South Dakota Advantage ⁽⁸⁾	\$0.00	\$333.25	100.0%	\$333.25
Nonresident Graduate Assistant	\$209.95	\$0.00	0.0%	\$209.95
Minnesota Reciprocity - SP23 SU23	\$551.21			\$551.21
Western Regional Graduate Program ⁽⁵⁾	\$333.25	\$0.00	0.0%	\$333.25
Dakota State University, Northern State University				
Undergraduate - Per Credit Hour				
Resident	\$253.85	\$0.00	0.0%	\$253.85
Guard STA 50%	\$126.95	-\$126.95	-100.0%	\$0.00
State Employee, ROTC, Teacher Certification	\$126.95	\$0.00	0.0%	\$126.95
Over Sixty-Five	\$139.60	\$0.00	0.0%	\$139.60
Remedial ⁽⁷⁾	\$354.75	\$0.00	0.0%	\$354.75
Active Duty Military Personnel Resident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Resident	\$253.85	\$0.00	0.0%	\$253.85
Western Undergraduate Exchange ⁽²⁾	\$357.25	\$0.00	0.0%	\$357.25
Nonresident	\$357.25	\$0.00	0.0%	\$357.25
Child of Alumni ⁽⁴⁾	\$253.85	\$0.00	0.0%	\$253.85
South Dakota Advantage ⁽³⁾	\$253.85	\$0.00	0.0%	\$253.85
Active Duty Military Personnel Nonresident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Nonresident	\$357.25	\$0.00	0.0%	\$357.25
Minnesota Reciprocity - SP23 SU23 (DSU)	\$292.44			\$292.44
Minnesota Reciprocity - SP23 SU23 (NSU)	\$318.72			\$318.72
Graduate - Per Credit Hour				

South Dakota Board of Regents
Proposed FY24 On-Campus Tuition and Mandatory Fees

	Current Rate	\$ Increase	% Increase	FY24 Rate
Resident	\$333.25	\$0.00	0.0%	\$333.25
Guard STA 50%	\$166.65	-\$166.65	-100.0%	\$0.00
DOD Civilian Resident	\$333.25	\$0.00	0.0%	\$333.25
State Employee, Teacher Certification	\$166.65	\$0.00	0.0%	\$166.65
Graduate Assistant (NSU Only)	\$176.60	\$0.00	0.0%	\$176.60
Graduate Assistant (DSU Only)	\$0.00	\$0.00	0.0%	\$0.00
Over Sixty-Five	\$183.30	\$0.00	0.0%	\$183.30
Nonresident	\$622.15	\$0.00	0.0%	\$622.15
Active Duty Military Personnel Nonresident	\$622.15	\$0.00	0.0%	\$622.15
DOD Civilian Nonresident	\$622.15	\$0.00	0.0%	\$622.15
Child of Alumni ⁽⁸⁾	\$0.00	\$333.25	100.0%	\$333.25
South Dakota Advantage ⁽⁸⁾	\$0.00	\$333.25	100.0%	\$333.25
Nonresident Graduate Assistant (NSU Only)	\$209.95	\$0.00	0.0%	\$209.95
Nonresident Graduate Assistant (DSU Only)	\$209.95	-\$209.95	-100.0%	\$0.00
Minnesota Reciprocity - SP23 SU23 (DSU)	\$548.81	\$0.00	0.0%	\$548.81
Minnesota Reciprocity - SP23 SU23 (NSU)	\$548.51	\$0.00	0.0%	\$548.51
Western Regional Graduate Program ⁽⁵⁾	\$333.25	\$0.00	0.0%	\$333.25
South Dakota School of Mines & Technology				
Undergraduate - Per Credit Hour				
Resident	\$260.55	\$0.00	0.0%	\$260.55
Guard STA 50%	\$130.30	-\$130.30	-100.0%	\$0.00
State Employee, ROTC, Teacher Certification	\$130.30	\$0.00	0.0%	\$130.30
Over Sixty-Five	\$143.30	\$0.00	0.0%	\$143.30
Remedial ⁽⁷⁾	\$354.75	\$0.00	0.0%	\$354.75
Active Duty Military Personnel Resident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Resident	\$260.55	\$0.00	0.0%	\$260.55
Western Undergraduate Exchange ⁽²⁾	\$390.80	\$0.00	0.0%	\$390.80
Nonresident	\$408.05	\$0.00	0.0%	\$408.05
Child of Alumni ⁽⁴⁾	\$260.55	\$0.00	0.0%	\$260.55
South Dakota Advantage ⁽³⁾	\$260.55	\$0.00	0.0%	\$260.55
Active Duty Military Personnel Nonresident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Nonresident	\$408.05	\$0.00	0.0%	\$408.05
Minnesota Reciprocity - SP23 SU23	\$281.32	\$0.00	0.0%	\$281.32
Graduate - Per Credit Hour				
Resident	\$338.90	\$0.00	0.0%	\$338.90
Guard STA 50%	\$169.45	-\$169.45	-100.0%	\$0.00
State Employee, Teacher Certification	\$169.45	\$0.00	0.0%	\$169.45
Active Duty Military Personnel Resident	\$338.90	\$0.00	0.0%	\$338.90
DOD Civilian Resident	\$338.90	\$0.00	0.0%	\$338.90
Graduate Assistant	\$0.00	\$0.00	0.0%	\$0.00
Over Sixty-Five	\$186.40	\$0.00	0.0%	\$186.40
Nonresident	\$680.25	\$0.00	0.0%	\$680.25
Active Duty Military Personnel Nonresident	\$680.25	\$0.00	0.0%	\$680.25
DOD Civilian Nonresident	\$680.25	\$0.00	0.0%	\$680.25
Child of Alumni ⁽⁸⁾	\$0.00	\$338.90	100.0%	\$338.90
South Dakota Advantage ⁽⁸⁾	\$0.00	\$338.90	100.0%	\$338.90
Nonresident Graduate Assistant	\$0.00	\$0.00	0.0%	\$0.00
Minnesota Reciprocity - SP23 SU23	\$539.86	\$0.00	0.0%	\$539.86
Western Regional Graduate Program ⁽⁵⁾	\$338.90	\$0.00	0.0%	\$338.90

South Dakota Board of Regents
Proposed FY24 On-Campus Tuition and Mandatory Fees

	Current Rate	\$ Increase	% Increase	FY24 Rate
South Dakota State University, University of South Dakota				
Undergraduate - Per Credit Hour				
Resident	\$259.10	\$0.00	0.0%	\$259.10
Guard STA 50%	\$129.55	-\$129.55	-100.0%	\$0.00
State Employee, ROTC, Teacher Certification	\$129.55	\$0.00	0.0%	\$129.55
Over Sixty-Five	\$142.50	\$0.00	0.0%	\$142.50
Remedial ⁽⁷⁾	\$354.75	\$0.00	0.0%	\$354.75
Active Duty Military Personnel Resident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Resident	\$259.10	\$0.00	0.0%	\$259.10
Western Undergraduate Exchange ⁽²⁾	\$376.10	\$0.00	0.0%	\$376.10
Nonresident	\$376.10	\$0.00	0.0%	\$376.10
Child of Alumni ⁽⁴⁾	\$259.10	\$0.00	0.0%	\$259.10
South Dakota Advantage ⁽³⁾	\$259.10	\$0.00	0.0%	\$259.10
Nonresident Indian University of North America	\$259.10	\$0.00	0.0%	\$259.10
Active Duty Military Personnel Nonresident	\$250.00	\$0.00	0.0%	\$250.00
DOD Civilian Nonresident	\$376.10	\$0.00	0.0%	\$376.10
Minnesota Reciprocity - SP23 SU23 (SDSU)	\$308.82	\$0.00	0.0%	\$308.82
Minnesota Reciprocity - SP23 SU23 (USD)	\$304.37	\$0.00	0.0%	\$304.37
Graduate - Per Credit Hour				
Resident	\$340.15	\$0.00	0.0%	\$340.15
Guard STA 50%	\$170.10	-\$170.10	-100.0%	\$0.00
State Employee, Teacher Certification	\$170.10	\$0.00	0.0%	\$170.10
Active Duty Military Personnel Resident	\$340.15	\$0.00	0.0%	\$340.15
DOD Civilian Resident	\$340.15	\$0.00	0.0%	\$340.15
Graduate Assistant (USD Only)	\$180.30	\$0.00	0.0%	\$180.30
Graduate Assistant (SDSU Only)	\$0.00	\$0.00	0.0%	\$0.00
Over Sixty-Five	\$187.10	\$0.00	0.0%	\$187.10
Nonresident	\$654.05	\$0.00	0.0%	\$654.05
Active Duty Military Personnel Nonresident	\$654.05	\$0.00	0.0%	\$654.05
DOD Civilian Nonresident	\$654.05	\$0.00	0.0%	\$654.05
Child of Alumni ⁽⁸⁾	\$0.00	\$340.15	100.0%	\$340.15
South Dakota Advantage ⁽⁸⁾	\$0.00	\$340.15	100.0%	\$340.15
Nonresident Graduate Assistant (USD Only)	\$214.30	\$0.00	0.0%	\$214.30
Nonresident Graduate Assistant (SDSU Only)	\$0.00	\$0.00	0.0%	\$0.00
Minnesota Reciprocity - SP23 SU23 (SDSU)	\$538.61	\$0.00	0.0%	\$538.61
Minnesota Reciprocity - SP23 SU23 (USD)	\$534.16	\$0.00	0.0%	\$534.16
Western Regional Graduate Program ⁽⁵⁾	\$340.15	\$0.00	0.0%	\$340.15
South Dakota State University, University of South Dakota				
Pharmacy & Allied Health Programs ⁽⁶⁾				
Resident - Per Semester	\$5,096.00	\$0.00	0.0%	\$5,096.00
GR.UG Semester STA	\$2,548.00	-\$2,548.00	-100.0%	\$0.00
Nonresident - Per Semester	\$10,903.00	\$0.00	0.0%	\$10,903.00
Nonresident - Per Credit Hour	\$888.10	\$0.00	0.0%	\$888.10
Minnesota Reciprocity - SP23 SU23 - Cr Hr	\$599.90	\$0.00	0.0%	\$599.90
Minnesota Reciprocity - SP23 SU23 - Semester	\$7,803.00	\$0.00	0.0%	\$7,803.00
Law School				
Graduate Assistant - Semester	\$3,109.55	\$0.00	0.0%	\$3,109.55
Graduate Assistant - Credit Hour	\$200.70	\$0.00	0.0%	\$200.70
Nonresident - Per Semester	\$15,638.00	\$0.00	0.0%	\$15,638.00

South Dakota Board of Regents
Proposed FY24 On-Campus Tuition and Mandatory Fees

	Current Rate	\$ Increase	% Increase	FY24 Rate	
Nonresident w/ LSAT 155 or Higher - Per Semester	\$5,868.00	\$0.00	0.0%	\$5,868.00	
Nonresident Graduate Assistant	\$238.60	\$0.00	0.0%	\$238.60	
Nonresident Graduation Assistant - Per Semester	\$3,697.35	\$0.00	0.0%	\$3,697.35	
Minnesota Reciprocity - SP23 SU23	\$10,039.00	\$0.00	0.0%	\$10,039.00	
Minnesota Reciprocity - SP23 SU23	\$669.25	\$0.00	0.0%	\$669.25	
Medical School					
Resident & INMED Program - Annual	\$32,105.00	\$0.00	0.0%	\$32,105.00	
Nonresident - Annual	\$76,935.00	\$0.00	0.0%	\$76,935.00	
Minnesota Reciprocity - Annual	\$40,626.00			\$40,626.00	
Veterinary Medicine 2+2 Program					
Resident (New) - Per Semester (MN and SD residents)	\$9,439.00	\$0.00	0.0%	\$9,439.00	
Non-Resident (New) - Per Semester (all non SD or MN residents)	\$18,150.00	\$0.00	0.0%	\$18,150.00	
FY24 Mandatory Fees ⁽¹⁾					
General Activity Fee - Credit Hour	BHSU	\$38.25	\$0.00	0.0%	\$38.25
	DSU	\$40.65	\$0.00	0.0%	\$40.65
	NSU	\$40.95	\$0.00	0.0%	\$40.95
	SDSM&T	\$49.60	\$0.00	0.0%	\$49.60
	SDSU	\$50.85	\$0.00	0.0%	\$50.85
	USD	\$55.30	\$0.00	0.0%	\$55.30
Computer Lease Fee - Semester	DSU	\$398.75	\$0.00	0.0%	\$398.75
	SDSM&T	\$431.25	\$0.00	0.0%	\$431.25

- Notes:** All rates are effective at the end of the 2023 spring term.
SD National Guard members may be eligible for a benefit of 100% of the in-state resident tuition after federal tuition benefits are applied. The graduate benefit is limited to 32 credit hours.
- (1) The mandatory fees are added to the on-campus tuition cost for a total cost per credit hour. Special discipline fees may also apply to certain courses and are in addition to on-campus tuition and mandatory fees.
 - (2) States participating in the Western Undergraduate Exchange program: Alaska, Arizona, California, Colorado, Hawaii, Idaho,
 - (3) The South Dakota Advantage Program is for students from Colorado, Iowa, Montana, Nebraska, North Dakota and Wyoming. Starting in summer 2023, new freshmen and transfers from Illinois and Wisconsin are also eligible for this rate.
 - (4) Participation in the program is limited to new freshmen or first-time transfers attending the same university from which one of their parents or legal guardian received a degree. Eligibility criteria apply and differ between institutions.
 - (5) The Western Regional Graduate Program (WRGP) allows master's, graduate certificate, and Ph.D. students who are residents of
 - (6) Allied Health includes Nursing, Dental Hygiene, Occupational Therapy, Physician Assistant Studies, Physical Therapy, HSC
 - (7) These rates are the total per credit hour cost. No additional fees will be assessed.
 - (8) Rates added beginning in summer 2023 for new graduate students and transfers. Dakota Advantage states are identified in (3) above. Criteria for Child of Alumni is found in (4) above.

**Programs Proposed for Inclusion in the Western Regional
Graduate Program (WRGP) through the Western Interstate
Commission for Higher Education (WICHE)**

BLACK HILLS STATE UNIVERSITY

- Integrative Genomics (Master's)
- Special Education (Master's)
- Applied Management (Master's)
- Reading Education (Master's)
- Curriculum and Instruction (Master's)
- Strategic Leadership (Master's)
- Sustainability (Master's)
- Secondary Education (Master's)*

DAKOTA STATE UNIVERSITY

- Analytics (Master's)
- Computer Science (Master's) including specialization in Artificial Intelligence*
- Cyber Defense (Master's)
- Educational Technology (Master's)
- Health Informatics/Information Management (Master's)
- Information Systems (Master's)
- General Management (Master's)
- Computer Science (with SDSU) (Doctorate)
- Cyber Defense (Doctorate)
- Cyber Operations (Doctorate)
- Information Systems (Doctorate)

NORTHERN STATE UNIVERSITY

- Accounting Analytics (Master's)
- Art Education (Master's)*
- Banking and Financial Services (Master's)*
- Behavioral and Justice Studies (Certificate)*
- Counseling - Clinical Mental Health (Master's)
- Counseling – School Counseling (Master's)
- Educational Studies – Individualized Interdisciplinary Studies (Master's)
- Educational Studies – Secondary Education (Master's)
- English as a New Language (Certificate)*
- Germans from Russia (Certificate)*
- HyFlex Pedagogy (Certificate)*
- Instructional Design in E-Learning (Master's)
- Leadership and Administration (Master's)*
- Master of Music Education (Master's)*
- Special Education (Master's)
- Special Education: Visual Impairment (Master's)

- Sport Performance and Leadership (Master's)
- Teaching and Learning (Master's)*
- Teaching and Learning: Expertise in a Discipline (Master's)
- Teaching English to Speakers of other Languages (Certificate)*
- Trust and Financial Advising (Certificate)*

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

- Atmospheric and Environmental Sciences (Master's and Doctorate)
- Biomedical Engineering (Master's and Doctorate)
- Chemical & Biological Engineering (Doctorate)
- Chemical Engineering (Master's)
- Civil/Environmental Engineering (Master's and Doctorate)
- Computer Science/Engineering (Master's)
- Construction/Engineering Management (Master's)
- Data Science and Engineering (Doctorate)*
- Electrical Engineering (Master's and Doctorate)
- Engineering Management (Master's)
- Geology/Geological Engineering (Master's)
- Green/Sustainable Chemistry (Master's)
- Geology/Geological Engineering/Mining Engineering (Doctorate)
- Industrial Engineering (Master's)
- Materials Engineering and Science (Master's and Doctorate)
- Mechanical Engineering (Master's and Doctorate)
- Mining Engineering & Management (Master's)
- Nanoscience & Nanoengineering (Master's and Doctorate)
- Paleontology (Master's)
- Physics (Master's and Doctorate)

SOUTH DAKOTA STATE UNIVERSITY

- Advanced Graduate Mathematics (Certificate)
- Agricultural and Biosystems Engineering (Master's)
- Agricultural, Biosystems and Mechanical Engineering (Doctoral)
- Animal Science (Master's and Doctorate)
- Architecture (Master's)
- Athletic Training (Master's)
- Biochemistry (Doctorate)
- Biological Sciences (Master's) including specializations in Biology, Dairy Science, Food Science, Microbiology, and Natural Resource Management
- Biological Sciences (Doctorate) including specializations in Agricultural and Biosystems Engineering, Biology, Dairy Science, Food Science, Microbiology, Molecular Biology, Natural Resource Management, Plant Molecular Biology, Plant Science, Veterinary Microbiology, Veterinary Pathobiology
- Chemistry (Master's & Doctorate) *
- Civil Engineering (Master's and Doctorate)
- Communication and Media Studies (Master's)
- Computational Science and Statistics (Doctorate) including specializations in Data Science, Mathematics, and Statistics

- Computer Science (Master's)
- Computer Science, with DSU (Doctorate)
- Counseling and Human Resource Development (Master's) including specializations in Administration of Student Affairs, Clinical Mental Health Counseling, College Counseling, Marriage and Family Counseling, Rehabilitation and Mental Health, and School Counseling
- Economics (Master's)
- Electrical Engineering (Master's and Doctorate)
- Geography (Master's) including specialization in Geographic Information Sciences
- Geospatial Science and Engineering (Doctorate) including specializations in Geography and Remote Sensing
- Human Biology (Master's)
- Interdisciplinary Studies (Master's)
- Mathematics (Master's) including specialization in Statistics
- Mechanical Engineering (Master's)
- Nursing (Doctorate)
- Nutrition and Exercise Sciences (Master's) with specializations in Exercise Science and Nutritional Sciences
- Nutrition and Exercise Sciences (Doctorate)
- Operations Management (Master's)
- Pharmaceutical Sciences (Master's & Doctorate) *
- Plant Science (Master's and Doctorate)
- Sport and Recreation Administration (Master's)
- Statistics (Master's)
- Wildlife and Fisheries Sciences (Master's) with specializations in Fisheries Sciences and Wildlife Sciences
- Wildlife and Fisheries Sciences (Doctorate)

UNIVERSITY OF SOUTH DAKOTA

- Accounting* (Master's) including specializations in Accounting Analytics, Business Management*, Finance*, and Leadership*
- Addiction Counseling and Prevention (Certificate)
- Addiction Counseling and Prevention (Master's)
- Administration (Master's), including specialization options in Addiction Studies, Criminal Justice, Health Services, Human Resource Management, Interdisciplinary Studies, Long Term Care Administration, and Organizational Leadership
- Advanced Graduate Mathematics (Certificate)
- Art (Master's) including specialization options in Design, Painting, Photography, Printmaking, and Sculpture
- Artificial Intelligence (Certificate)
- Arts in Health (Certificate)
- Audiology (Doctorate)
- Basic Biomedical Sciences (Master's)
- Basic Biomedical Sciences (Doctorate) with specialization options in Cancer Biology, Cardiovascular Biology, Infectious Diseases, Molecular Biology & Genetics, Neuroscience, and Physiology & Pharmacology

- Biological Sciences (Doctorate)
- Biology (Master's)
- Biomedical Engineering (Master's and Doctorate)
- Business Administration (Master's) with specialization options in Business Analytics, Finance, Health Services Administration, Marketing, and Operations & Supply Chain Management
- Business Analytics (Master's)
- Chemistry (Master's)
- Communication (Master's)
- Computer Science (Master's)
- Counseling and Psychology in Education (Master's) with specializations in Clinical Mental Health, Human Development and Educational Psych, and School Counseling
- Counseling and Psychology in Education (Specialist) with specializations in Counselor Education, Human Development and Education Psychology, and School Counseling
- Counseling and Psychology in Education (Doctorate) with specializations in Counselor Education, Human Development & Education Psychology, and School Psychology
- Curriculum and Instruction (Doctorate)
- Disaster in Mental Health (Graduate Certificate)
- Elementary Education (Master's), including specializations in Culturally & Linguistically Diverse Learners, Early Childhood Education, Reading Specialist/Literacy Coach, and Science, Technology & Math
- English (Master's), including specializations in Creative Writing and Literature
- English (Doctorate), including specializations in Literary Studies: Creative, and Literary Studies: Critical
- Executive Master of Public Administration (Master's)
- Geospatial Analysis (Certificate)
- Graduate Mathematics (Certificate)
- History (Master's)
- Kinesiology & Sport Management (Master's)
- Leadership in Public Management (Certificate)
- Materials Chemistry (Doctorate)
- Mathematics (Master's)
- Mental Health Counseling (Certificate)
- Museum and Archive Studies (Certificate)
- Nonprofit Management (Certificate)
- Nursing Practice (Master's and Doctorate)
- Physics (Master's and Doctorate)
- Psychology with Clinical Specialization (Master's and Doctorate)
- Psychology with Clinical Disaster Specialization (Doctorate)
- Psychology Human Factors (Master's and Doctorate)
- Public Administration (Master's)
- Secondary Education (Master's), including specialization in Culturally & Linguistically Diverse Learners and Science, Technology & Math
- Secondary Education with Initial Certification (Master's)
- Social Work (Master's)

- Special Education (Master's) including specializations in Advanced Specialist in Disabilities, Early Childhood Special Education, and Multicategorical Special Education
- Speech Language Pathology (Master's)
- Sustainability (Master's and Doctorate)
- Techniques in Public Policy (Certificate)
- Technology Education/Training (Master's)
- Theatre (Master's) including specializations in Design/Theatre Technology and Directing

NOTE: Programs new to the request for approval for 2023-24 are indicated with an asterisk ().*

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – B
DATE: March 29-30, 2023

SUBJECT

FY24 Off-Campus Tuition Rates

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-53-6](#) – Tuition Rates and Fees

[SDCL § 13-51-1.2](#) – Tuition Rates at Off-Campus Locations

[BOR Policy 5:5](#) – Tuition and Fees: General Procedures

[BOR Policy 5:5:2](#) – Off-Campus Tuition

BACKGROUND / DISCUSSION

Off-Campus Tuition

All courses delivered off campus, including electronically delivered courses, are offered at the Board approved off-campus tuition rates. Remedial courses, though offered on campus, are also charged the off-campus tuition rate. The off-campus tuition rate includes a HEFF component of 11.5%. All off-campus tuition rates are charged per credit hour. The increase per credit hour is commensurate with the on-campus tuition rates and will remain flat for FY24. This is due to an increase in base funding added by the legislature in FY24 to cover the 7% recommended Salary Policy increase. A complete listing of off-campus tuition rates for FY24 can be found in Attachment I.

Technical Colleges

The Board of Regents has established tuition rates for students that take general education courses at the technical colleges. The technical college rates are set equal to the highest tuition and mandatory fee cost at our comprehensive universities.

Great Plains Interactive Distance Education Alliance (IDEA)

The Great Plains Interactive Distance Education Alliance (IDEA) is a consortium of 11 predominantly land grant institutions across the Great Plains. The mission of the alliance is to promote distance education master's degrees in the human sciences. The IDEA tuition rates are determined by the GPIDEA consortium, to which SDSU belongs. There was a small increase for FY24 of 1.2% for the undergraduate courses and no change for graduate courses.

(Continued)

DRAFT MOTION 20230329_7-B:

I move to approve the FY24 Off-Campus Tuition Rates as presented in Attachment I.

Externally Supported Tuition

The externally supported tuition rate, as authorized by Board Policy 5:5:3 (C.1.5), Special Course Types, is currently set at \$40.00 per credit hour. The Externally Supported Tuition Rate will remain at \$40.00 for FY24 to compete with other non-regental providers.

Dual Credit Courses

The Governor's initiative to increase the number of qualified public high school students participating in dual credit courses offered in person or at the university centers and technical institutes continues to assist students with the cost of tuition while still attending high school. The FY24 Dual Credit Rate will remain at \$145 per credit hour. The students will pay \$48.33 per credit hour and the state will provide \$96.67.

Courses at University Centers

Courses at University Centers are charged the on-campus tuition rates with the passage of HB 1024 in the 2022 legislative session.

IMPACT AND RECOMMENDATIONS

The off-campus tuition rates will be held flat commensurate with the on-campus tuition, due to additional general funds being allocated to the cover salary policy recommendation of 7%.

ATTACHMENTS

Attachment I – Proposed FY24 Off-Campus Tuition Rates

**South Dakota Board of Regents
Proposed FY24 Off-Campus Tuition**

		Current Rate	\$ Increase	% Increase	FY23 Rate
Undergraduate		\$354.75	\$0.00	0.0%	\$354.75
Undergraduate Teacher Certification Internet	BHSU, DSU, NSU	\$227.85	\$0.00	0.0%	\$227.85
	SDSM&T	\$224.45	\$0.00	0.0%	\$224.45
	SDSU, USD	\$225.20	\$0.00	0.0%	\$225.20
Undergraduate Guard STA 50%	BHSU, DSU, NSU	\$227.85	-\$227.85	-100.0%	\$0.00
	SDSM&T	\$224.45	-\$224.45	-100.0%	\$0.00
	SDSU, USD	\$225.20	-\$225.20	-100.0%	\$0.00
Undergraduate Qualified Veteran	BHSU, DSU, NSU	\$100.90	\$0.00	0.0%	\$100.90
	SDSM&T	\$94.20	\$0.00	0.0%	\$94.20
	SDSU, USD	\$95.65	\$0.00	0.0%	\$95.65
UG Active Duty Military Personnel		\$250.00	\$0.00	0.0%	\$250.00
UG Spouse & Dependent of Active Military at EAFB & Int	BHSU	\$250.00	\$0.00	0.0%	\$250.00
UG Spouse & Dependent of Active Military at EAFB & Int	DSU, NSU, SDSM&T	\$354.75	\$0.00	0.0%	\$354.75
	SDSU, USD				
UG DOD Civilians EAFB/Internet/Remote	BHSU	\$250.00	\$0.00	0.0%	\$250.00
UG DOD Civilians EAFB/Internet/Remote	DSU, NSU, SDSM&T	\$354.75	\$0.00	0.0%	\$354.75
	SDSU, USD				
Graduate		\$470.45	\$0.00	0.0%	\$470.45
Graduate Teacher Certification Internet	BHSU, DSU, NSU	\$303.85	\$0.00	0.0%	\$303.85
	SDSM&T	\$301.00	\$0.00	0.0%	\$301.00
	SDSU, USD	\$300.35	\$0.00	0.0%	\$300.35
Graduate Assistant - Internet	BHSU, NSU	\$313.80	\$0.00	0.0%	\$313.80
	USD	\$310.60	\$0.00	0.0%	\$310.60
	SDSU, DSU, SDSM&	\$0.00	\$0.00	0.0%	\$0.00
Graduate Active Duty Military Personnel	BHSU	\$300.00	\$0.00	0.0%	\$300.00
Graduate Active Duty Military Personnel	DSU, NSU, SDSM&T	\$470.45	\$0.00	0.0%	\$470.45
	SDSU, USD				
GR Spouse & Dependent of Active Military at EAFB & Int	BHSU	\$300.00	\$0.00	0.0%	\$300.00
GR Spouse & Dependent of Active Military at EAFB & Int	DSU, NSU, SDSM&T	\$470.45	\$0.00	0.0%	\$470.45
	SDSU, USD				
GR DOD Civilians EAFB/Internet/Remote	BHSU	\$300.00	\$0.00	0.0%	\$300.00
GR DOD Civilians EAFB/Internet/Remote	DSU, NSU, SDSM&T	\$470.45	\$0.00	0.0%	\$470.45
	SDSU, USD				
Technical Institute - Resident Undergraduate		\$294.60	\$0.00	0.0%	\$294.60
Technical Institute Guard STA 50% (Lower Div)	BHSU, DSU, NSU	\$167.70	-\$167.70	-100.0%	\$0.00
	SDSM&T	\$164.30	-\$164.30	-100.0%	\$0.00
	SDSU, USD	\$165.05	-\$165.05	-100.0%	\$0.00
Technical Institute Qualified Veteran (Lower Div)	BHSU, DSU, NSU	\$40.75	\$0.00	0.0%	\$40.75
	SDSM&T	\$34.10	\$0.00	0.0%	\$34.10
	SDSU, USD	\$35.50	\$0.00	0.0%	\$35.50
Technical Institute - Nonresident Undergraduate		\$397.35	\$0.00	0.0%	\$397.35
Great Plains IDEA (Undergraduate)		\$430.00	\$5.00	1.2%	\$435.00
Great Plains IDEA (Graduate)		\$600.00	\$0.00	0.0%	\$600.00
Externally-Supported		\$40.00	\$0.00	0.0%	\$40.00
Dual Credit Courses ⁽¹⁾		\$145.00	\$0.00	0.0%	\$145.00

(1) Offered to qualified public high school students participating in dual credit courses taken in person or at the University Centers. \$96.67 of the rate is provided by the SD Department of Education and applied towards the student's account.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – C
DATE: March 29-30, 2023

SUBJECT

FY24 System, Discipline, Delivery, and Vehicle Registration Fees

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-53-6](#) – Tuition Rates and Fees

[BOR Policy 5:5](#) – Tuition and Fees: General Procedures

[BOR Policy 5:5:5](#) – Tuition and Fees: Fees

BACKGROUND / DISCUSSION

Outside of tuition and mandatory fees, students will be assessed specific fees for services and may pay additional fees for higher cost disciplines. Specific services could include processing applications, testing for credit, assessment fees, late fees, parking fees or similar services. Discipline fees are used to support high-cost disciplines in the areas of salaries and/or operating expenses.

The fees for service are summarized below into the following categories: 1) System Fees, 2) Discipline Fees, 3) Delivery Fees, and 4) Vehicle Registration Fees. A justification is included for any new fee or fee being increased above inflation.

System Fees

Application Fee

The universities retain the revenues from the application fee to support work in the admissions offices. The undergraduate application fee is \$20.00, and the graduate application fee is \$35.00. These rates will not increase in FY24.

Transcript Fee

The universities retain the transcript fee revenue to support the work in providing transcripts. The current fee is \$9.00 per transcript. This fee will not increase in FY24.

(Continued)

DRAFT MOTION 20230329_7-C:

I move to approve the FY24 System, Discipline, Delivery, and Vehicle Registration Fees, as presented in Attachment I.

Challenge by Exam

The Challenge by Exam, formerly known as Exam for Credit, covers the costs of the College Level Examination Program (CLEP) exams. The cost is \$90.75 per exam. It is recommended that we round this fee to the nearest dollar in FY24 to \$91.00.

International Student Fee

The International Student Fee helps to offset the costs of any international student orientation programs, the on-going compliance support related to the Student and Exchange Visitor Information System (SEVIS), and the continuing compliance required of U.S. universities from the time an international student enrolls until the time he/she either graduates, finishes post-graduation training, or terminates his/her academic program and returns home. The cost is \$150.00 per semester. This fee will not increase in FY24.

Testing Fees

Testing costs are to be covered with tuition revenues unless the Board has approved a specific fee. Re-test fees have been approved for ACCUPLACER at \$20.00 per exam. This fee will not increase in FY24.

USD contracts with HESI to administer the nursing assessment test for the Associate of Science and Bachelor of Science nursing candidates. The testing costs are paid directly to HESI by the student. There will be no increase to this fee in FY24 and it will remain \$198.00. SDSU contracts with Assessments Technology Institute at a cost of \$214.00 per student. Since these are electronic assessments, SDSU purchases the student codes ensuring the students receive the correct assessment each time. This fee will remain \$214.00 in FY24.

Discipline Fees

South Dakota has traditionally assessed discipline fees to support incremental costs of instructional equipment and other operating costs, including salary enhancement, for the benefit of students enrolled in higher cost disciplines. Courses assessing the discipline fees must be approved by the Board.

Special Discipline Fees will remain flat in FY24, due to the additional general fund allocation from the legislature to meet the salary policy increase.

The following exception being requested is not an increase, but rather a restructure of the way the Special Discipline Fee is assessed:

South Dakota State University (SDSU)

SDSU is requesting their Dietetics Special Discipline Fee of \$4,769.20 per semester be adjusted to a rate of \$530.00 per credit hour for NUTR695 and NUTR794.

This will impact only two courses for internships – NUTR695 (6 credit hours) and NUTR 794 (12 credit hours). This reduces the costs for NUTR695 and brings NUTR794 into alignment with other like program and discipline fees.

Vehicle Registration

Vehicle Registration fees are assessed to all students and faculty that choose to park on the university properties. The fees are used to pay for acquiring, maintaining, and improving appropriate parking facilities and for associated administration costs. We are proposing no inflationary increase for Vehicle Registration Fees in FY24.

The following are exception being requested is not an increase, but rather a new rate being offered in addition to existing options:

South Dakota Mines Vehicle Registration Rate Addition

South Dakota Mines requests approval for a new Vehicle Registration fee for parking near Peterson, Palmerton, and Connolly Halls. This would be assessed at the same rate as the Rockers and Placer Hall parking.

Students have requested parking be rearranged and to only sell the number of spots available near the residence halls. This option and rate are currently offered at the Rockers and Placer Hall. Parking further away from the residence halls will be maintained at the lower rate, giving students alternatives.

IMPACT AND RECOMMENDATIONS

The 2023 Legislature authorized a 7% salary policy increase for state employees and an increase of \$1,910 to employer-paid healthcare benefits. System, Special Discipline, Delivery, and Vehicle Registration fees will remain flat for FY24.

ATTACHMENTS

Attachment I – Proposed Fee Schedule for FY24

South Dakota Board of Regents
Proposed FY24 System, Discipline, Delivery and Vehicle Registration Fees

	FY23 Rate	\$ Increase	% Increase	FY24 Rate
System Fees				
Application Fee - Undergraduate	\$20.00	\$0.00	0.0%	\$20.00
Application Fee - Graduate	\$35.00	\$0.00	0.0%	\$35.00
Transcript	\$9.00	\$0.00	0.0%	\$9.00
Challenge by Exam - Course	\$90.75	\$0.25	0.3%	\$91.00
International Student Fee - Fall & Spring	\$150.00	\$0.00	0.0%	\$150.00
Testing Fees				
COMPASS, Technology Re-test	\$20.00	\$0.00	0.0%	\$20.00
BSN Clinical Nursing Fee - Annual	\$36.50	\$0.00	0.0%	\$36.50
SDSU Nursing Assessment - - Semester	\$214.00	\$0.00	0.0%	\$214.00
USD Nursing Assessment (BSN)	\$198.00	\$0.00	0.0%	\$198.00
Discipline Fees - Credit Hour <i>(Unless Stated Otherwise)</i>				
Black Hills State University				
Science/Technology/Engineering/Math				
Biology/Microbiology/Anatomy	\$21.20	\$0.00	0.0%	\$21.20
Chemistry	\$21.20	\$0.00	0.0%	\$21.20
Geology/Nanoscience/Paleontology	\$21.20	\$0.00	0.0%	\$21.20
Physics	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$47.70	\$0.00	0.0%	\$47.70
Mathematics/Statistics	\$15.90	\$0.00	0.0%	\$15.90
Health and Wellness	\$16.30	\$0.00	0.0%	\$16.30
Exercise Science	\$21.10	\$0.00	0.0%	\$21.10
Fine Arts	\$15.90	\$0.00	0.0%	\$15.90
Business				
Undergraduate	\$30.35	\$0.00	0.0%	\$30.35
Graduate	\$54.50	\$0.00	0.0%	\$54.50
Dakota State University				
Science/Technology/Engineering/Math				
Biology/Microbiology/Anatomy	\$21.20	\$0.00	0.0%	\$21.20
Chemistry	\$21.20	\$0.00	0.0%	\$21.20
Physics	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$70.55	\$0.00	0.0%	\$70.55
Mathematics/Statistics	\$15.90	\$0.00	0.0%	\$15.90
Fine Arts	\$15.90	\$0.00	0.0%	\$15.90
Business				
Undergraduate	\$30.35	\$0.00	0.0%	\$30.35
Graduate	\$54.50	\$0.00	0.0%	\$54.50
Northern State University				
Science/Technology/Engineering/Math				
Biology/Microbiology/Anatomy	\$21.20	\$0.00	0.0%	\$21.20
Chemistry	\$21.20	\$0.00	0.0%	\$21.20
Physics	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$47.70	\$0.00	0.0%	\$47.70
Mathematics/Statistics	\$15.90	\$0.00	0.0%	\$15.90
Counselor Education	\$26.35	\$0.00	0.0%	\$26.35
Fine Arts	\$15.90	\$0.00	0.0%	\$15.90
Business				
Undergraduate	\$30.35	\$0.00	0.0%	\$30.35

Graduate	\$54.50	\$0.00	0.0%	\$54.50
E-Learning	\$21.20	\$0.00	0.0%	\$21.20
NSU Exchange Program Fee - Per Credit Hour	\$116.90	\$0.00	0.0%	\$116.90

Discipline Fees - Credit Hour *(Unless Stated Otherwise)* Continued**South Dakota School of Mines & Technology**

Science/Technology/Engineering/Math				
Atmospheric & Environmental Science	\$84.80	\$0.00	0.0%	\$84.80
Biology/Microbiology/Anatomy	\$42.35	\$0.00	0.0%	\$42.35
Chemistry	\$84.80	\$0.00	0.0%	\$84.80
Geology/Nanoscience/Paleontology	\$84.80	\$0.00	0.0%	\$84.80
Physics	\$84.80	\$0.00	0.0%	\$84.80
Other Sciences	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$70.55	\$0.00	0.0%	\$70.55
Engineering	\$84.80	\$0.00	0.0%	\$84.80
Mathematics/Statistics	\$42.35	\$0.00	0.0%	\$42.35
Fine Arts	\$15.90	\$0.00	0.0%	\$15.90

South Dakota State University

Science/Technology/Engineering/Math				
Biology/Microbiology/Anatomy	\$42.35	\$0.00	0.0%	\$42.35
Chemistry	\$51.50	\$0.00	0.0%	\$51.50
Physics	\$84.80	\$0.00	0.0%	\$84.80
Other Sciences	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$70.55	\$0.00	0.0%	\$70.55
Engineering	\$84.80	\$0.00	0.0%	\$84.80
Mathematics/Statistics	\$42.35	\$0.00	0.0%	\$42.35
Allied Health				
Undergraduate	\$103.50	\$0.00	0.0%	\$103.50
Graduate	\$227.60	\$0.00	0.0%	\$227.60
Counselor HR Development	\$26.35	\$0.00	0.0%	\$26.35
Health and Wellness	\$21.30	\$0.00	0.0%	\$21.30
Fine Arts	\$26.35	\$0.00	0.0%	\$26.35
Business				
Undergraduate	\$30.35	\$0.00	0.0%	\$30.35
Graduate	\$54.50	\$0.00	0.0%	\$54.50
Architecture	\$467.25	\$0.00	0.0%	\$467.25
Animal Science	\$64.55	\$0.00	0.0%	\$64.55
Aviation Education	\$42.10	\$0.00	0.0%	\$42.10
Dairy Science/Food Science	\$82.45	\$0.00	0.0%	\$82.45
Medical Laboratory Science - On-Campus (SDSU)	\$133.40	\$0.00	0.0%	\$133.40
Medical Laboratory Science - Off-Campus (SDSU)	\$139.36	\$0.00	0.0%	\$139.36
Medical Laboratory Science - Per Semester (USD)	\$1,618.65	\$0.00	0.0%	\$1,618.65
Dietetics Internship - Per Semester (REPLACED)	\$4,769.20	-\$4,769.20	-100.0%	\$0.00
Dietetics Internship - Per Credit hour (NEW)	\$0.00	\$530.00	100.0%	\$530.00
Nutrition	\$29.70	\$0.00	0.0%	\$29.70
Respiratory Care	\$53.00	\$0.00	0.0%	\$53.00
Interior Design /Landscape Design	\$29.70	\$0.00	0.0%	\$29.70
Pharmacy per credit hour	\$209.45	\$0.00	0.0%	\$209.45
PharmD per credit hour	\$251.35	\$0.00	0.0%	\$251.35
Pharmacy - Semester P1 (P1,P2, P3 for FY23)	\$4,245.20	\$0.00	0.0%	\$4,245.20
Pharmacy - Semester (P4 for FY23)	\$3,537.70	\$0.00	0.0%	\$3,537.70
Range Science	\$47.00	\$0.00	0.0%	\$47.00

Veterinary Science	\$64.55	\$0.00	0.0%	\$64.55
Veterinary Medicine 2+2 (new in FY21) Resident	\$5,540.00	\$0.00	0.0%	\$5,540.00
Veterinary Medicine 2+2 (new in FY21) Non-Resident	\$9,789.00	\$0.00	0.0%	\$9,789.00

Discipline Fees - Credit Hour *(Unless Stated Otherwise)* Continued**University of South Dakota**

Science/Technology/Engineering/Math				
Biology/Microbiology/Anatomy	\$42.35	\$0.00	0.0%	\$42.35
Biochemistry/Biomedical Engineering/Physiology/Sustainability	\$42.35	\$0.00	0.0%	\$42.35
Chemistry	\$51.50	\$0.00	0.0%	\$51.50
Physics	\$84.80	\$0.00	0.0%	\$84.80
Other Sciences	\$21.20	\$0.00	0.0%	\$21.20
Computer Science	\$70.55	\$0.00	0.0%	\$70.55
Mathematics/Statistics	\$42.35	\$0.00	0.0%	\$42.35
Allied Health				
Undergraduate	\$103.50	\$0.00	0.0%	\$103.50
Graduate	\$103.50	\$0.00	0.0%	\$103.50
Counselor Education/ Counselor HR Development	\$26.35	\$0.00	0.0%	\$26.35
Health and Wellness	\$21.30	\$0.00	0.0%	\$21.30
Fine Arts	\$26.35	\$0.00	0.0%	\$26.35
Business				
Undergraduate	\$30.35	\$0.00	0.0%	\$30.35
Graduate	\$54.50	\$0.00	0.0%	\$54.50
NSCI Neurosciences	\$43.20	\$0.00	0.0%	\$43.20
Communication Disorders -Graduate	\$103.50	\$0.00	0.0%	\$103.50
Psychology (Graduate)	\$26.35	\$0.00	0.0%	\$26.35
CRNA Program Fee	\$3,500.00	\$0.00	0.0%	\$3,500.00
Law - Per Semester	\$1,644.00	\$0.00	0.0%	\$1,644.00

Delivery Fees**South Dakota State University, University of South Dakota**

SDSU/USD Nursing - Credit Hour	\$46.05	\$0.00	0.0%	\$46.05
USD Allied Health Off-Campus - Credit Hour	\$46.05	\$0.00	0.0%	\$46.05
USD School of Medicine Off-Campus - Credit Hour	\$46.05	\$0.00	0.0%	\$46.05
USD Masters of Social Work - Credit Hour	\$46.05	\$0.00	0.0%	\$46.05
SDSU/USD Masters of Public Health - Credit Hour	\$145.40	\$0.00	0.0%	\$145.40
USD pMBA (Sioux Falls) - Credit Hour	\$386.05	\$0.00	0.0%	\$386.05

University of South Dakota - Sioux Falls

All credit hours	\$46.05	\$0.00	0.0%	\$46.05
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Black Hills State University - Rapid City

All credit hours	\$31.85	\$0.00	0.0%	\$31.85
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Dakota State University

Non-Resident Online Computer Science, Cyber Operations, & Network and Security Administration	\$110.15	\$0.00	0.0%	\$110.15
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South Dakota School of Mines & Technology

Non-Resident Online Masters in Engineering	\$178.85	\$0.00	0.0%	\$178.85
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Professional Education Majors**Black Hills State University, Dakota State University, Northern State University,****South Dakota State University, University of South Dakota**

Soph/Junior Field Experience - Semester	\$176.00	\$0.00	0.0%	\$176.00
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Senior Field Experience - Semester	\$352.00	\$0.00	0.0%	\$352.00
Master's Level Internship - One Time	\$176.00	\$0.00	0.0%	\$176.00
University of South Dakota				
Specialist Level Intern - One Time	\$357.00	\$0.00	0.0%	\$357.00
Doctoral Level Intern - One Time	\$535.00	\$0.00	0.0%	\$535.00
Vehicle Registration Fees				
Black Hills State University				
Automobile - Annual	\$97.00	\$0.00	0.0%	\$97.00
Automobile - Annual - University Center	\$35.00	\$0.00	0.0%	\$35.00
Motorcycle - Annual	\$13.00	\$0.00	0.0%	\$13.00
Dakota State University				
Automobile - Annual	\$76.00	\$0.00	0.0%	\$76.00
Restricted Annual	\$153.00	\$0.00	0.0%	\$153.00
Northern State University				
Automobile - Annual - Restricted	\$81.00	\$0.00	0.0%	\$81.00
Automobile - Annual - Unrestricted - Residents of Steele, Great Plains West, Wolves Memorial Suites, Briscoe	\$81.00	\$0.00	0.0%	\$81.00
Automobile - Annual - Unrestricted - Faculty, Staff, Commuters and Residents of McArthur-Welsh, Kramer, Great Plains East	\$135.00	\$0.00	0.0%	\$135.00
South Dakota School of Mines and Technology				
Resident Reserved - Annual (NEW)	\$0.00	\$185.00	100.0%	\$185.00
Resident Remote - Annual	\$127.00	\$0.00	0.0%	\$127.00
Automobile - Annual Secondary Vehicle	\$19.00	\$0.00	0.0%	\$19.00
Motorcycle - Annual Primary Vehicle	\$39.00	\$0.00	0.0%	\$39.00
Motorcycle - Annual Secondary Vehicle	\$19.00	\$0.00	0.0%	\$19.00
Commuter - Annual	\$127.00	\$0.00	0.0%	\$127.00
Rocker Square & Placer Lots - Annual	\$185.00	\$0.00	0.0%	\$185.00
South Dakota State University				
Resident/Commuter - Academic Year	\$161.00	\$0.00	0.0%	\$161.00
Resident/Commuter - Summer	\$36.00	\$0.00	0.0%	\$36.00
Resident - 12 Month	\$197.00	\$0.00	0.0%	\$197.00
Reserved - Academic Year	\$297.00	\$0.00	0.0%	\$297.00
Economy Commuter - Academic Year	\$73.00	\$0.00	0.0%	\$73.00
Motorcycle - Annual	\$36.00	\$0.00	0.0%	\$36.00
Gated - Per Hour	\$2.00	\$0.00	0.0%	\$2.00
Economy Commuter - Free Parking May 15-August 14				
University of South Dakota				
Automobile - Annual	\$170.00	\$0.00	0.0%	\$170.00
Automobile - Annual - University Center	\$34.00	\$0.00	0.0%	\$34.00

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – D
DATE: March 29-30, 2023

SUBJECT

FY24 Housing and Food Service Rates

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:5:4](#) – Tuition and Fees: Fees

BACKGROUND / DISCUSSION

Residence Hall Rates

The residence hall rates are charged on a per semester basis to fund their ongoing operations as well as major repairs, renovations, and debt service. The proposed increase for FY24 is 4.6% which will provide the necessary funds needed to cover inflation on the operating expenses, a salary policy of 7.0%, increased health insurance of \$1,910 per benefit eligible employee, and inflation on maintenance and repair funding. Attachment I provides the recommended rates for FY24. New rates and increases above inflation are highlighted below.

Black Hills State University (BHSU)

BHSU is proposing the addition of a single room rate for Bordeaux Hall for students wishing to rent a double room as single occupancy. This option is available in all other halls, so this would be providing the same option for Bordeaux Hall. There are currently ten rooms available to utilize this rate, should there be interest. BHSU had 91.66% housing utilization for fall of 2022.

Fall rates per semester (pending BOR approval):

Bordeaux Hall – Double as a Single (requested rate)	\$4,009.00
Bordeaux Hall – Double	\$2,799.00
Bordeaux Hall – Single	\$3,962.00

(Continued)

DRAFT MOTION 20230329_7-D:

I move approval of the FY24 Housing and Food Service Plan rates as presented in Attachments I & II.

Food Service Plans

Food service rates are charged on a per semester basis to cover the costs of administering the food service plans on the university campus through contracted food service providers. There are numerous food service plans available to students.

In FY06, the Board approved the guidelines of applying the “Meals Away from Home” CPI, used by the food service industry, when determining the rate increase for food service plans. While the FY23 CPI is 7.2%, FY24 will be the second year of the new Sodexo contract and they are proposing an increase of 6.37%, below CPI.

Freshman students are required to carry specific plans. The institutions have identified the minimum level meal plan that all freshmen living on campus must purchase their first semester.

	<u>FY23 Required Plans</u>		<u>FY24 Required Plans</u>	
BHSU	Yellow Jacket	\$1,720.00	Yellow Jacket	\$1,815.00
DSU	Dakota 145	\$1,571.00	Dakota 145	\$1,671.00
NSU	Wolf Weekly	\$1,834.00	Wolf Weekly	\$1,951.00
SDSMT	Hardrock 160	\$1,717.00	Hardrock 160	\$1,823.00
SDSU	50 Block	\$1,561.14	50 Block	\$1,660.00
USD	Yote Pack 70	\$1,885.00	Yote Pack 70	\$1,999.00

Attachment II provides the recommended food service plan rates for FY24.

IMPACT AND RECOMMENDATIONS

The proposed housing rates for FY24 allow the universities to address the inflationary increase on operating expenses, the 2% maintenance and repair requirement, and funding adjustments to salary policy and employee healthcare costs.

The meal plan rates reflect the second year of the new contract with Sodexo for food operations and any related institutional administrative costs.

When including the tuition and mandatory fee rates, the total weighted average cost increase is \$380. The impact to students within the system will range from an increase of \$354.00 to \$422.00 per year.

FY24 Housing and Food Service Rates

March 29-30, 2023

Page 3 of 3

Proposed FY24 Resident Undergraduate Total Cost Increase				
	<u>FY23 Total</u>	<u>FY24 Total</u>		
	<u>Cost</u>	<u>Cost</u>	<u>\$ Increase</u>	<u>% Increase</u>
BHSU	\$15,749.00	\$16,103.00	\$354.00	2.2%
DSU	\$17,096.50	\$17,494.50	\$398.00	2.3%
NSU	\$16,454.00	\$16,870.00	\$416.00	2.5%
SDSMT	\$17,569.00	\$17,963.00	\$394.00	2.2%
SDSU	\$16,556.78	\$16,944.50	\$387.72	2.3%
USD	\$17,656.00	\$18,088.00	\$432.00	2.4%
System Average Cost	\$16,847.00	\$17,993.66	\$384.33	2.2%

ATTACHMENTS

Attachment I – FY24 Proposed Housing Rates

Attachment II – FY24 Proposed Food Service Rates

FY24 Proposed Housing Rates

	FY23 Rate	\$ Incr	% Incr	FY24 Rate
BHSU				
Traditional Halls				
Single (Heidepreim, Thomas, Humbert)	\$2,451.00	\$113.00	4.61%	\$2,564.00
Single (Wenona Cook Small)	\$1,885.00	\$87.00	4.62%	\$1,972.00
Single (Wenona Cook Large)	\$2,356.00	\$108.00	4.58%	\$2,464.00
Single (Bordeaux Hall)	\$3,797.00	\$175.00	4.61%	\$3,972.00
Double as a Single (Bordeaux Hall)(NEW)	\$0.00			\$4,009.00
Double Occupancy (Heidepreim, Thomas, Humbert)	\$1,877.00	\$86.00	4.58%	\$1,963.00
Double Occupancy (Bordeaux Hall)	\$2,682.00	\$123.00	4.59%	\$2,805.00
Double Occupancy (Wenona Cook)	\$1,773.00	\$82.00	4.62%	\$1,855.00
Double Room - Single Occupancy Wenona Cook)	\$2,639.00	\$121.00	4.59%	\$2,760.00
Double Room - Single Occupancy (Heidepreim, Thomas, Humbert)	\$2,744.00	\$126.00	4.59%	\$2,870.00
Yellow Jacket Apartments				
Apartment - Single Occupancy	\$3,183.00	\$146.00	4.59%	\$3,329.00
Apartment - Double Occupancy	\$2,431.00	\$112.00	4.61%	\$2,543.00
Apartment- Suite Double - Single Occupancy	\$3,569.00	\$164.00	4.60%	\$3,733.00
Family 2BD/Month	\$811.00	\$37.00	4.56%	\$848.00
Summer				
Summer Double Occupancy- Week	\$121.00	\$6.00	4.96%	\$127.00
Summer Single Occupancy - Week	\$181.00	\$8.00	4.42%	\$189.00
DSU				
Traditional Halls				
Single Occupancy (Emry, Higbie, Richardson, and Zimmermann, Girton House and Van Eps)	\$2,706.00	\$124.00	4.58%	\$2,830.00
Double Occupancy (Emry, Higbie, Richardson, and Zimmermann, Girton House and Van Eps)	\$2,161.00	\$99.00	4.58%	\$2,260.00
Triple Occupancy (Emry, Higbie, Richardson, and Zimmermann, Girton House and Van Eps)	\$1,793.00	\$82.00	4.57%	\$1,875.00
University Apartments				
University Apartments Single Occupancy (8Plex, The 2-1-2)	\$2,954.00	\$136.00	4.60%	\$3,090.00
University Apartments Double Occupancy (8Plex, The 2-1-2)	\$2,615.00	\$120.00	4.59%	\$2,735.00
Summer				
Summer Double Occupancy- Week	\$95.00	\$4.00	4.21%	\$99.00
Summer Single Occupancy - Week	\$117.00	\$5.00	4.27%	\$122.00
Courtyard				
Courtyard Single Occupancy	\$2,823.00	\$130.00	4.61%	\$2,953.00
Courtyard Double Occupancy	\$2,279.00	\$105.00	4.61%	\$2,384.00
Courtyard Single Suite Occupancy	\$2,865.00	\$132.00	4.61%	\$2,997.00
Courtyard Double Suite Occupancy	\$2,540.00	\$117.00	4.61%	\$2,657.00
Residence Village Suite	\$2,930.00	\$135.00	4.61%	\$3,065.00
Residence Village Apartment	\$3,140.00	\$144.00	4.59%	\$3,284.00
NSU				
Traditional Halls				
Single Occupancy (Briscoe and McArthur-Welsh Halls)	\$2,506.00	\$115.00	4.59%	\$2,621.00
Double Occupancy (Briscoe and McArthur-Welsh Halls)	\$1,971.00	\$91.00	4.62%	\$2,062.00
Suites				
Wolves Memorial 2 Person Suite	\$3,192.00	\$147.00	4.61%	\$3,339.00
Wolves Memorial 2 Person Suite - Single Occupancy	\$3,665.00	\$169.00	4.61%	\$3,834.00
Wolves Memorial 4 Person Suite	\$3,085.00	\$142.00	4.60%	\$3,227.00
Wolves Memorial 4 Person Suite - Single Occupancy	\$3,558.00	\$164.00	4.61%	\$3,722.00
Wolves Memorial 4 Person Semi-Suite	\$2,760.00	\$127.00	4.60%	\$2,887.00
Wolves Memorial 4 Person Semi-Suite - Single Occupancy	\$3,231.00	\$149.00	4.61%	\$3,380.00
Great Plains East - Double Occupancy	\$2,446.00	\$113.00	4.62%	\$2,559.00
Great Plains East - Singles	\$2,976.00	\$137.00	4.60%	\$3,113.00
Great Plains West - 4 Bedroom Suite	\$3,137.00	\$144.00	4.59%	\$3,281.00
Great Plains West - 4 Person Suite	\$2,976.00	\$137.00	4.60%	\$3,113.00
Great Plains West - 2 Person Semi-Suite	\$3,083.00	\$142.00	4.61%	\$3,225.00
Great Plains West - 4 Person Semi-Suite	\$2,738.00	\$126.00	4.60%	\$2,864.00
Kramer Hall and Steele Hall - Single Occupancy	\$3,296.00	\$152.00	4.61%	\$3,448.00
Kramer Hall and Steele Hall - Double Occupancy	\$2,648.00	\$122.00	4.61%	\$2,770.00
Kramer Hall and Steele Hall - Semi Suite - Double Occupancy	\$2,520.00	\$116.00	4.60%	\$2,636.00
Summer				
Summer Double Occupancy- Week	\$112.00	\$5.00	4.46%	\$117.00
Summer Single Occupancy - Week	\$124.00	\$6.00	4.84%	\$130.00
Summer Double Occupancy - Suite - Week	\$151.00	\$7.00	4.64%	\$158.00
Summer Single Occupancy - Suite - Week	\$170.00	\$8.00	4.71%	\$178.00
SDSM&T				
Traditional Halls				
Single	\$2,371.00	\$109.00	4.60%	\$2,480.00
Double Occupancy	\$1,984.00	\$91.00	4.59%	\$2,075.00
Triple Occupancy	\$1,984.00	\$91.00	4.59%	\$2,075.00
Quad	\$2,220.00	\$102.00	4.59%	\$2,322.00
Deluxe/Study Quad	\$2,382.00	\$110.00	4.62%	\$2,492.00

FY24 Proposed Housing Rates

	FY23 Rate	\$ Incr	% Incr	FY24 Rate
Graduate/Upperclass & Double-as-Single - Single Occupancy	\$2,800.00	\$129.00	4.61%	\$2,929.00
Rocker Square Apartments				
Rocker Square II Apartment Single - Semester	\$3,342.00	\$154.00	4.61%	\$3,496.00
Rocker Square I Apartment - Semester	\$3,466.00	\$159.00	4.59%	\$3,625.00
Placer Hall				
Placer Hall Single	\$2,943.00	\$135.00	4.59%	\$3,078.00
Placer Hall Double	\$2,560.00	\$118.00	4.61%	\$2,678.00
Summer				
Apartment Style - Week	\$210.00	\$10.00	4.76%	\$220.00
Suite Style - Week				\$175.00
Traditional Style - Week				\$140.00
SDSU				
Traditional Halls				
Single - Tier One (Hansen, Waneta)	\$2,700.00	\$124.00	4.59%	\$2,824.00
Single - Tier One (Brown)	\$3,106.00	\$143.00	4.60%	\$3,249.00
Single - Tier Two (Binnewies, Pierson, Young)	\$2,758.00	\$127.00	4.60%	\$2,885.00
Single - Tier Three (Mathews)	\$2,950.00	\$136.00	4.61%	\$3,086.00
Single - Tier Four (Caldwell, Jackrabbit Village [Spencer, Thorne, Abbott])	\$3,644.00	\$168.00	4.61%	\$3,812.00
Single - Tier Five (Jackrabbit Grove [Ben Reifel, Hyde, Honors, Schultz])	\$3,610.00	\$166.00	4.60%	\$3,776.00
Designed Single - Tier Four (Jackrabbit Village)	\$3,139.00	\$144.00	4.59%	\$3,283.00
Double (Hansen, Waneta)	\$1,877.00	\$86.00	4.58%	\$1,963.00
Double (Brown)	\$2,419.00	\$111.00	4.59%	\$2,530.00
Double (Binnewies, Pierson, Young)	\$2,068.00	\$95.00	4.59%	\$2,163.00
Double (Mathews)	\$2,209.00	\$102.00	4.62%	\$2,311.00
Double (Caldwell, Jackrabbit Village [Spencer, Thorne, Abbott])	\$2,916.00	\$134.00	4.60%	\$3,050.00
Double (Jackrabbit Grove [Ben Reifel, Hyde, Honors, Schultz])	\$3,056.00	\$141.00	4.61%	\$3,197.00
Triple (Ben Reifel) - NEW	\$2,513.00	\$116.00	4.62%	\$2,629.00
University Apartments				
Meadows North & Meadows South	\$2,915.00	\$134.00	4.60%	\$3,049.00
Skylight/Huggins 2&3Bedrooms/Month	\$463.00	\$21.00	4.54%	\$484.00
Skylight 1.5 Bedroom (NEW)	\$612.00	\$28.00	4.58%	\$640.00
Garden Square 2 Bedroom/Month	\$473.00	\$22.00	4.65%	\$495.00
Garden Square 3 Bedroom/Month	\$512.00	\$24.00	4.69%	\$536.00
Southeast 1 Bedroom/Month	\$911.00	\$42.00	4.61%	\$953.00
Southeast 2 Bedroom/Month	\$703.00	\$32.00	4.55%	\$735.00
Southeast 3 Bedroom/Month	\$619.00	\$28.00	4.52%	\$647.00
Southeast 4 Bedroom/Month	\$567.00	\$26.00	4.59%	\$593.00
Southeast Town House/Month	\$709.00	\$33.00	4.65%	\$742.00
Thornbers Studios/Month - 1303 7th St.	\$364.00	\$17.00	4.67%	\$381.00
Thornbers Studios/Month - 1311 7th St.	\$393.00	\$18.00	4.58%	\$411.00
Thornbers Studios/Month - 710 13th Ave.	\$208.00	\$10.00	4.81%	\$218.00
Sundal Studio/Month	\$393.00	\$18.00	4.58%	\$411.00
Sundal 1 Bedroom/Month	\$463.00	\$21.00	4.54%	\$484.00
Sundal 2 Bedroom/Month (NEW)	\$663.00	\$30.00	4.52%	\$693.00
Summer				
Summer Double Occupancy- Week	\$79.00	\$4.00	5.06%	\$83.00
Summer Single Occupancy - Week	\$104.00	\$5.00	4.81%	\$109.00
Summer Apartment - Week	\$154.00	\$7.00	4.55%	\$161.00
USD				
Traditional Halls				
Single Occupancy - (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$2,710.00	\$125.00	4.61%	\$2,835.00
Double Occupancy - (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$2,227.00	\$102.00	4.58%	\$2,329.00
Triple Occupancy - (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$1,910.00	\$88.00	4.61%	\$1,998.00
Double Room - Single Occupancy (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$2,895.00	\$133.00	4.59%	\$3,028.00
Triple Room - Double Occupancy (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$2,484.00	\$114.00	4.59%	\$2,598.00
University Apartments				
McFadden Apartment 2BD	\$3,976.00	\$183.00	4.60%	\$4,159.00
McFadden Apartment 4BD	\$3,293.00	\$151.00	4.59%	\$3,444.00
Coyote Village Apartment 2BD	\$4,125.00	\$190.00	4.61%	\$4,315.00
Coyote Village Apartment 4BD	\$3,417.00	\$157.00	4.59%	\$3,574.00
Suites				
Single Suite 2BD - (Coyote Village Super Suite)	\$3,874.00	\$178.00	4.59%	\$4,052.00
Single Suite 4BD (Coyote Village Super Suite)	\$3,228.00	\$148.00	4.58%	\$3,376.00
Summer				
Summer Double Occupancy- Week	\$117.00	\$5.00	4.27%	\$122.00
Summer Single Occupancy - Week	\$143.00	\$7.00	4.90%	\$150.00
Summer - Single (Norton, Burgess, Beede, Mickelson, Richardson, Olson)	\$1,367.00	\$63.00	4.61%	\$1,430.00
Summer - Coyote Village Super Suite 2BD	\$775.00	\$36.00	4.65%	\$811.00
Summer - Coyote Village Super Suite 4BD	\$646.00	\$30.00	4.64%	\$676.00
Summer - Coyote Village Apartment 2BD	\$825.00	\$38.00	4.61%	\$863.00
Summer - Coyote Village Apartment 4BD	\$683.00	\$31.00	4.54%	\$714.00

FY24 Proposed Food Service Rates

	FY23 Rate	FY23 Facility Fee	FY23 Total	\$ Increase	% Increase	FY24 Plan Rate
BHSU						
Yellow Jacket	\$1,490.50	\$229.50	\$1,720.00	\$95.00	5.52%	\$1,815.00
Swarm 180	\$1,694.50	\$229.50	\$1,924.00	\$108.00	5.61%	\$2,032.00
Suite Deal	\$811.15	\$118.85	\$930.00	\$52.00	5.59%	\$982.00
20 Block	\$177.00	\$0.00	\$177.00	\$11.00	6.21%	\$188.00
40 Block	\$311.00	\$0.00	\$311.00	\$20.00	6.43%	\$331.00
DSU						
Big Blue	\$1,931.00	\$0.00	\$1,931.00	\$123.00	6.37%	\$2,054.00
Trojan Basic	\$1,364.00	\$0.00	\$1,364.00	\$87.00	6.38%	\$1,451.00
Dakota 225	\$1,848.00	\$0.00	\$1,848.00	\$118.00	6.39%	\$1,966.00
Dakota 145	\$1,571.00	\$0.00	\$1,571.00	\$100.00	6.37%	\$1,671.00
Trojan Upper Class	\$1,001.00	\$0.00	\$1,001.00	\$64.00	6.39%	\$1,065.00
Little Blue - Apartment	\$359.00	\$0.00	\$359.00	\$23.00	6.41%	\$382.00
Resident Assistant Plan	\$1,571.00	\$0.00	\$1,571.00	\$100.00	6.37%	\$1,671.00
Apartment Managers	\$1,001.00	\$0.00	\$1,001.00	\$64.00	6.39%	\$1,065.00
Resident Director Plan	\$1,510.00	\$0.00	\$1,510.00	\$96.00	6.36%	\$1,606.00
NSU						
Wolf Pack 300	\$2,122.00	\$0.00	\$2,122.00	\$135.00	6.36%	\$2,257.00
Wolf Pack 100	\$1,971.00	\$0.00	\$1,971.00	\$126.00	6.39%	\$2,097.00
Wolf Weekly	\$1,834.00	\$0.00	\$1,834.00	\$117.00	6.38%	\$1,951.00
Wolf Maroon	\$929.00	\$0.00	\$929.00	\$59.00	6.35%	\$988.00
Wolf All Flex	\$1,503.00	\$0.00	\$1,503.00	\$96.00	6.39%	\$1,599.00
Commuter Gold	\$409.00	\$0.00	\$409.00	\$26.00	6.36%	\$435.00
SDSM&T						
Gold Rush	\$1,883.00	\$55.00	\$1,938.00	\$120.00	6.19%	\$2,058.00
Hardrocker 160	\$1,668.00	\$49.00	\$1,717.00	\$106.00	6.17%	\$1,823.00
Hardrocker 125	\$1,668.00	\$49.00	\$1,717.00	\$106.00	6.17%	\$1,823.00
Hardrocker 75	\$963.00	\$28.00	\$991.00	\$61.00	6.16%	\$1,052.00
Hardrocker Flex	\$1,058.00	\$33.00	\$1,091.00	\$67.00	6.14%	\$1,158.00
Rocker Square Flex	\$499.00	\$15.00	\$514.00	\$32.00	6.23%	\$546.00
50/50	\$443.00	\$13.00	\$456.00	\$28.00	6.14%	\$484.00
25/25	\$228.00	\$7.00	\$235.00	\$15.00	6.38%	\$250.00
SDSU						
Premier	\$2,000.08	\$0.00	\$2,000.08	\$126.92	6.35%	\$2,127.00
100 Block	\$1,561.14	\$0.00	\$1,561.14	\$98.86	6.33%	\$1,660.00
50 Block	\$1,561.14	\$0.00	\$1,561.14	\$98.86	6.33%	\$1,660.00
Silver Flex	\$1,561.14	\$0.00	\$1,561.14	\$98.86	6.33%	\$1,660.00
Bronze Flex	\$1,341.62	\$0.00	\$1,341.62	\$85.38	6.36%	\$1,427.00
West Flex	\$780.08	\$0.00	\$780.08	\$49.92	6.40%	\$830.00
USD						
Yote Pack 55	\$1,568.75	\$101.25	\$1,670.00	\$100.00	5.99%	\$1,770.00
Yote Pack 70	\$1,783.75	\$101.25	\$1,885.00	\$114.00	6.05%	\$1,999.00
Yote Pack 120	\$1,695.75	\$101.25	\$1,797.00	\$108.00	6.01%	\$1,905.00
Coyote 10	\$1,568.75	\$101.25	\$1,670.00	\$100.00	5.99%	\$1,770.00
Coyote 17	\$1,973.75	\$101.25	\$2,075.00	\$126.00	6.07%	\$2,201.00
Paw Pleaser (Flex A)	\$1,568.75	\$101.25	\$1,670.00	\$100.00	5.99%	\$1,770.00
Paw Pride (Flex B)	\$868.00	\$56.00	\$924.00	\$55.00	5.95%	\$979.00
Paw Print (Flex C)	\$434.70	\$28.30	\$463.00	\$28.00	6.05%	\$491.00

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – E
DATE: March 29-30, 2023

SUBJECT

FY24 Graduate Assistant Stipends

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-53-6](#) – Tuition Rates and Fees

[BOR Policy 5:5](#) – Tuition and Fees: General Procedures

[BOR Policy 5:22](#) – Graduate Assistants and Fellows

BACKGROUND / DISCUSSION

Graduate Assistant Stipends

The Board of Regents annually establishes a minimum stipend to be paid to graduate assistants. Graduate assistants are expected to work a full semester to receive the full semester compensation. Graduate assistants are expected to work the full four-week summer session to receive the full four-week session compensation. The minimum compensation may be prorated accordingly if the graduate student does not work the full semester or four-week session.

DSU, SDSMT, and SDSU currently waive tuition for their graduate assistants and fellows as compensation for their work. Therefore, the salary minimum does not apply to DSU, SDSMT, or SDSU.

IMPACT AND RECOMMENDATIONS

The Board has traditionally increased the minimum amount of the graduate assistant stipends by the rate of increase in resident graduate tuition. The increase is rounded to the nearest dollar. Since there was no increase in tuition for FY24, there will be no addition to the stipend amount.

(Continued)

DRAFT MOTION 20230329_7-E:

I move approval of the BHSU and NSU FY24 minimum graduate assistant stipends in the amount of \$3,921 per semester and \$980 per four-week session; and USD FY24 minimum graduate assistant stipends in the amount of \$4,067 per semester and \$1,016 per four-week session.

FY24 Graduate Assistant Stipends

March 29-30, 2023

Page 2 of 2

Black Hills State University (BHSU) and Northern State University (NSU)

Graduate Assistant Stipends	<u>FY23 Rate</u>	<u>\$ Increase</u>	<u>% Increase</u>	<u>FY24 Rate</u>
Per Semester	\$3,921	\$0	0.0%	\$3,921
Per 4-Week Session	\$980	\$0	0.0%	\$980

University of South Dakota (USD)

Graduate Assistant Stipends	<u>FY23 Rate</u>	<u>\$ Increase</u>	<u>% Increase</u>	<u>FY24 Rate</u>
Per Semester	\$4,067	\$0	0.0%	\$4,067
Per 4-Week Session	\$1,016	\$0	0.0%	\$1,016

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – F
DATE: March 29-30, 2023

SUBJECT

FY24 Special Schools Nonresident Tuition

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-53-6](#) – Tuition Rates and Fees

[BOR Policy 5:5](#) – Tuition and Fees: General Procedures

BACKGROUND / DISCUSSION

Nonresident Tuition

The South Dakota School for the Blind and Visually Impaired (SDSBVI) annually reviews its instructional and residential costs to determine an appropriate tuition rate for nonresident students who may attend the school. SDSBVI does not currently have any nonresident students in attendance.

The current tuition rate at SDSBVI is \$38,910 for instructional costs and \$15,727 for residential care. An inflationary increase is applied to cover salary policy, CPI on operating expenses, and adjustments to health benefit cost per benefit-eligible employee. The Bureau of Finance and Management (BFM) calculated the annual Consumer Price Index (CPI) for the last fiscal year at 2.40%.

IMPACT AND RECOMMENDATIONS

Staff recommends that the inflationary increase be applied to the FY23 rates to set the FY24 rates.

Special Schools Tuition and Residential Rates

	FY23 Rate	\$ Increase	% Increase	Proposed FY24 Rate
Instructional	\$38,910	\$934	2.40%	\$39,844
Residence	<u>\$15,727</u>	<u>\$377</u>	2.40%	<u>\$16,104</u>
Total	\$54,637	\$1,311		\$55,948

ATTACHMENTS

None

DRAFT MOTION 20230329_7-F:

I move to approve the FY24 nonresident instructional tuition rate to be \$39,844 and the residence cost to be set at \$16,104 for the School for the Blind and Visually Impaired.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – G
DATE: March 29-30, 2023

SUBJECT

FY24 General Bill Summary

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 4-7-13](#) – Legislative adoption of financial plan for each year.

[BOR Policy 5:19](#) – System Funding

BACKGROUND / DISCUSSION

The 2023 legislative session concluded with the passage of the FY24 General Bill SB210. The Board of Regents received a general fund base increase of \$11,998,809 (4.6%). This nearly \$12M increase does not include the 7% salary policy, health insurance increase funding (\$1,910 per benefit eligible FTE), or targeted jobs funding for generally-funded employees as those amounts are appropriated to statewide pools that are allocated by the Bureau of Finance and Management (BFM) after session concludes. A separate BFM pool holds \$12,445,274 specifically designated to freeze tuition in FY24 and provide 7% salary policy, health insurance increase funding, and targeted jobs funding for tuition-funded employees.

IMPACT AND RECOMMENDATIONS

A summary of the general fund base changes are as follows:

- An increase to general fund M&R base funding of \$4,043,762 bringing the base general fund amount for M&R to \$20,644,874.
- A transfer of \$3,672,951 in general funds from GOED's research budget to the Central Office budget.
- An additional \$1,971,851 to the campuses for 100% tuition reimbursement for SD National Guard members (a policy change approved under HB1039).
- An increase in generally funded utilities of \$1,228,194, based on projected utility rates and usage for FY24.
- An allocation of \$500,000 for BHSU base funding to address funding inequities.
- Additional \$445,000 to USD for SD Small Business Development Center and \$118,000 for SD APEX Accelerator (formerly Procurement Technical Assistance Center) to support operations that were previously funded by GOED future funds.
- A \$21,589 increase to the Post-Secondary Scholarship based on endowment proceeds.
- A decrease of (\$2,538) for lease payment adjustments.

(Continued)

INFORMATIONAL ITEM

The FY24 budget also had an additional \$500,000 in federal funds expenditure authority and a total reduction of (\$6,672,951) and (5.0 FTE) in other funds expenditure authority. These changes resulted in a 0.53% increase in federal funds spending authority, a decrease of (1.32%) in other funds authority, and a system decrease of (5.0) FTE or a (0.10%) decrease.

The federal fund expenditure authority increase was for additional SDSMT grant awards, while the other fund expenditure authority adjustments included the requested reductions to NSU's tuition authority due to elimination of departmental support staff and budget realignments and the reduction of NSU's other fund authority for reduced sales and service and auxiliary bookstore activity. Also included by the Legislature, was a reduction of the BOR Central Office other fund authority to correspond directly with the transfer of the GOED research center budget that was previously sub awarded to the BOR Central Office.

ATTACHMENTS

Attachment I – General Fund Base Changes from FY23 to FY24 By Campus

Attachment II – SDBOR's Original Request and Final Legislative Action

FY24 SDBOR GENERAL FUND BASE CHANGES

INSTITUTION	GOED			TUITION			BHSU			USD SMALL BUSINESS			POST-SECONDARY			FY24 GENERAL		
	FUND BASE	M&R	RESEARCH BUDGET TRANSFER	REIMBURSEMENT FOR NATIONAL GUARD	UTILITIES ADJUSTMENTS	INCREASE	BASE	OPERATIONS	ACCELERATOR	DEVELOPMENT CENTER	OPERATIONS	LEASE PAYMENTS	SCHOLARSHIP	OPERATIONS	ACCELERATOR	DEVELOPMENT CENTER	FUND BASE	FUND BASE
BOR	\$35,945,190	\$4,043,762	\$3,672,951															
BHSU	\$11,984,639			\$358,859	\$48,526	\$500,000												
DSU	\$12,238,993			\$103,574	\$40,745													
NSU	\$14,515,036			\$73,784	\$31,037													
NSU E-LEARNING	\$3,734,179																	
SDSMT	\$20,521,574			\$315,457	\$403,813													
SDSU	\$57,650,240			\$658,731	\$1,029,704													
EXT	\$9,635,363																	
AES	\$14,050,692																	
USD	\$42,720,001			\$461,446	(\$292,761)			\$445,000	\$118,000									
LAW	\$2,136,097																	
MED	\$26,887,679																	
SDSD	\$2,831,820				(\$37,327)													
SDSBVI	\$3,522,785				\$4,457													
Total	\$258,374,288	\$4,043,762	\$3,672,951	\$1,971,851	\$1,228,194	\$500,000	\$500,000	\$445,000	\$118,000	\$21,589	(\$2,538)	\$270,373,097	\$ INCREASE	\$ INCREASE	\$ INCREASE	\$ INCREASE	\$ INCREASE	\$ INCREASE
																		4.6%

NOTE: The FY24 Salary policy package has not been included for generally-funded employees nor has the funding provided for the tuition freeze as both are held in pools at Bureau of Finance and Management and are distributed after session concludes.

South Dakota Board of Regents FY24 Board of Regents Request and Legislatively Appropriated				
	Base General Fund	FTE	Base General Fund	FTE
FY23 Base General Fund Budget	\$258,374,288	5,082.9	\$258,374,288	5,082.9
Priorities	Requested		Recommended	
System - Tuition Freeze	\$8,592,579	0.0	\$0*	0.0
System - Additional General Fund Maintenance and Repair	\$7,155,427	0.0	\$4,043,762	0.0
BOR Office - Transfer Research Budget from GOED	\$3,672,951	0.0	\$3,672,951	0.0
System - Reimbursement for Free Tuition for SD National Guard Members	\$0	0.0	\$1,971,851	0.0
BHSU - Base Increase	\$0	0.0	\$500,000	0.0
USD - APEX Accelerator Operations	\$0	0.0	\$118,000	0.0
USD - Small Business Development Center Operations	\$0	0.0	\$445,000	0.0
Base Budget Maintenance				
Utilities Adjustment	\$1,228,194	0.0	\$1,228,194	0.0
Lease Adjustment	(\$2,538)	0.0	(\$2,538)	0.0
Post-Secondary Scholarship Adjustment	\$0	0.0	\$21,589	0.0
FY24 Requested and Appropriated	\$20,646,613	0.0	\$11,998,809	0.0
FY24 Total Base Funding Appropriated	\$279,020,901	5,077.9	\$270,373,097	5,077.9
Increase without Salary Policy	7.4%	-0.1%	4.6%	-0.1%
One-Time General Fund Requests				
System - Support for Rising Construction Costs	\$29,000,000	0.0		
SDSMT - Mineral Industries Building			\$4,400,000*	0.0
SDSU - Bioproducts Facility			\$3,000,000*	0.0
BHSU - West River Health Sciences Center Design Costs			\$1,500,000*	0.0
NSU - Lincoln Hall Design Costs			\$1,500,000*	
System - Cybersecurity Upgrade	\$8,125,820	0.0	\$5,106,000***	0.0
System - Deferred Maintenance and Repair	\$32,599,000	0.0	\$18,148,600***	0.0
System - Utilities Adjustments	\$366,876	0.0	\$1,341,556***	0.0
System - South Dakota Opportunity Scholarship		0.0	(\$575,000)***	0.0
System - Pre-K Reduced Tuition		0.0	\$25,000***	0.0
USD - Half Year Funding for SBDC/PTAC		0.0	\$281,500***	0.0
FY24 Tuition Fund Authority Requests				
Authority Changes	(\$1,600,000)	(4.0)	(\$1,600,000)	(4.0)
FY24 Federal and Other Fund Authority Requests				
Authority Changes	(\$1,400,000)	(1.0)	(\$1,400,000)	(1.0)
FY24 Informational Federal and Other Fund Authority Requests				
Authority Changes	\$500,000	0.0	(\$3,172,951)	0.0

* The Legislature provided \$12,445,274 for a FY24 tuition freeze. This money was placed into a separate BFM pool and will be distributed with other salary policy allocations by BFM.

** The Legislature approved a FY23 Emergency Special Appropriations for this one-time funding request.

*** The Legislature included these items in the FY23 General Bill Amendment (HB1049).

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – H
DATE: March 29-30, 2023

SUBJECT

FY23 General Bill Amendments

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 4-7-13](#) – Legislative adoption of financial plan for each year.

[BOR Policy 5:19](#) – System Funding

BACKGROUND / DISCUSSION

Amendments to the FY23 general bill are found in HB1049, which has been approved by the Legislature and sent to the Governor for signature. The portion of the bill relating to the Board of Regents (BOR) is provided in the table below. Any changes in the bill are considered one-time and are not base budget adjustments.

IMPACT AND RECOMMENDATIONS

With revised on-going revenues increased by 8.2% for FY23, the Legislature was able to grant a number of one-time general fund appropriations within HB1049. Two of the BOR's FY24 budget priorities were provided significant funding: \$18,148,600 for deferred M&R and \$5,106,000 for cybersecurity upgrades. An additional \$1,341,558 in utility dollars was also appropriated based on revised utility projections as well as \$25,000 to address the anticipated financial impact of SB118, which allows for reduced tuition for Pre-K teachers. The South Dakota Opportunity Scholarship appropriation was decreased by \$575,000 due to a decline in utilization. USD received \$281,500 for half a year of funding for the South Dakota Small Business Development Center (SBDC) and the South Dakota APEX Accelerator (APEX or PTAC).

<u>FY23 GENERAL BILL AMENDMENTS (HB1049)</u>					
INSTITUTION	DESCRIPTION	GENERAL	FEDERAL	OTHER	TOTAL
BOR	DEFERRED M&R	\$18,148,600			\$18,148,600
BOR	SD OPPORTUNITY SCHOLARSHIP	(\$575,000)			(\$575,000)
BOR	CYBERSECURITY UPGRADES	\$5,106,000			\$5,106,000
BOR	PRE-K REDUCED TUITION	\$25,000			\$25,000
ALL CAMPUSES	UTILITIES ADJUSTMENTS	\$1,341,558			\$1,341,558
USD	HALF YEAR FUNDING FOR SBDC/PTAC	\$281,500			\$281,500
TOTAL		\$24,327,656	\$0	\$0	\$24,327,656

ATTACHMENTS

None

INFORMATIONAL ITEM

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – I
DATE: March 29-30, 2023

SUBJECT

FY23 Special Appropriations

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 4-7-13](#) – Legislative adoption of financial plan for each year
[BOR Policy 5:19](#) – System Funding

BACKGROUND/DISCUSSION

A number of appropriations bills were brought on the Board of Regent's behalf during the 2023 legislative session. The state's increased revenues and healthy financial position allowed the legislature and Governor to allocate general funds and other fund authority towards previous, legislatively-approved, building projects that had been affected by rising construction costs or delayed design and building approval.

IMPACT AND RECOMMENDATIONS

The Board received \$10,400,000 in general funds and \$21,153,000 in other funds authority which totaled to \$31,553,000 in special appropriations. The entirety of this funding was building-related. The list of the approved appropriations bills is provided in the below table.

SPECIAL APPROPRIATIONS BILLS IN 2023 SESSION						
BILL	INSTITUTION	DESCRIPTION	GENERAL	FEDERAL	OTHER	TOTAL
<u>HB1030</u>	SDSU	BIOPRODUCTS FACILITY INCREASED CONSTRUCTION COSTS	\$3,000,000			\$3,000,000
<u>HB1032</u>	SDSU-AES	DEMOLITION AND RECONSTRUCTION OF AG- USE STRUCTURES			\$5,800,000	\$5,800,000
<u>SB33</u>	SDSMT	MINERAL INDUSTRIES INCREASED CONSTRUCTION COSTS	\$4,400,000		\$3,400,000	\$7,800,000
<u>SB93</u>	DSU	ATHLETIC EVENTS CENTER INCREASED CONSTRUCTION COSTS			\$11,953,000	\$11,953,000
<u>SB172</u>	BHSU	BHSU-RC WEST RIVER HEALTH SCIENCES CENTER DESIGN COSTS	\$1,500,000			\$1,500,000
<u>SB173</u>	NSU	NEW LINCOLN HALL DESIGN COSTS	\$1,500,000			\$1,500,000
TOTAL			\$10,400,000	\$0	\$21,153,000	\$31,553,000

ATTACHMENTS

None

INFORMATIONAL ITEM

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – J
DATE: March 29-30, 2023

SUBJECT

Supplemental FY23 General Fund M&R Allocation and Projects List

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

Deferred maintenance and building renovations have been a top priority for the Board of Regents and campus leadership for decades. As Regental institutions face aging building and growing maintenance backlogs, tackling deferred maintenance, and making major building updates have increasingly become a primary concern for the Board, campus presidents, academic leaders, and students. This issue became one of the Board's top FY24 budget priorities. Campuses were asked to identify their top two deferred maintenance projects, which totaled \$32,599,000.

During the 2023 legislative session, an additional \$18,148,600 in general fund maintenance and repair dollars were allocated to the Board of Regents in the FY23 general bill amendment. This addresses the top deferred maintenance priority for each of the campuses, as follows:

Projects Requested in Campus Priority Order – Top Priority Only		
Campus	Project	GF
BHSU	Woodburn Theatre Renovation	\$1,993,600
DSU	Beadle Hall Renovations	\$2,350,000
NSU	Renovate Gerber Hall – improve accessibility, renovate to modern teaching labs	\$2,500,000
SDSMT	Electrical Engineering Renovation – Air handlers, main & bldg. electrical, window/door replacement	\$1,875,000
SDSU	McFadden Hall – Lab Exhaust Replacement & Upgrades	\$6,000,000
USD	SD Union Renovation	\$3,430,000
		\$18,148,600

(Continued)

DRAFT MOTION 20230329 7-J:

I move to approve the Supplemental General Fund M&R requested projects for FY23 as listed.

IMPACT AND RECOMMENDATIONS

The supplemental FY23 funding is \$18,148,600. Because these funds were allocated as an amendment to the FY23 general bill, they will be available upon signature of the governor, but need to be spent or encumbered no later than June 30, 2025.

Campuses will match this appropriation with an additional \$18,148,600 in HEFF, general fund maintenance and repair, or other funds.

Approval of these supplemental FY23 general fund maintenance and repair projects will allow the universities to begin project planning and completion in a timely manner.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – K
DATE: March 29-30, 2023

SUBJECT

USD South Dakota Union Renovation Facility Design Plan (FDP)

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 5-14-1](#) – Classification of Capital Improvements

[SDCL § 5-14-2](#) – Supervision by Bureau of Administration of Capital Improvement

Projects – Payment of Appropriated Funds

[SDCL § 5-14-3](#) – Preparation of Plans and Specifications for Capital Improvements –
State Building Committees – Approval by Board or Commission in Charge of
Institution

[BOR Policy 6:4](#) – Capital Improvements

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

The University of South Dakota (USD) requests approval of the Facility Design Plan (FDP) for the South Dakota Union Renovation. The South Dakota Union Renovation Preliminary Facility Statement (PFS) and the Facility Program Plan (FPP) were approved by the Board of Regents at the December 2022 meeting with an overall project cost of \$6,800,000.

The South Dakota Union building has not had any major renovations since it was originally built in 1930. South Dakota Union is home to USD's Psychology department and is approximately 35,256 square feet. The renovation on the South Dakota Union building will completely renovate all four (4) floors of the building. The renovation will consist of a complete overhaul of all interior spaces, exterior windows, doors, framing, finishes, fire protection, plumbing, HVAC, and electrical systems.

On February 15, 2023, the Building Committee met and approved the Facility Design Plan with a total project cost of \$6,800,000 based on the breakdown below. The plans and specifications for this project are complete and this project is proceeding to bidding.

(Continued)

DRAFT MOTION 20230329_7-K:

I move to approve the University of South Dakota's Facility Design Plan for the South Dakota Union Renovation at a cost not to exceed \$6,800,000, to be funded by the sources identified in this item.

USD South Dakota Union Renovation Facility Design Plan (FD)

March 29-30, 2023

Page 2 of 2

Total Estimate of Probable Construction Costs	\$5,900,000
A/V & IT Allowance	\$350,000
A&E Fees	\$302,000
Commissioning	\$35,200
OSE Fees / USD Fees	\$120,000
Owner's Contingency	\$92,800
Project Total	\$6,800,000

With the additional General Fund M&R allocation received as part of HB1049 during the 2023 legislative session, the source of funding for the South Dakota Union Renovation will consist of \$3,400,000 in one-time State funding and \$3,400,000 in HEFF and General Fund M&R.

ATTACHMENTS

Attachment I – USD South Dakota Union Renovation Facility Design Plan (FDP)

FACILITY DESIGN PLAN

South Dakota Union Renovation

THE UNIVERSITY OF SOUTH DAKOTA

Introduction:

The Facility Program Plan for the South Dakota Union Renovation was approved by the board in December 2022.

Originally built in 1930, the South Dakota Union has gone without any major renovations. The building is approx. 35,256 square feet and currently houses the Psychology department. The building is in dire need of a major renovation. The windows, exterior doors, plumbing, mechanical and electrical systems are not energy efficient and are extremely old and outdated. There is limited ADA accessibility into the building and also within the building. The finishes throughout the building are outdated and in need of replacement. The building currently doesn't have a fire protection system and the existing fire alarm system is no longer supported.

The proposed renovation of the South Dakota Union building will completely renovate all four (4) floors of the building. The renovation will be a complete overhaul of all interior spaces, exterior windows, doors, framing, finishes, fire protection, plumbing, HVAC, and electrical systems. The new materials and systems will provide more energy efficiency to the building. This renovation will provide the space, accessibility, and energy efficiency needed for all students, faculty, staff, and the public who frequently utilize the building. The building will house clinic, classrooms, research spaces, offices, conference rooms, and restrooms on each floor. These improvements will provide a safer facility for students, staff, faculty, and visitors to the USD campus.

a. Architectural, mechanical, and electrical schematic design:

The renovation will include full demolition and reconstruction of all four levels plus the basement of the existing SD Union building. The renovation will include demolition, new secondary stair/egress pathway from all four floors above grade, new steel stud walls, insulation, blocking, finished drywall, doors/frames/hardware, aluminum windows and entrances, finished drywall, ceramic tile, acoustical ceilings, carpet, vinyl base, paint, toilet partitions, toilet accessories, ADA accessibility upgrades, casework/countertops, fire sprinkler system, plumbing piping and fixture upgrades, HVAC upgrades, and electrical upgrades.

Mechanical systems:

The project will remove existing steam radiators and window A/C units and install new packaged HVAC system, which includes all new ductwork, fans, split systems, VAV's, unit heaters, boiler, water heaters, pumps, and plumbing piping and fixtures.

Electrical systems:

The project will incorporate new electrical service, fire alarm system, LED lighting throughout, wiring, switches/outlets, occupancy sensors, electrical panels, breakers, security camera's, IT data cabling, and card access systems.

b. Changes from Facility Program Plan:

None

c. Impact to existing building or campus-wide heating/cooling/electrical systems:

The SD Union interior renovation will not affect the campus-wide heating system as it will utilize its own heating source and won't be tied to the campus steam system. The project will affect the overall heating and cooling costs for the campus, but due to more efficient equipment, USD is expecting these costs to be minimal. The electrical systems will incorporate LED lighting, occupancy sensors, etc. making the electrical systems more efficient and therefore USD is anticipating these costs to remain the same or improve.

d. Total project cost estimate:

The overall South Dakota Renovation project cost is \$6,800,000. The following presents the breakdown of the cost estimate.

Total Estimate Of Probable Construction Costs	\$5,900,000
A/V & IT Allowance	\$350,000
A & E Fees	\$302,000
Commissioning	\$35,200
OSE Fees / USD Fees	\$120,000
Owner's Contingency:	\$92,800
PROJECT TOTAL	\$6,800,000

(i) Source of funding for the South Dakota Union is outlined below:

- i. \$6,800,000 in HEFF M&R
OR
- ii. \$3,400,000 in one-time State funding
\$3,400,000 in HEFF M&R.

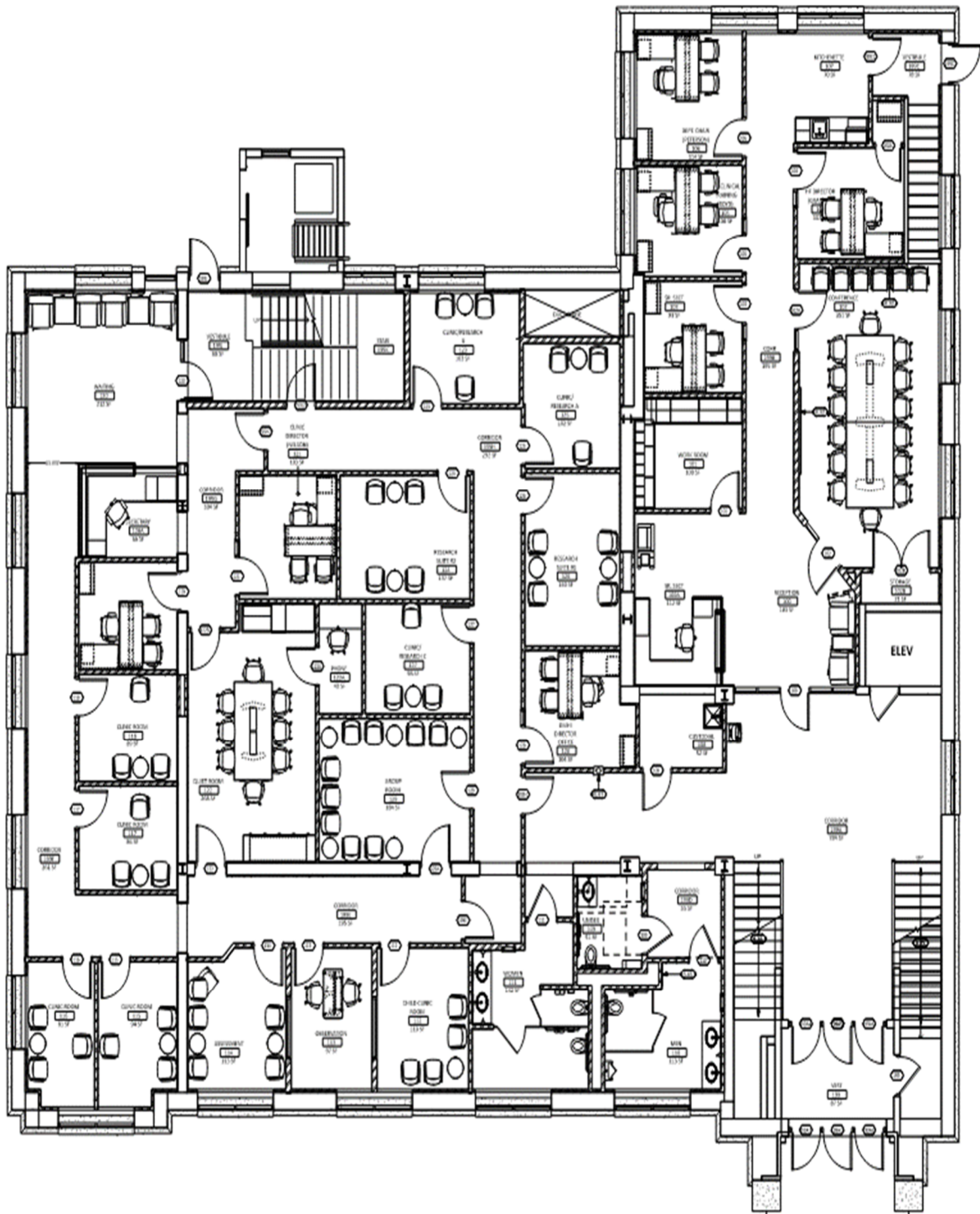
e. Changes from cost estimate for operational or M&R expenses:

There are no changes from Facility Program Plan

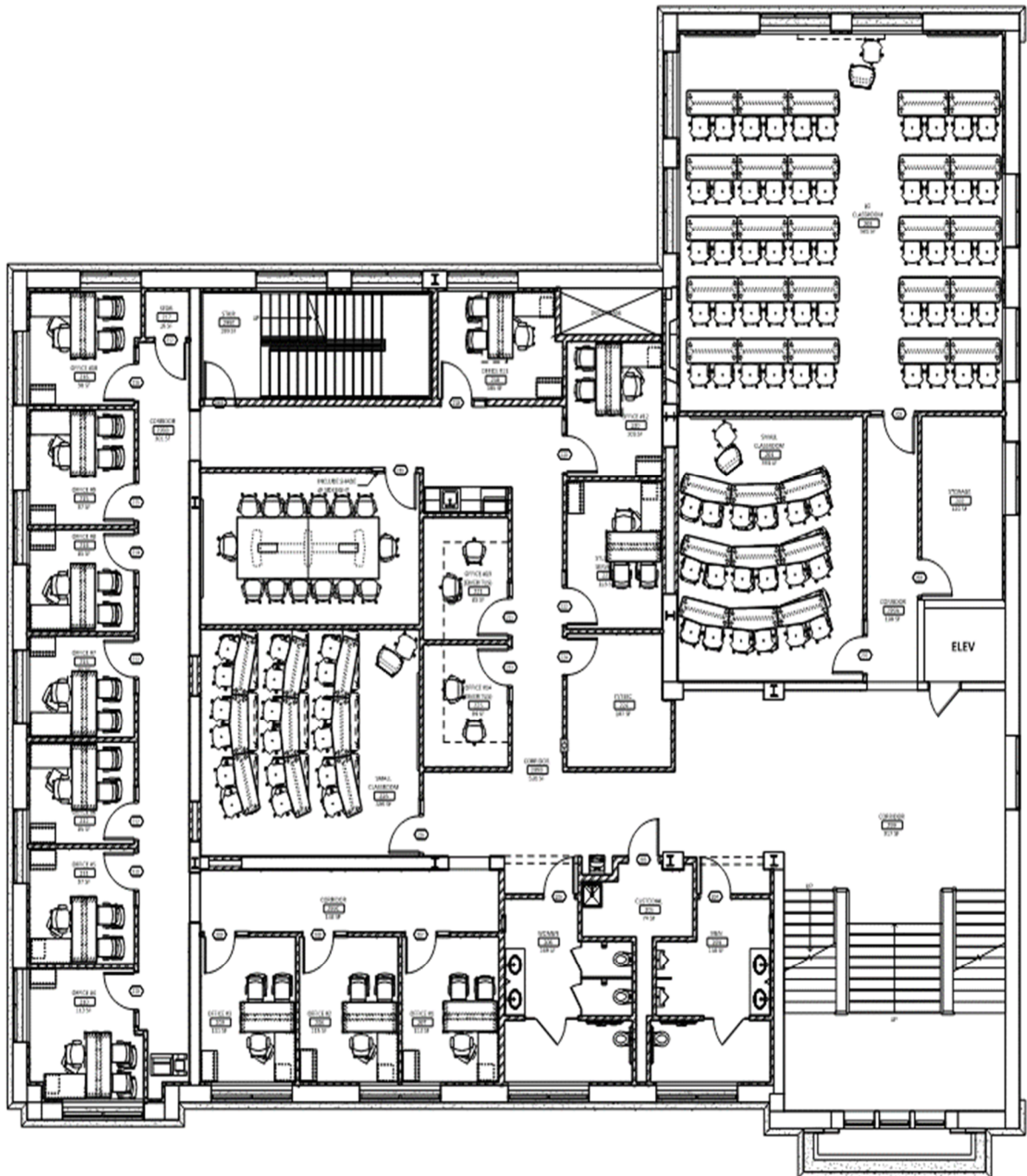
Attachments:

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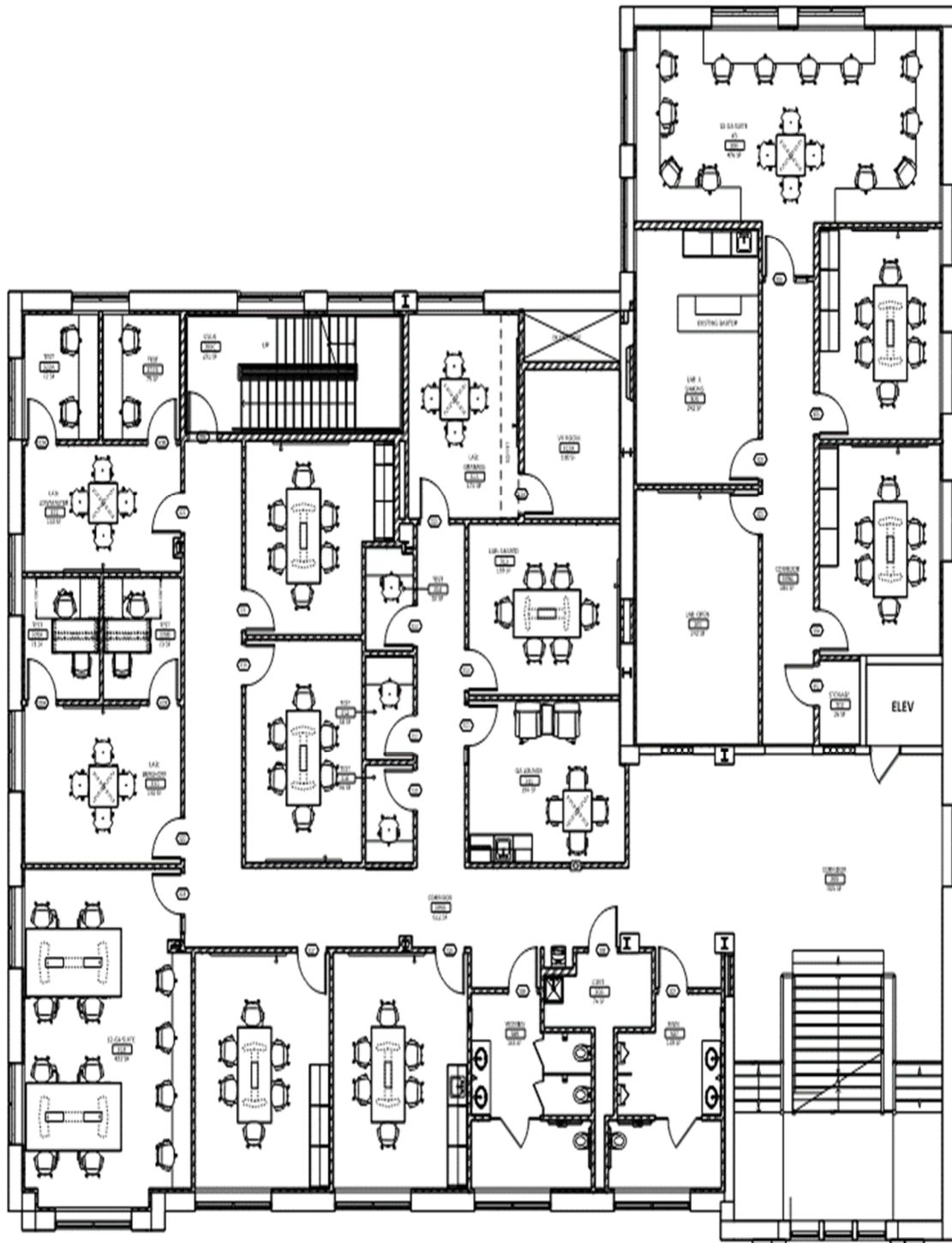


FLOOR PLANS:

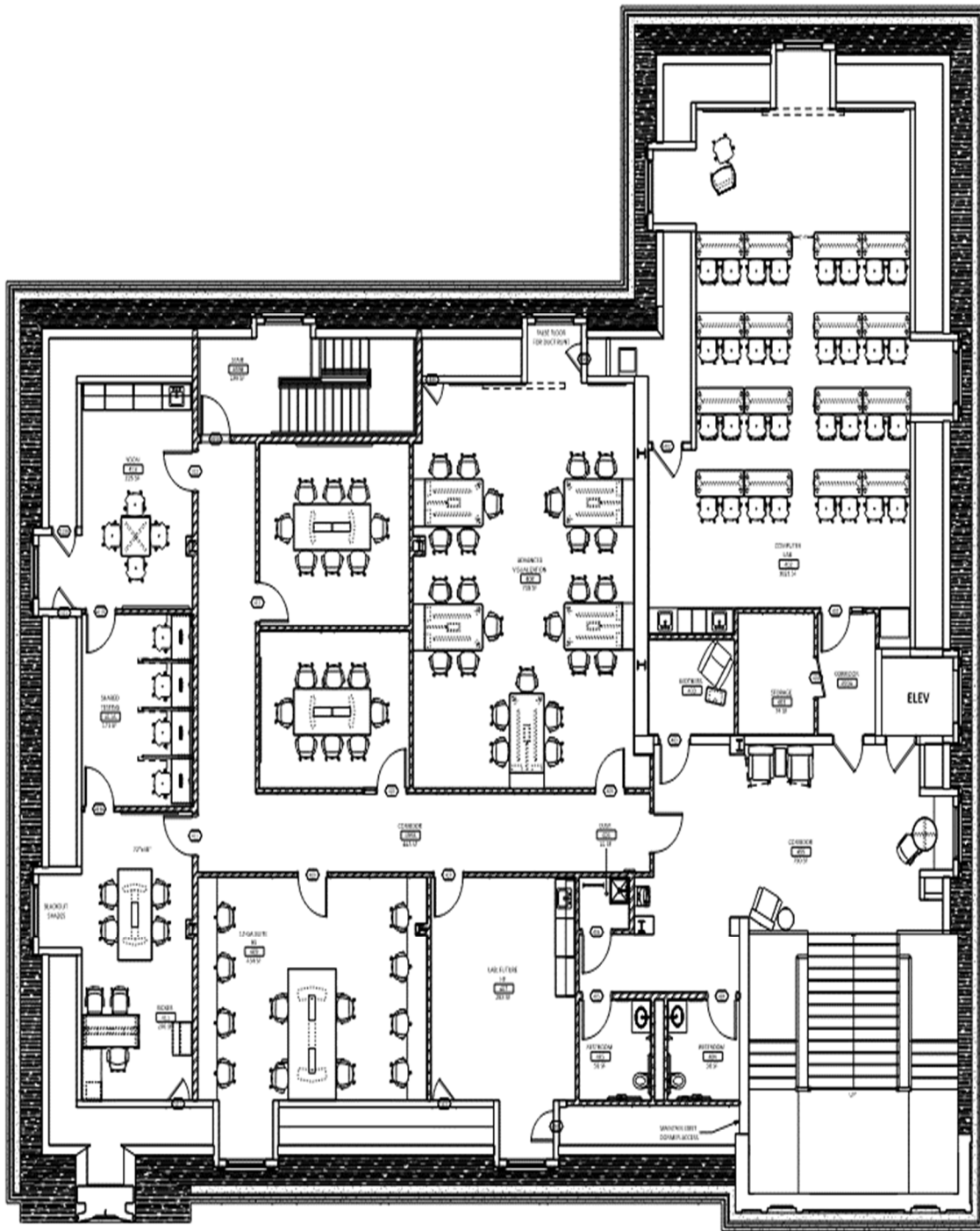
FIRST FLOOR PLAN
NOT TO SCALE



SECOND FLOOR PLAN
NOT TO SCALE



THIRD FLOOR PLAN
NOT TO SCALE



FOURTH FLOOR PLAN
NOT TO SCALE

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – L
DATE: March 29-30, 2023

SUBJECT

SDSU McFadden Biostress Revised Preliminary Facility Statement (PFS)

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 5-14-1](#) – Classification of Capital Improvements

[SDCL § 5-14-2](#) – Supervision by Bureau of Administration of Capital Improvement

Projects – Payment of Appropriated Funds

[SDCL § 5-14-3](#) – Preparation of Plans and Specifications for Capital Improvements –
State Building Committees – Approval by Board or Commission in Charge of
Institution

[BOR Policy 6:4](#) – Capital Improvements

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

South Dakota State University requests approval of its revised Preliminary Facility Statement (PFS) to plan a multiphase maintenance and repair project for upgrades to the lab exhaust systems of the McFadden Biostress building on campus. The original PFS was approved by the Board of Regents on December 12, 2019. At that time, the project was anticipated to cost \$5,500,000 and would be funded by HEFF.

During the 2023 legislative session, an additional \$18,148,600 in general fund maintenance and repair dollars were allocated to the Board of Regents in the FY23 general bill amendment to address the top deferred maintenance priority for each campus. SDSU identified this project as their highest priority with an estimated cost of \$12,000,000. The revised PFS includes an expanded scope and a match of \$6,000,000 in general fund maintenance and repair with \$6,000,000 of HEFF and Other Funds.

As one of the largest facilities on campus, the McFadden Biostress buildings is also one of SDSU's largest consumers of energy. The current lab spaces have constant volume exhaust fans for each lab space and fume hood, with no energy recovery system currently in place.

(Continued)

DRAFT MOTION 20230329_7-L:

I move to approve SDSU's Revised Preliminary Facility Statement for the upgrade and renovation of the lab exhaust systems in the McFadden Biostress building at an estimated cost of \$12,000,000 to be funded by supplemental general funds and a match of HEFF and Other Funds.

The proposed upgrades to the building's exhaust system will provide significant energy savings and operational improvements.

The basis of this project is to address M&R needs and upgrade the system to perform more efficiently and effectively like a modern lab system. This requires the replacement of the lab controls and exhaust system along with the addition of a heat recovery system. The building is 31 years old so the original equipment serving it is at the end of its useful life. There are two air handling units from the original phase of construction that serve lab spaces with these individual exhaust fans. The project will consolidate these into a single lab exhaust system for each air handling unit that will include energy recovery that will transfer energy from the exhausted air into the incoming outside air supplied to the space.

Incorporating an energy recovery system into a 100% outside air lab ventilation system typically results in space conditioning energy savings of 35-45%. In addition to energy savings, upgrades to the exhaust system would include remote monitoring and control, so maintenance personnel will be able to diagnose issues with the lab exhaust systems. The project will include new air valves with better controls, providing a more comfortable and safer environment for occupants. The upgraded monitoring and control systems will provide feedback to maintenance personnel to ensure adequate exhaust and fresh air is being supplied to occupied spaces in the building. The project will also replace the failing ductwork that is part of the laboratory exhaust system.

The roof, which is original to the building, will also need to be replaced as part of this project.

IMPACT AND RECOMMENDATIONS

In addition to the reducing energy consumption on campus, faculty and students will have a modern and consistent indoor environment to support their teaching, learning, and research needs.

ATTACHMENTS

Attachment I – SDSU McFadden Biostress Revised Preliminary Facility Statement

REVISED PRELIMINARY FACILITY STATEMENT
FOR
MCFADDEN BIOSTRESS LAB EXHAUST UPGRADES
SOUTH DAKOTA STATE UNIVERSITY

March 13, 2023

The original Preliminary Facility Statement (approved in December of 2019) included the request for an appointment of a building committee as this multiphase maintenance and repair project for upgrades to the lab exhaust systems at McFadden Biostress was expected to exceed \$5,500,000. SDSU also requested, and was granted, approval for the continuation of West Plains Engineering (WPE) design services through the remainder of the project. WPE was selected through a competitive selection process under statutory requirements and have completed conceptual design services. SDSU requests this project be exempted from the remainder of the Capital Improvement approval process. The project will be competitively bid following the State of South Dakota procurement laws.

- A. GENERAL PROGRAMMATIC NEEDS TO BE ADDRESSED: McFadden Biostress is one of SDSU's largest consumers of energy as it is one of the largest facilities on campus and includes a significant amount of lab space. The current lab spaces have constant volume, individual exhaust fans for each lab space and fume hood, with no energy recovery system. The combination of these creates an opportunity for significant energy savings and operational improvements through an exhaust upgrade project.

The basis of this project is to address M&R needs and upgrade the system to perform more efficiently and effectively like a modern lab system. This requires the replacement of the lab controls and exhaust system along with the addition of heat recovery. The building is 30 years old so the original equipment serving it is at the end of its useful life. There are two air handling units from the original phase of construction that serve lab spaces with these individual exhaust fans. The project will consolidate these into a single lab exhaust system for each air handling unit that will include energy recovery that will transfer energy from the exhausted air into the incoming outside air supplied to the space. Incorporating an energy recovery system into a 100% outside air lab ventilation system typically results in space conditioning energy savings of 35-45%. This will result in significant energy savings for the building and in turn the entire campus. The existing systems also do not have any remote monitoring or control, so maintenance personnel are not able to easily and quickly diagnose issues with the lab systems. This project will also replace the lab air

valves which control the airflow in and out of the space. New valves will have better controls, providing a more comfortable and safer environment for occupants. An upgraded, modern system will have direct communication with the building automation system, allowing maintenance personnel to monitor and control these spaces remotely to ensure temperatures and ventilation rates are being maintained.

A third air handling unit currently serves the office and classroom spaces in the building. This unit has a large ventilation load with no energy recovery so an energy recovery system will be explored for this unit as well. Though not as great as a lab ventilation system, there is potential for significant energy savings with this unit as well. The variable air volume boxes and controls of this system were upgraded during a previous phase so the needs in this area have been met.

The roof is original to the building and needs to be replaced, the removal of approximately 70 roof mounted fans and modifying those roof penetrations will require significant roofing work so full roof replacement is recommended.

B. ANALYSIS OF THE STUDENT BODY OR CONSTITUENTS TO BE SERVED:

Faculty and students will have more consistent indoor environments to support their teaching, learning, and research needs. They will also experience improved service from maintenance personnel due to the upgraded controls.

C. ADDITIONAL SERVICES TO BE OFFERED:

Various other control-type upgrades will be implemented where feasible with this project as well. Replacing pneumatic controls with electronic controls and incorporating modern energy-saving control sequences will all be explored with this project.

D. COMPLIANCE WITH CAMPUS MASTER PLAN:

The lab exhaust upgrades project at McFadden Biostress aligns with the campus master plan by reducing campus energy consumption and in turn lowering the average energy consumption per square foot across campus.

E. ANALYSIS OF NEEDS ASSESSMENT BASED ON THE FACILITIES UTILIZATION REPORT:

Facilities Utilization Report is not applicable to a lab exhaust upgrade project.

F. LOCATION:

The lab exhaust upgrades are located within the existing McFadden Biostress facility on the SDSU campus.

G. REALLOCATION OF OLD SPACE, IF ANY:

No reallocation of space will occur during this project.

H. PROPOSED FUNDING SOURCE/SOURCES:

As this is a maintenance and repair project for an academic facility, the project would be funded from a combination of FY23 Supplemental General Funds and Higher Education Facility Funds. Total cost estimates are anticipated to be nearly \$12,000,000. The University is submitting the project as a capital improvement per requirements of BOR Policy 6.4. The scope and priorities noted above will be matched to the funding. The University requests the West Plains Engineering be retained for full design services.

I. BUDGET FOR DEVELOPMENT OF A FACILITY PROGRAM PLAN:

West Plains Engineering, an engineering firm which specializes in lab exhaust systems, has been selected to develop the schematic design for the project. The estimated cost for schematic design and design development services for this project is approximately \$200,000. The funding source for these services provided to date and future services is HEFF #3H1903.

End of Preliminary Facility Statement

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – M
DATE: March 29-30, 2023

SUBJECT

NSU Gerber Hall Renovations Preliminary Facility Statement (PFS)

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 5-14-1](#) – Classification of Capital Improvements

[SDCL § 5-14-2](#) – Supervision by Bureau of Administration of Capital Improvement

Projects – Payment of Appropriated Funds

[SDCL § 5-14-3](#) – Preparation of Plans and Specifications for Capital Improvements –
State Building Committees – Approval by Board or Commission in Charge of
Institution

[BOR Policy 6:4](#) – Capital Improvements

[BOR Policy 6:6](#) – Maintenance and Repair

BACKGROUND / DISCUSSION

Northern State University requests approval of its Preliminary Facility Statement (PFS) for the renovation of Gerber Hall on campus. The project is anticipated to cost \$5,000,000 and will be funded by a combination of supplemental general fund maintenance and repair dollars, HEFF, and Other Funds.

During the 2023 legislative session, an additional \$18,148,600 in general fund maintenance and repair dollars were allocated to the Board of Regents in the FY23 general bill amendment to address the top deferred maintenance priority for each campus. NSU identified this project as their highest priority with an estimated cost of \$5,000,000.

Gerber hall is home to the Millicent Atkins School of Education. The building includes offices and four classrooms. The current classrooms were designed for a traditional teacher-centered environment and are not conducive to preparing 21st century leaders in education.

The vital priority for renovation of the existing space will be developing collaborative and engaging teaching, learning, and research environments conducive to first-rate professional

(Continued)

DRAFT MOTION 20230329_7-M:

I move to approve NSU's Preliminary Facility Statement for the renovations of Gerber Hall at an estimated cost of \$5,000,000 to be funded by supplemental general funds and a match of HEFF and Other Funds and to appoint a building committee.

education training. This will be accomplished by making better and efficient use of space, long hallways will be eliminated, and collaborative office pods will be created.

IMPACT AND RECOMMENDATIONS

Space within the building will be redesigned and include classrooms and lab areas that include a leading-edge education technology lab (EdTech lab) to facilitate active learning and avatar virtual simulation practice, a simulation lab for counselor education, an educational psychology lab to advance research in motivation and learning, flexible furniture, and adaptable common learning areas. The redesigned space will also elevate Northern's unique E-Learning mission to expand access across and beyond the region.

ATTACHMENTS

Attachment I – NSU Gerber Hall Renovations Preliminary Facility Statement

**PRELIMINARY FACILITY STATEMENT
Gerber Hall Renovation
Northern State University**

NSU requests approval of this Preliminary Facility Statement to develop preliminary plans to renovate Gerber Hall. NSU requests that a building committee be appointed and authorization be granted to engage consultants to undertake the analysis and planning needed for this project.

1. GENERAL PROGRAMMATIC NEED TO BE ADDRESSED

Gerber hall is home to the Millicent Atkins School of Education. The building includes offices and four classrooms. The current classrooms were designed for a traditional teacher-centered environment and are not conducive to preparing 21st century leaders in education.

The vital priority for renovation of the existing space will be developing collaborative and engaging teaching, learning, and research environments conducive to first-rate professional education training. This will be accomplished by making better and efficient use of space, long hallways will be eliminated, and collaborative office pods will be created.

Space within the building will be redesigned and include classrooms and lab areas that include a leading edge education technology lab (EdTech lab) to facilitate active learning and avatar virtual simulation practice, a simulation lab for counselor education, an educational psychology lab to advance research in motivation and learning, flexible furniture, and adaptable common learning areas. The redesigned space will also elevate Northern's unique E-Learning mission to expand access across and beyond the region.

Gerber Hall currently houses Teacher Education, Sports Sciences, Psychology, and Counselor Education. Each department is focused on student-centric instruction that incorporates authentic innovative strategies for training students to excel in the field of education. Presently, the building contains four classrooms that were designed for a traditional teacher-centered environment and the spaces are not conducive to preparing 21st century leaders in education.

The EdTech lab, educational psychology lab, and counselor education simulation lab will foster undergraduate and faculty research in critical areas, including E-Learning, student motivation, assessing teaching methods, and improving counselor preparation.

Teacher preparation in higher education should include facilities that provide realistic space for pre-service teachers to develop authentic skills and instructional strategies that they will later utilize in a K-12 classroom. Research in education and knowledge of how students learn best has informed design and architectural decisions in K-12 schools to provide learning environments that support a community of learners. Classrooms are active, adaptable, and support various modes of activity and learning. Schools implement technology that reflects

best practices in education, offer break-out areas for individualized instruction, and provide opportunities for students to collaborate. Classroom and school space is flexible to support current needs and to adapt to evolving programs.

In addition, the renovated space will contain simulation lab areas for counselor education and will include updated technology reflective of the program's Hy-Flex availability and dedicated space for research and testing in all areas of education.

2. ANALYSIS OF CONSTITUENTS TO BE SERVED

This project will serve the students, faculty, and administrators in the Millicent Atkins School of Education.

3. ADDITIONAL SERVICES OFFERED

Northern's teacher preparation program facilitates a reading clinic and a math clinic that serve students in grades 3-5 and Gerber is currently unable to offer space to conduct the clinics. The renovation and re-design will incorporate updated accessibility and space to enhance elementary students' experience at Northern and strengthen relationships with schools and parents.

4. COMPLIANCE WITH THE MASTER PLAN

Northern is in the process of updating the 2017 Campus Master Plan. Renovation of Gerber Hall has been identified as a top priority during the programming meetings and it will be included in 2023 Campus Master Plan to be finalized later this year.

5. ANALYSIS OF NEEDS ASSESSMENT BASED ON THE FACILITIES UTILIZATION REPORT

Not applicable.

6. LOCATION

This project is a renovation of Gerber Hall located on the campus of Northern State University.

7. REALLOCATION OF OLD SPACE, IF ANY

Not applicable.

8. PROPOSED FUNDING SOURCE

The total project cost approved by the 2023 South Dakota Legislature is \$5 million. The legislature appropriated \$2.5 million in state general funds. The remaining \$2.5 million will be funded with HEFF, state general fund M&R, and Other Funds.

9. BUDGET FOR DEVELOPMENT OF A FACILITY PROGRAM PLAN

Project fund balances in HEFF and state general fund M&R will be used to develop the Facility Program Plan.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – N
DATE: March 29-30, 2023

SUBJECT

DSU Athletics Events Center – Revised Facility Design Plan (FDP)

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 5-14-1](#) – Classification of Capital Improvements

[SDCL § 5-14-2](#) – Supervision by Bureau of Administration of Capital Improvement

Projects – Payment of Appropriated Funds

[SDCL § 5-14-3](#) – Preparation of Plans and Specifications for Capital Improvements –

State Building Committee – Approval by Board or Commission in Charge of

Institution

[BOR Policy 6:4](#) – Capital Improvements

[BOR Policy 6:6](#) – Maintenance & Repair

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests approval of a revised Facility Design Plan for the construction of the new Athletics Events Center. This revised Facility Design Plan primarily increases the overall budget for the facility. Per BOR Policy 6:4, since the budget has changed, it is necessary to resubmit the Facility Design Plan for approval of the project.

The Athletics Events Center Preliminary Facility Statement was approved by the Board of Regents in December 2016. The Facility Program Plan was approved by the Board of Regents in October 2021 and the original Facility Design Plan was approved March 2022.

IMPACT AND RECOMMENDATIONS

This project would enable DSU to develop plans for an on-campus facility that will provide a new Event Center and adjoining fields for competition, practice, academic space, and support space. The facilities would also allow for growth in academic programs, such as biomechanics and an Institute on Human Performance and Aging. This project is the first phase of a larger scale Athletics Masterplan. The goal of the DSU Athletics Masterplan is to create a state-of-the-art sports campus for both men's and women's sports with new and renovated facilities to advance Trojan sports and foster recruitment of topflight athletes, coaches, and staff. The athletics district will include a football stadium with both indoor

(Continued)

DRAFT MOTION 20230329_7-N:

I move to approve the Revised Facility Design Plan for DSU's Athletics Event Center with construction cost estimates of \$40,750,000 using private donations.

and outdoor suites, an interactive hall-of-fame, team lockers, and training facilities. A future phase would include a multi-purpose/competition Arena and an indoor sports training complex with a 300-meter track. The masterplan also includes a softball field, baseball field, soccer field, and various training facilities. The planning of this project aims at creating adjacencies in the design to share hospitality, support, and training spaces between the existing Memorial Fieldhouse, indoor and outdoor track, football stadium, and future Arena.

The additional spending authority for the project was granted with the passage of SB93 during the 2023 legislative session.

TOTAL CONSTRUCTION COST ESTIMATES

Description	Budget amount
Construction Costs	\$37,000,070
Total Contingency	\$751,930
Professional Fees	\$1,918,000
OSE Fee	\$75,000
FF&E	\$805,000
Commissioning	\$100,000
Geotechnical, Survey, and Construction Testing	\$90,000
Miscellaneous Fees	\$10,000
Total	\$40,750,000

PROPOSED FUNDING SOURCES

Total project cost is \$40,750,000 including construction, fees, and furnishings as identified in the table. This is \$7.75 million greater than the amount in the Facility Program Plan from March 2022. The increase consists of \$7 million from private funds guaranteed by the DSU Foundation and \$750,000 from Sodexo investments and other funds dedicated to the project. It is anticipated that that the \$40.75 million budget will not complete the entire interior of the building, thus requiring some spaces to be unfinished or “shelled” space.

ATTACHMENTS

Attachment I – DSU Athletics Events Center Revised Facility Design Plan

Dakota State University Athletics Events Center

Facility Design Plan - Revised



Dakota State University requests approval of the updated Facility Design Plan to construct a new Athletics Events Center on the campus. The [Preliminary Facility Statement](#) for this project was approved by the Board of Regents in December 2016 and the [Facility Program Plan](#) was approved October 7th, 2021. The original [Facility Design Plan](#) was approved March 30th, 2022. This updated Facility Design Plan primarily increases the overall budget for the facility.

A. Architectural, Mechanical, and Electrical Schematic Design

Architectural:

The planned facility will consist of spaces for student athletes, administration, coaches, academics, fans, and flexible hospitality spaces.

The building structure is planned to be a structural steel columns and beam framing with non-load bearing light gage metal studs to infill between steel columns. Typical floor framing will be concrete over composite floor deck on steel wide flange purlins. Typical roof framing will be metal roof deck on steel bar joists support by steel beams and columns.

The exterior cladding will be a combination of phenolic or metal panels and masonry. Window will be an aluminum storefront system. The roof will be adhered EPDM.

Athlete spaces

Lockers rooms are provided for football, baseball, softball and men's and women's soccer. The locker rooms are designed to use space efficiently by combining baseball and men's soccer in one space and softball and women's soccer in another space. With separate seasons for these sports, the design will take advantage of this efficient use of space. Locker rooms will accommodate lockers, toilets, sinks and showers. Direct outside access is provided out of each locker room to reduce debris from cleats tracking through the building.

Athletics support spaces

The building will include a strength and conditioning for athletics, a rehabilitation, and a therapy space.

E-sports athlete spaces

The Esports space features a PC café and a viewing area for over 100 people to gather and watch the events. The viewing area will also be used by the other sports teams.

Administration and coaches

Offices are provided in this space for the Athletics director, assistant athletics director, events director, sports information director, assistant sports information director, football head coach, football assistants, offensive assistant coaches, defensive assistant coaches, softball head coach, softball assistant coaches, baseball head coach, baseball assistant coaches, and an administrative assistant.

Academics

A biomechanics lab, two classrooms, and space to accommodate the Institute on Aging are provided in this facility.

Fans and flexible hospitality spaces

The general admission fan spaces consist of outdoor bleachers, with seatbacks located in the middle section. These bleachers are connected to a field level concourse along the building with two concessions spaces located at open gathering areas. Restrooms are centrally located to serve these fans. Suites are inside the building on the second level with a suite lounge centrally located to provide drink service, food, and socializing. The suites spaces will be used as conference and meeting rooms on non-game days. Another hospitality space is located on the south end of the facility for the Trojan Athletics Club members with a deck open to the field. This space is also sized to support events separate from game day. The two classrooms are located along the east façade, facing the field for flexible use during game time. A team store space is being planning to sell Trojan merchandise.

Kitchen and Catering

The building contains a kitchen with freezer and cooler space on second floor that will be able to service the suites and hospitality areas on game days. This will also provide catering services for other events and activities within the facility.

Future planning

The building is being designed to accommodate future connections to an arena (basketball, volleyball, and other sports) to the southwest and an indoor track and turf field facility to the north. The building contains a kitchen that will be able to service the suites and hospitality areas on game days, and also provide catering services for other events and activities within the facility.

*Mechanical:**HVAC System:*

The individual spaces will be conditioned with terminal heat pump units as manufactured by Bulldog Heat Pump or approved equivalent, similar to the system currently installed in East Hall and Heston Hall on campus. Each terminal heat pump will be connected to a two-pipe condenser water system. Dedicated outside air (DOAS) units will be used to temper ventilation air to be furnished into each individual space and will operate independently from the heat pump units. Addressing the ventilation air separately will save fan energy and improve indoor air quality. Heating will be provided by high efficiency condensing boilers.

*Plumbing System:**Plumbing Fixtures:*

Plumbing fixtures to be high efficiency low water consumption fixtures to meet the requirements for the Water Use Reduction Green Globe credits. Wall mounted 1.28 gpf water closets with automatic battery flush valves and wall mounted 0.125 gpf urinals with automatic battery flush valves will be installed. The facility will also have dual height electric water cooler sets with integral bottle fillers. Lavatories will have manual single lever 0.5 gpm faucets with thermostatic mixing valves at each lavatory.

New wall hydrants and hose bibs will be provided as needed in exterior and interior locations. All exterior hydrants shall be freeze-less type. A wall hydrant will be provided near the new chiller for cleaning purposes.

Domestic Water Piping & Insulation

New domestic water piping will be installed and distributed appropriately throughout the facility. It is anticipated that the domestic water service will be 4". The domestic water will be brought into the Field Level (Level 100) mechanical space parallel to the fire protection service. Plans for a water softening system will be incorporated. All mains & branch piping shall be insulated with fiberglass with vapor barrier.

Domestic Hot Water System

Domestic hot water will be provided to the facility via three gas-fired hot water heaters located in a Field Level (Level 100) mechanical room. Two of the hot water boilers will meet the required demand while the third hot water boiler will provide redundancy.

Sanitary Waste/Venting

All sanitary waste and venting shall be PVC piping and cast iron when within return air plenums.

Natural Gas Piping

All natural gas piping shall be schedule 40 black pipe with isolation valves and pressure reducing valves as necessary serving high efficiency hot water boilers & water heaters.

Storm Drainage

Room drainage will include piped primary drains with overflow scuppers. Interior piped drains will be PVC piping encased in insulation piped down to below grade to the site detention system.

Fire Sprinkler System:

A new fire protection service, anticipated to be 6", will enter the facility in a mechanical space. The new system and all components will be installed to meet NFPA 13 standards. This system will serve the entire building.

*Electrical:**Lighting System:**Building Lighting*

The lighting system shall include the provisions, installation and connection of lighting panels, lighting contactors, grounding, light fixtures, switches, and other material required for a complete installation. Lighting in general will be LED. No incandescent fixtures will be used. Light level will be determined per the IES recommended illumination levels for the various categories-tasks. Calculations will be done using "zonal cavity" method. Occupancy sensors will be utilized to provide energy conservation and comply with IECC and per ASHRAE 90.1. The project shall consist of a full lighting control system that will have capability of reporting energy usage to a central system.

Exterior Lighting

Exterior lighting on the building will be LED type with full cut-off fixtures.

Field Lighting

New LED energy efficient field lighting will be furnished and installed. The new football field and soccer/track lighting will be designed to IES level 2 class of play standards. The field lighting will provide an average of 50 horizontal footcandles with a maximum uniformity (max to min) of 2.0. It will provide a minimum of 40 vertical footcandles. The field lighting for the football field will consist of LED fixtures mounted to poles on the east side and mounted above the building on poles on the west side. This lighting shall also be used to illuminate the new and existing spectator seating. The average of 10 horizontal footcandles will be provided on a plane parallel to the stairs on the floor of the stands.

Fire Alarm System / Life Safety Systems:

The fire alarm system shall be installed to meet the present code requirements and meet DSU's standards. A fully addressable system will be used. The fire alarm system shall be able to communicate with existing fire alarm system. Exit and emergency lighting will be placed according to life safety codes.

Data / Phone System:

The data system will be installed by a BICSI certified installer. The new data/cabling system will meet the requirements of the latest edition of the DSU Technology Specifications, Building Infrastructure Requirements for DSU-Owned Buildings. The data and phone systems will be connected to the campus system using fiber optic cable.

Security System:

The security system will consist of rough ins for the cameras and door accesses systems. The locations would be coordinated with the owner. Rough ins would consist of conduits, terminated and tested cabling, and boxes. The security equipment would be by owner.

Power System:

Electrical Service will be a standalone feed from the City of Madison's North substation. The main service will be in the mechanical room on the first floor. 480v panelboards, step down transformers, and 208v panelboards will be installed in the first-floor mechanical room with additional panels located on the second floor as needed. Panelboard locations will be coordinated with other trades to minimize conflicts and allow for future electrical power needs. Common area lighting, power, and equipment will be metered according to the Green Globe's requirements.

All electrical devices (switches, outlets) will be commercial grade. All wiring will be in accordance with the National Electrical Code and the South Dakota State Electrical Commission Wiring Bulletin. EMT conduit will be used throughout the project for homeruns and for conduit runs between floors. There will be no PVC electrical conduit installed inside the building. Flexible metal conduit will be used for wiring light fixtures and motors.

B. Changes from Original Facility Design Plan (March 2022 version)

Changes include:

- Budget increase from \$33 million to \$40.75 million. This change is an increase of \$7 million from private funds guaranteed by the DSU Foundation through additional fundraising. The university also has up to \$750,000 that would be from capital investment from Sodexo and other funds dedicated to the project.

C. Impact to Existing Building or Campus-wide Heating/Cooling/Electrical Systems

The new building will have stand-alone heating system, thus will not impact the current boiler plant facility. DSU is still determining if the new building will connect to the campus electrical loop or direct connect to the utility provider, similar to how the Courtyard/LEC is connected.

D. Total Construction Cost Estimates

Total project cost is approximately \$40,750,000 including construction, fees, furnishings as identified in the following table. This is approximately \$7.75 million greater than the original amount in the original Facility Design Plan. The increase consists of \$7 million from private funds guaranteed by the DSU Foundation through additional fundraising and up to \$750,000 from investments from DSU's food service provider and other funds dedicated to the project.

It is anticipated that the \$40.75 million budget will not complete the entire interior of the building, thus requiring some spaces to be unfinished or "shelled" space.

The Facility Design Plan budget is as follows:

Description	Budget amount
Construction Costs	\$37,000,070
Total Contingency	\$751,930
Professional Fees	\$1,918,000
OSE Fee	\$75,000
FF&E	\$805,000
Commissioning	\$100,000
Geotechnical, Survey, and Construction Testing	\$90,000
Miscellaneous Fees	\$10,000
Total	\$40,750,000

E. Changes from Cost Estimates for Operational or M&R Expenses

There are no significant changes from the Facility Program Plan for operational costs estimates of the facility. M&R Expenses are anticipated to be a similar amount as estimated previously. The total sq. ft. of the building has been reduced, which reduces some M&R needs in the future, but that is anticipated to be offset by increased costs of the project.

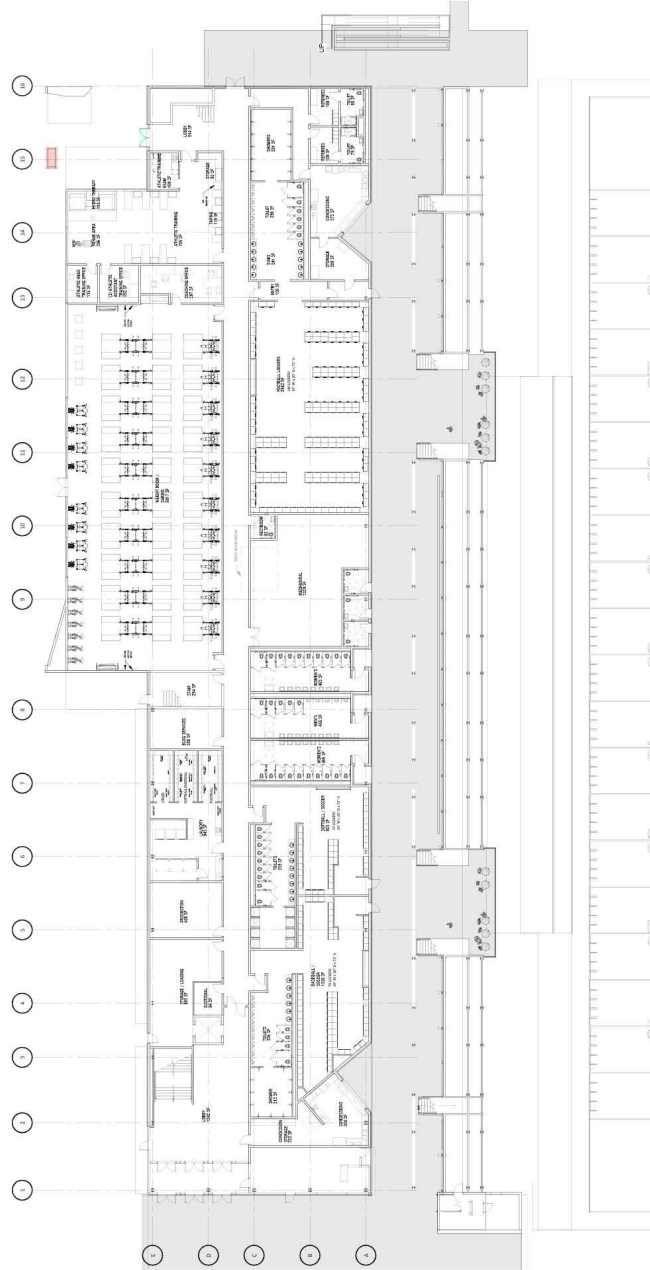
F. Planned Project Timeline:

Project Phase	Dates
Schematic Design	January 4, 2022 – February 24, 2022
Design Development <i>Board of Regents – Facility Design Plan Approval</i>	February 28, 2022 – April 29, 2022 March 29-30, 2022
GMP from Construction Manager	Final GMP March 2023
Construction Documents	May 2, 2022 – March 10, 2023
Construction (Building)	November 14, 2022 – July 14, 2024
Occupancy	July 15, 2024

Attachment I – Site Plan:



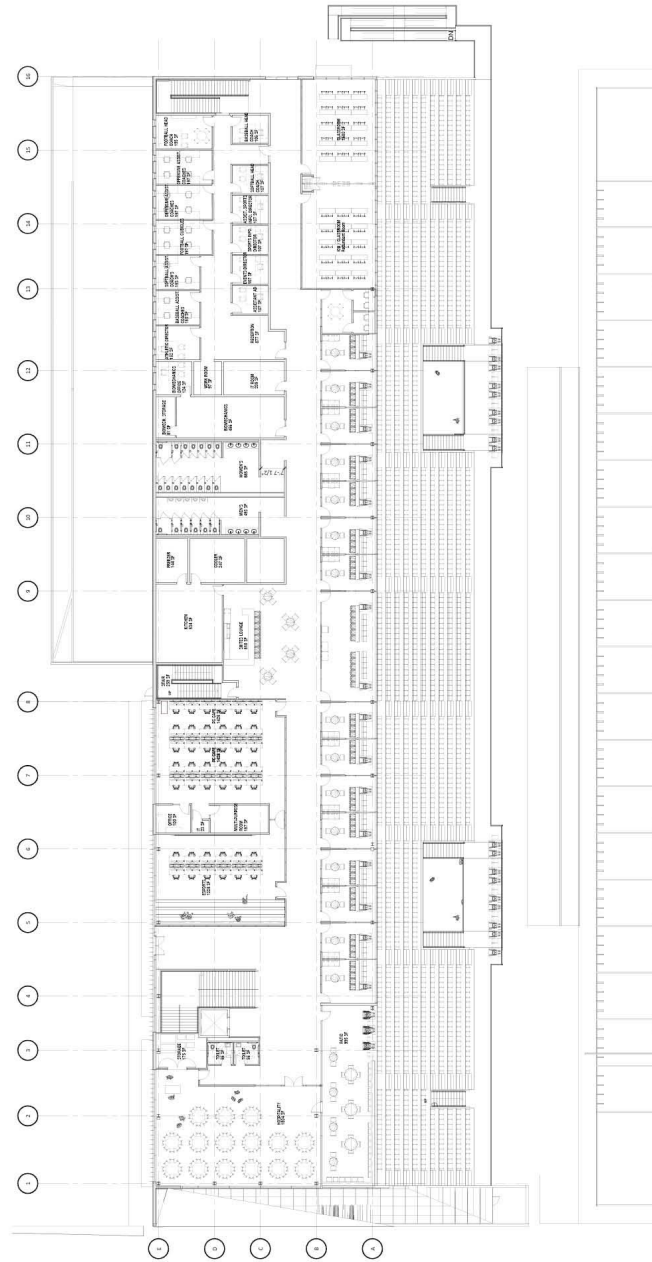
Attachment II – First Floor:



DSU ATHLETIC EVENT CENTER

JLIG FIRST FLOOR PLAN
MARCH 2022 | 17043.01 | © 2022 JLIG ARCHITECTS
DESIGN FOR LIFE

Attachment III – Second Floor:



DSU ATHLETIC EVENT CENTER

Attachment IV – Aerial Views:



JLG SOUTHEAST ENTRY
 MARCH 2022 | 17043.01 | © 2022 JLG ARCHITECTS
 DESIGN FOR LIFE

DSU ATHLETIC EVENT CENTER 1

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – O

DATE: March 29-30, 2023

SUBJECT

BOR 2023 Series Housing and Auxiliary Facilities System Revenue Bonds

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL § 13-51A](#) – Board of Regents Revenue Bonds

[SDCL § 13-51A-4](#) – Borrowing Power of the Board

[SDCL § 13-51A-13](#) – Power to Issue Bonds

BACKGROUND / DISCUSSION

Project Summary

This item relates to:

A) the issuance of Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “*Bonds*”) to

(i) finance improvements to the student wellness center of the University of South Dakota (“*USD*”) (the “*USD Project*”) and

(ii) depending on market conditions, refinance all or a portion of the outstanding Series 2013A Bonds (defined below) for the Institutional System for USD, and a portion of the outstanding Series 2014A Bonds (defined below) for the Institutional System for the Black Hills State University (“*BHSU*”), and for the Institutional System for the South Dakota School of Mines and Technology (“*SDSMT*”), and

B) the use of approximately \$5.1 million in certain South Dakota State University (“*SDSU*”) funds for the redemption and payment of the SDSU portion of the outstanding Series 2014A Bonds for the Institutional System of SDSU.

(Continued)

DRAFT MOTION 20230329_7-O:

I move to approve the Action Items 1, 2, 3, and 4 set forth in the body of this Board item. (Each action should be approved on separate motion and seconded, and a roll call vote on each should be taken and recorded.)

In the current interest rate environment, the Board's outstanding Series 2013A Bonds and Series 2014A Bonds can potentially be refunded in whole or in part and produce debt service savings. The timing of the sale of the Bonds and the selection of the Series 2013A Bonds and Series 2014A Bonds to be refunded, in order to realize and optimize refunding savings benefits, is dependent upon future market conditions. Given rapidly changing market conditions, the Bonds may be sold in a public or private sale. The authorization provided by the Board today will provide flexibility to react to quickly changing conditions in the financial markets.

Moody's will rate the Bonds. If available, the Board will be provided with that rating at the meeting.

Piper Sandler & Co. is the underwriter or placement agent (depending on whether the Bonds are offered in a public or private sale) for the Bonds.

Bond counsel and counsel to Piper Sandler & Co. have prepared the appropriate resolutions and documents to proceed with the next phases of the financing. The four action items needing approval by the Board include the following resolutions:

Board Action

The Board is requested to authorize (A) the issuance of the Bonds for the financing of (i) improvements to the student wellness center at USD, (ii) the costs of refunding all or a portion of the Board's outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A (the "*Series 2013A Bonds*" and the portion of such bonds to be refunded, the "*Series 2013A Refunded Bonds*") and the costs of refunding a portion of the Board's outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the "*Series 2014A Bonds*" and the portion of such bonds to be refunded "*Series 2014A Refunded Bonds*" and together with the Series 2013A Refunded Bonds, the "*Refunded Bonds*") which such Refunded Bonds to be redeemed on or shortly after the date of issuance of the Bonds; and (iii) the costs of issuance of the Bonds, through the issuance of the referenced Bonds, and (B) the use of approximately \$5.1 million in certain available SDSU funds for the redemption and payment of the SDSU portion of the Series 2014A Bonds for the Institutional System of SDSU on a date on or shortly after the issuance of the Bonds.

The timing of the sale of the Bonds and the selection of the Refunded Bonds to be refunded in order to realize and optimize refunding savings benefits is dependent upon future conditions in the financial markets. Market conditions may result in the refunding of less than all of or none of the Series 2013A Bonds and Series 2014A Bonds. Additionally, given rapidly changing market conditions, the Bonds may be sold in a public or private sale. The authorization provided by the Board will be effective for six months from the date hereof and may be renewed at a subsequent meeting of the Board.

Bond counsel for the Bonds has prepared appropriate resolutions and documents to proceed with the next phases of the financing. The four action items include resolutions:

Action 1

- 1A. Authorizing the issuance of additional series of Bonds under the Amended and Restated Bond Resolution adopted by the Board on October 21, 2004 (the “*Original Resolution*”) to finance:
 - (i) the refunding of all or a portion of the Refunded Bonds, but only if (a) there is a net present value savings from the portion of the Bonds attributable to the refunding and (b) the aggregate debt service on the portion of the Bonds attributable to the refunding does not exceed the aggregate debt service on the Refunded Bonds; and
 - (ii) costs of issuance of the Bonds;
- 1B. Authorizing the use of certain SDSU funds for the redemption and payment of the SDSU portion of the Refunded Series 2014A Bonds. (Attachment I—Sixteenth Supplemental System Revenue Bond Resolution (the “*Sixteenth Supplemental Bond Resolution*”));

Action 2

2. Approving the contract with Piper Sandler & Co., who will market the Bonds for the Board either acting as underwriter in a public sale or placement agent in a private placement; *provided, however*, that the aggregate principal amount of Series 2023 Bonds sold pursuant thereto shall not exceed \$25 million, shall mature not later than April 1, 2043, shall bear interest at a true interest cost not exceeding 5%, and shall be sold in a public offering at an underwriter’s discount of not more than .5% of the par amount of the Series 2023 Bonds (Attachment II—Bond Purchase Agreement). If the Bonds are sold in a private sale, the Board authorizes a Placement Agent Agreement with Piper Sandler & Co. and a Bank Purchase Agreement or Agreements, if any, in connection with the sale of the Bonds to a Bank Purchaser or Purchasers in substantially the form or forms approved by the Authorized Officers (as defined below) (or their respective designees). An Authorized Officer (or one of their respective designees) is hereby authorized and directed to execute the Placement Agent Agreement, Bank Purchase Agreement or Agreements, if any, in the name of and on behalf of the Board, his or her execution thereof to constitute conclusive evidence of the Board’s approval of the terms of the Placement Agent Agreement and Bank Purchase Agreement or Agreements, if any;

Action 3

3. Ratifying the distribution of the preliminary official statement and approving the distribution of the official statement to reflect the actual terms of the transaction

once they are determined and the Bonds are ready for sale (Attachment III—draft Preliminary Official Statement);

Action 4

4. Authorizing the President of the Board, the President of South Dakota State University, the President of the University of South Dakota, the President of Black Hills State University, the President of South Dakota School of Mines & Technology, the Executive Director of the Board and other Board officials (each an “*Authorized Officer*”) to perform those acts and to execute those documents necessary to complete the Bond issue and the refunding of the Refunded Bonds, the payment and redemption of the SDSU portion of the Refunded Series 2014A Bonds, and the execution and delivery of such documents of sale of the Bonds as may be necessary, including, without limitation, the Sixteenth Supplemental Bond Resolution, and the Bond Purchase Agreement; and
5. Making the certifications required prior to the issuance of additional Bonds under Section 14(K) of the Original Resolution based on the Actual Net Revenues of the System for each of the two most recent Fiscal Years and the Projected Net Revenues of the System for each of the specified three Fiscal Years.

Except for the distribution of the preliminary official statement, the documents approved under this action will not be completed and executed until the Bonds are issued; *provided* that the Bond Purchase Agreement and the official statement will not be completed and executed until the Bonds are sold to the underwriter.

The contents of the documents referenced in the first four items are as follows:

The first document referenced in the resolution is the Sixteenth Supplemental Bond Resolution, under which the Bonds are to be issued. The Sixteenth Supplemental Bond Resolution supplements the Original Resolution, as supplemented and amended to date, and describes the terms of the Bonds as additional parity bonds under the Original Resolution, and outlines the conditions under which the Bonds may be redeemed, describes the disposition that will be made of the Bond proceeds, stipulates that the Bonds will not constitute a debt chargeable to the general revenues of the State, and, when adopted, authorizes the sale of the Bonds and the use of certain SDSU funds for the redemption and payment of the SDSU portion of the Refunded Series 2014A Bonds.

The second document referenced in the resolution is the Bond Purchase Agreement between the Board and the underwriter. This document reiterates the various assurances that the Board must give in order to establish that the issuance of the Bonds is within its legal authority and is otherwise consistent with State law; that the issuance has been effected in the manner required by law; that the statements made on the Board’s behalf in the various documents prepared in furtherance of the transaction are accurate; that no

proceedings are underway, by referendum, court action or otherwise, to impede the completion of the Bond issue; that the Board will cooperate with the underwriter as needed to complete the sale of the Bonds; that the Board operates the properties of the System consistently with governing law, and that the Board will notify the underwriter of any changed circumstances or new information that would affect the accuracy of the documents or the marketability of the Bonds. The document also provides for termination of the agreement, identifies additional certifications and opinions of counsel required to complete the transaction, provides for mutual covenants and stipulates that Board members will not be liable to the underwriter.

The third document referenced is the Preliminary Official Statement, which is provided to prospective purchasers in order to assist them in determining whether the Bonds are a sound investment. The Preliminary Official Statement describes the Bonds to be issued, the manner of their purchase, transfer and redemption, the expected use of Bond proceeds and the SDSU funds, the source of funds for their repayment, the various financial, demographic and programmatic factors that provide assurance that there will be sufficient System revenues to retire the Bonds, the Bond rating and their federal tax treatment and the continuing disclosure obligations of the Board with respect to the Bonds. The Official Statement will be prepared in final form once the amount, interest rate and the date of sale are determined.

The Sixteenth Supplemental Bond Resolution was prepared by bond counsel. The Preliminary Official Statement and the Bond Purchase Agreement were prepared by counsel to the underwriter.

IMPACT AND RECOMMENDATIONS

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.

ATTACHMENTS

Attachment I – Sixteenth Supplemental Bond Resolution

Attachment II – Preliminary Official Statement

Attachment III – Bond Purchase Agreement

SOUTH DAKOTA BOARD OF REGENTS

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BONDS BY THE SOUTH DAKOTA BOARD OF REGENTS; PRESCRIBING ALL THE DETAILS OF SAID BONDS, AND SUPPLEMENTING THE RESOLUTION AUTHORIZING THE ISSUANCE OF HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BONDS APPROVED OCTOBER 21, 2004, AS SUPPLEMENTED AND AMENDED BY RESOLUTIONS ADOPTED BY THE BOARD ON DECEMBER 6, 2005, AS AMENDED, NOVEMBER 22, 2006, AS AMENDED, DECEMBER 13, 2007, AS AMENDED, MARCH 28, 2008, AS AMENDED, OCTOBER 22, 2008, AS AMENDED, MAY 21, 2009, AS AMENDED, OCTOBER 12, 2011, AS AMENDED, DECEMBER 12, 2012, DECEMBER 4, 2013, AS AMENDED, AUGUST 14, 2014, DECEMBER 2, 2015, DECEMBER 7, 2016, DECEMBER 6, 2017, DECEMBER 11, 2019 AND DECEMBER 9, 2020.

SIXTEENTH SUPPLEMENTAL SYSTEM REVENUE
BOND RESOLUTION APPROVED MARCH 30, 2023

Re: Housing and Auxiliary Facilities System Revenue Bonds, Series 2023

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A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BONDS BY THE SOUTH DAKOTA BOARD OF REGENTS; PRESCRIBING ALL THE DETAILS OF SAID BONDS, AND SUPPLEMENTING THE RESOLUTION AUTHORIZING THE ISSUANCE OF HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BONDS APPROVED OCTOBER 21, 2004, AS SUPPLEMENTED AND AMENDED BY RESOLUTIONS ADOPTED BY THE BOARD ON DECEMBER 6, 2005, AS AMENDED, NOVEMBER 22, 2006, AS AMENDED, DECEMBER 13, 2007, AS AMENDED, MARCH 28, 2008, AS AMENDED, OCTOBER 22, 2008, AS AMENDED, MAY 21, 2009, AS AMENDED, OCTOBER 12, 2011, AS AMENDED, DECEMBER 12, 2012, DECEMBER 4, 2013, AS AMENDED, AUGUST 14, 2014, DECEMBER 2, 2015, DECEMBER 7, 2016, DECEMBER 6, 2017, DECEMBER 11, 2019 AND DECEMBER 9, 2020.

* * *

WHEREAS, under the terms and provisions of South Dakota Codified Laws, Chapter 13-49, the Board of Regents (the “*Board*”) was created to, among other matters, control and have jurisdiction of six state-supported universities, including Black Hills State University (“*BHSU*”), Dakota State University (“*DSU*”), Northern State University (“*NSU*”), South Dakota School of Mines and Technology (“*SDSMT*”), South Dakota State University (“*SDSU*”) and the University of South Dakota (“*USD*”) (collectively, the “*Institutions*” and each, an “*Institution*”); and

WHEREAS, under the terms and provisions of South Dakota Codified Laws, Chapter 13-51A (the “*Act*”), the Board is authorized to issue bonds to acquire any one project, or more than one, or any combination thereof, for each Institution under its jurisdiction and to refund bonds heretofore issued; and

WHEREAS, the Board on October 21, 2004, did duly adopt a resolution (herein called the “*Original Resolution*”) amending and restating previous resolutions relating to the Series 2003 SDSMT Bonds, the Series 2003 USD Bonds, the Series 2004 BHSU Bonds and the Series 2004 SDSU Bonds (all as defined in the Original Resolution) and authorizing the issuance of \$12,965,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2004A (the “*Series 2004A Bonds*”), and establishing a combined system of housing and auxiliary facilities (the “*System*”) pursuant to which each Institution continues to operate its existing system (collectively, the “*Institutional Systems*” and each, an “*Institutional System*”) but the revenues of which are subject to being used by the Board to avoid a potential default on each series of bonds issued by the Board on behalf of any Institution in the System pursuant to the Original Resolution (as more specifically defined in the Original Resolution, the “*Bonds*”); and

WHEREAS, the Board on December 6, 2005 did authorize the issuance and delivery of its \$14,810,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2005A (the “*Series 2005A Bonds*”) and the \$1,000,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2005B (Taxable) (the

“Series 2005B Bonds” and with the Series 2005A Bonds, the *“Series 2005 Bonds”*) pursuant to the Original Resolution, as supplemented by a First Supplemental System Revenue Bond Resolution (as amended on June 10, 2015, the *“First Supplemental Resolution”*), which Series 2005 Bonds were issued for projects for USD and SDSU; and

WHEREAS, the Board on November 22, 2006 did authorize the issuance and delivery of its \$9,015,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2006 (the *“Series 2006 Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Second Supplemental System Revenue Bond Resolution (as amended on July 19, 2011, the *“Second Supplemental Resolution”*), which Series 2006 Bonds were issued for projects for SDSU and BHSU; and

WHEREAS, the Board on December 13, 2007 did authorize the issuance and delivery of its \$8,540,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2007 (the *“Series 2007 Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Third Supplemental System Revenue Bond Resolution (as amended on July 19, 2011, the *“Third Supplemental Resolution”*), which Series 2007 Bonds were issued for projects for BHSU and DSU; and

WHEREAS, the Board on March 28, 2008 did authorize the issuance and delivery of its \$4,770,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2008A (the *“Series 2008A Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Fourth Supplemental System Revenue Bond Resolution (as amended on July 19, 2011, the *“Fourth Supplemental Resolution”*), which Series 2008A Bonds were issued for projects for DSU; and

WHEREAS, the Board on October 22, 2008 did authorize the issuance and delivery of its \$5,230,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2008B (the *“Series 2008B Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Fifth Supplemental System Revenue Bond Resolution (as amended on July 19, 2011, the *“Fifth Supplemental Resolution”*), which Series 2008B Bonds were issued for projects for SDSMT and NSU; and

WHEREAS, the Board on May 21, 2009 did authorize the issuance and delivery of its \$90,325,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2009 (Build America Program - Taxable) (the *“Series 2009 Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Sixth Supplemental System Revenue Bond Resolution, as amended on June 10, 2015 (the *“Sixth Supplemental Resolution”*), which Series 2009 Bonds were issued for projects for NSU, SDSMT, SDSU and USD; and

WHEREAS, the Board on October 12, 2011 did authorize the issuance and delivery of its \$63,480,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2011 (the *“Series 2011 Bonds”*) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Seventh Supplemental System Revenue Bond Resolution (as amended on June 10, 2015, the *“Seventh Supplemental Resolution”*), which Series 2011 Bonds were issued for projects for NSU and SDSU; and

WHEREAS, the Board on December 12, 2012 did authorize the issuance and delivery of its \$11,990,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A (the “*Series 2013A Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by an Eighth Supplemental System Revenue Bond Resolution (the “*Eighth Supplemental Resolution*”), which Series 2013A Bonds were issued for projects for USD and the refunding of the Series 2003 USD Bonds; and

WHEREAS, the Board on November 7, 2013 did adopt a Ninth Supplemental System Revenue Bond Resolution, which was amended and restated in its entirety on December 4, 2013 and further amended on June 10, 2015, pursuant to which the Board did authorize the issuance and delivery of its \$39,905,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the “*Series 2014A Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by an Amended and Restated Ninth Supplemental System Revenue Bond Resolution, as amended (the “*Ninth Supplemental Resolution*”), which Series 2014A Bonds were issued for projects for SDSU, BHSU and SDSMT and the refunding of certain of the outstanding Series 2004 SDSU Bonds and all of the outstanding Series 2004 BHSU Bonds; and

WHEREAS, the Board on August 14, 2014 did authorize the issuance and delivery of its \$13,760,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2014B (the “*Series 2014B Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Tenth Supplemental System Revenue Bond Resolution (the “*Tenth Supplemental Resolution*”), which Series 2014B Bonds were issued for projects for SDSMT and the refunding of certain of the outstanding Series 2003 SDSMT Bonds and Series 2004A Bonds, and paying the cost of certain expenses relating to the issuance of the Series 2014B Bonds; and

WHEREAS, the Board on December 2, 2015 did authorize the issuance and delivery of its \$22,525,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2015 (the “*Series 2015 Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by an Eleventh Supplemental System Revenue Bond Resolution (the “*Eleventh Supplemental Resolution*”), which Series 2015 Bonds were issued for projects for DSU and USD, and the refunding of certain of the outstanding Series 2005A Bonds, and paying the cost of certain expenses relating to the issuance of the Series 2015 Bonds; and

WHEREAS, the Board on December 7, 2016 did authorize the issuance and delivery of its \$19,625,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2016 (the “*Series 2016 Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Twelfth Supplemental System Revenue Bond Resolution (the “*Twelfth Supplemental Resolution*”), which Series 2016 Bonds were issued for projects for NSU and SDSU, and paying the cost of certain expenses relating to the issuance of the Series 2016 Bonds; and

WHEREAS, the Board on December 6, 2017 did authorize the issuance and delivery of its \$88,260,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2017 (the “*Series 2017 Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Thirteenth Supplemental System Revenue Bond

Resolution (the “*Thirteenth Supplemental Resolution*”), which Series 2017 Bonds were issued for projects for SDSMT and SDSU, refunding certain of the outstanding Series 2009 Bonds, and paying the cost of certain expenses relating to the issuance of the Series 2017 Bonds; and

WHEREAS, the Board on December 11, 2019 did authorize the issuance and delivery of its \$11,620,000 aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2019A (the “*Series 2019A Bonds*”), and \$4,590,000 aggregate principal amount of Housing and Auxiliary Facilities System Taxable Refunding Revenue Bonds, Series 2019B (the “*Series 2019B Bonds*” and together with the Series 2019A Bonds, the “*Series 2019 Bonds*”) pursuant to the Original Resolution, as supplemented, and as further supplemented by a Fourteenth Supplemental System Revenue Bond Resolution (the “*Fourteenth Supplemental Resolution*”), which Series 2019A Bonds were issued for a project for DSU and to pay the cost of certain expenses relating to the issuance of the Series 2019A Bonds, and which Series 2019B Bonds were issued to refund the NSU portion of the Series 2011 Bonds and to pay the cost of certain expenses relating to the issuance of the Series 2019B Bonds; and

WHEREAS, the Board on December 9, 2020 did authorize the issuance and delivery of its \$38,285,000 aggregate principal amount of Housing and Auxiliary Facilities System Refunding Revenue Bonds, Series 2021 (the “*Series 2021 Bonds*”), pursuant to the Original Resolution, as supplemented, and as further supplemented by a Fifteenth Supplemental System Revenue Bond Resolution (the “*Fifteenth Supplemental Resolution*”), which Series 2021 Bonds were issued to refund the SDSU portion of the Series 2011 Bonds and to pay the cost of certain expenses relating to the issuance of the Series 2021 Bonds; and

WHEREAS, the Board, upon due consideration and investigation, does now find and determine that it is advisable and necessary to authorize (i) (a) for the use and benefit of USD and its student body to pay the costs of financing the improvements to the Wellness Center for the USD Institutional System (as more particularly described in *Exhibit A-1*, the “*Series 2023 USD Project*”) and (b) the costs of refunding the Board’s outstanding Housing and Auxiliary Facilities Revenue Bonds, Series 2013A maturing on and after April 1, 2024 (as further described in *Exhibit C*, the “*Refunded Series 2013A Bonds*”); and (ii) and for the use and benefit of BHSU, SDSMT, and SDSU and their respective student bodies, to pay the costs of refunding the Board’s outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A maturing on and after April 1, 2024 (except for the Refunded Series 2014A SDSU Bonds which will be paid with the Available SDSU Funds (defined below) as described herein) (as further described in *Exhibit C*, the “*Refunded Series 2014A Bonds*” and, together with the Refunded Series 2013A Bonds, the “*Refunded Bonds*”); and (iii) to pay certain expenses relating to the issuance of the Series 2023 Bonds (defined below), pursuant to the Original Resolution; and

WHEREAS, in order to accomplish the purposes hereinabove referred to, it is advantageous to the Board and necessary that the Board (i) borrow money and issue and sell Bonds under the provisions of the Act and the Original Resolution and (ii) authorize the use of the Available SDSU Funds for the purposes of redeeming and paying the Refunded Series 2014A SDSU Bonds; and

WHEREAS, the Board now desires to create and to authorize the issue and delivery of an additional issue of Bonds under and in accordance with the Original Resolution, as supplemented by this Sixteenth Supplemental System Revenue Bond Resolution (this “*Sixteenth Supplemental*”

Resolution”) thereto, which additional Bonds shall be known as (a) “Housing and Auxiliary Facilities System Revenue Bonds, Series 2023” (the “*Series 2023 Bonds*”), which shall be issued for the purpose of financing the Series 2023 USD Project, refunding the Refunded Bonds (except for the Refunded Series 2014A SDSU Bonds which will be paid with the Available SDSU Funds), and paying the cost of certain expenses relating to the issuance of the Series 2023 Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the South Dakota Board of Regents, as follows:

ARTICLE I

DEFINITIONS; PLEDGE OF REVENUES

Section 1.1. Defined Terms. (a) Terms used in this Sixteenth Supplemental Resolution and not defined herein shall have the same meanings set forth in the Original Resolution.

(b) For purposes of this Sixteenth Supplemental Resolution, in addition to the terms defined in the WHEREAS Clauses, the following terms shall have the following meanings:

“*Available SDSU Funds*” means those certain SDSU funds on hand and legally available available for the redemption and payment of the Refunded Series 2014A SDSU Bonds.

“*Bond Registrar*” for the Series 2023 Bonds means First Bank & Trust, Brookings, South Dakota, and its successors and assigns.

“*Existing Facilities*” means, for each Institution, the facilities (including equipment) of such Institution described in *Exhibit A-2*, together with all improvements, repairs, extensions or replacements, hereafter constructed or acquired that have not been converted to non-income use or abandoned for non-economic feasibility, as determined by resolution of the Board and filed with the Executive Director.

“*Favorable Opinion of Bond Counsel*” means, with respect to any action the occurrence of which requires such an opinion, a written opinion of legal counsel acceptable to the Board, having a national reputation in the field of municipal law whose opinions are generally accepted by purchasers of municipal obligations, to the effect that such actions will not adversely affect the exclusion of interest on the Series 2023 Bonds from federal gross income for purposes of the Code.

“*Permitted Investments*” for the proceeds of the Series 2023 Bonds are any investments permitted by law.

“*Record Date*” means the fifteenth day of the calendar month preceding the calendar month in which an interest payment date occurs.

“*Refunded Series 2014A BHSU Bonds*” means all or a portion of the outstanding Series 2014A BHSU Bonds maturing on and after April 1, 2024.

“Refunded Series 2014A SDSMT Bonds” means all or a portion of the outstanding Series 2014A SDSMT Bonds maturing on and after April 1, 2024.

“Refunded Series 2014A SDSU Bonds” means all or a portion of the outstanding Series 2014A SDSU Bonds maturing on and after April 1, 2024 that will be paid from Available SDSU Funds.

“Series 2013A USD Bond and Interest Subaccount” means the subaccount of that name of the Bond and Interest Sinking Fund Account of the USD Institutional System for the Series 2013A Refunded Bonds.

“Series 2014A BHSU Bond and Interest Subaccount” means the subaccount of that name of the Bond and Interest Sinking Fund Account of the BHSU Institutional System for the Refunded Series 2014A BHSU Bonds.

“Series 2014A SDSMT Bond and Interest Subaccount” means the subaccount of that name of the Bond and Interest Sinking Fund Account of the SDSMT Institutional System for the Refunded Series 2014A SDSMT Bonds.

“Series 2014A SDSU Bond and Interest Subaccount” means the subaccount of that name of the Bond and Interest Sinking Fund Account of the SDSU Institutional System for the Refunded Series 2014A SDSU Bonds.

“Series 2023 BHSU Bond and Interest Subaccount” means the subaccount of that name established in Section 3.1(a)(i) of this Sixteenth Supplemental Resolution.

“Series 2023 BHSU Proportion” is defined in *Exhibit C*.

“Series 2023 Expense Fund” means the fund of that name established in Section 3.1(a)(ii) of this Sixteenth Supplemental Resolution into which a portion of the proceeds of the Series 2023 Bonds will be deposited and which will be used for the purpose of paying the costs of issuance of the Series 2023 Bonds.

“Series 2023 SDSMT Bond and Interest Subaccount” means the subaccount of that name established in Section 3.1(a)(i) of this Sixteenth Supplemental Resolution.

“Series 2023 SDSMT Proportion” is defined in *Exhibit C*.

“Series 2023 USD Bond and Interest Subaccount” means the subaccount of that name established in Section 3.1(a)(i) of this Sixteenth Supplemental Resolution.

“Series 2023 USD Project Construction Fund” means the fund of that name established in Section 3.1(a)(iii) of this Sixteenth Supplemental Resolution.

“Series 2023 USD Proportion” is defined in *Exhibit C*.

Section 1.2. Pledge of Revenues. The pledge of revenues and income contained in Section 10 of the Original Resolution is hereby ratified and confirmed. The Series 2023 Bonds

are payable from and secured by a pledge of and lien on the following sources in the following order of priority:

(a) the Net Revenues of the USD Institutional System, as to the Series 2023 USD Proportion; the Net Revenues of the BHSU Institutional System, as to the Series 2023 BHSU Proportion; and the Net Revenues of the SDSMT Institutional System, as to the Series 2023 SDSMT Proportion;

(b) uncommitted funds of the Repair and Replacement Reserve Accounts of USD, BHSU, and SDSMT, as to the Series 2023 USD Proportion, the Series 2023 BHSU Proportion, and the Series 2023 SDSMT Proportion, respectively;

(c) Net Revenues of the other Institutions, but only after provision for payment of interest due on the next interest payment date and one-half of the principal due on the Bonds issued on behalf of such Institutions within the succeeding 12 months;

(d) uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutions, in an amount and from such Institutions as determined by the Executive Director; and

(e) such other funds which may be pledged or used as authorized by the Act;

together with the outstanding Series 2006 Bonds, Series 2007 Bonds, Series 2008A Bonds, Series 2008B Bonds, Series 2011 Bonds, Series 2013A Bonds, to the extent not refunded by the Series 2023 Bonds, Series 2014B Bonds, to the extent not refunded by the Series 2023 Bonds, Series 2015 Bonds, Series 2016 Bonds, Series 2017 Bonds, Series 2019 Bonds, Series 2020 Bonds and Series 2021 Bonds (collectively, the “*Prior Parity Bonds*”), and any Parity Bonds issued in the future which are secured on a parity with the Series 2023 Bonds.

The Series 2023 Bonds are not secured by a Debt Service Reserve Subaccount.

ARTICLE II

SERIES 2023 BONDS AND THE ISSUANCE THEREOF

Section 2.1. Authorization of Series 2023 Bonds. For the purpose of paying (i) the costs of the Series 2023 USD Project, (ii) the costs of refunding the Refunded Bonds (except for the Refunded Series 2014A SDSU Bonds which will be paid using the Available SDSU Funds), and (iii) the expenses incurred in connection with the issuance of the Series 2023 Bonds, there is hereby authorized to be created an issue of Bonds of the Board in an aggregate principal amount not exceeding \$_____, as provided by the Act and the proceedings of the Board adopted on March 30, 2023.

Section 2.2. Authorization of Use of Available SDSU Funds. The Board authorizes the Available SDSU Funds to be used for the purposes of paying the costs of redeeming and paying the Refunded Series 2014A SDSU Bonds.

Section 2.3. Findings of the Board. Pursuant to Section 14(K) of the Original Resolution, the Board hereby makes the following determinations:

(a) The Series 2023 USD Project shall be a part of the System and the revenues derived from the operation of the Series 2023 USD Project are pledged as additional security for the payment of all Bonds outstanding and the Series 2023 Bonds.

(b) The Board is current in all transfers and deposits to be made under the terms of the Bond Resolution.

(c) The Board is in full compliance with all of the covenants and undertakings in connection with all Bonds currently outstanding and payable from the Net Revenues of the System or any part of it, and no event of default has occurred or is continuing under the Bond Resolution.

(d) (i) *Historic Test.* As shown on *Schedule I* attached hereto, Actual Net Revenues of the System for each of the two most recent Fiscal Years equal at least 120% of Annual Debt Service on all Outstanding Bonds, there being no outstanding additional obligations issued on a parity with the Bonds; and

(ii) *Projected Test.* As shown on *Schedule I* attached hereto, Projected Net Revenues of the System for each of the three full Fiscal Years immediately succeeding the issuance of the Series 2023 Bonds are equal to at least 120% of Annual Debt Service on all Outstanding Bonds, plus the Series 2023 Bonds, there being no additional obligations. The Annual Debt Service for the Refunded Bonds has been eliminated from this calculation.

(e) (i) The amount of each semiannual deposit into the Bond and Interest Sinking Fund Account of USD is hereby modified, after taking into account the savings from the refunding of the Refunded Series 2013A Bonds and the financing of the Series 2023 USD Project, so that such deposit shall now include a sum equal to the interest which will be payable by USD on the Series 2023 Bonds as shown in *Exhibit C* on the next succeeding interest payment date and one-half of the principal maturing as shown in *Exhibit C*, if any, within the next succeeding twelve-month period.

(ii) The amount of each semiannual deposit into the Bond and Interest Sinking Fund Account of BHSU is hereby modified, after taking into account the savings allocated to BHSU from the refunding of the Refunded Series 2014A BHSU Bonds, so that such deposit shall now include a sum equal to the interest which will be payable by BHSU on the Series 2023 Bonds as shown in *Exhibit C* on the next succeeding interest payment date and one-half of the principal maturing as shown in *Exhibit C*, if any, within the next succeeding twelve-month period.

(iii) The amount of each semiannual deposit into the Bond and Interest Sinking Fund Account of SDSMT is hereby modified, after taking into account the savings allocated to SDSMT from the refunding of the Refunded Series 2014A SDSMT Bonds, so that such deposit shall now include a sum equal to the interest which will be payable by

SDSMT on the Series 2023 Bonds as shown in *Exhibit C* on the next succeeding interest payment date and one-half of the principal maturing as shown in *Exhibit C*, if any, within the next succeeding twelve-month period.

(f) The Series 2023 Bonds shall not be secured by a Debt Service Reserve Subaccount.

(g) The minimum amount to be accumulated in the Renewal and Replacement Reserve Account of USD with respect to the Series 2023 USD Project shall be an amount equal to the existing RRR Requirement for USD and at least an additional five percent of the cost of construction of the Series 2023 USD Project plus the cost of any furnishing and moveable equipment for the Series 2023 USD Project which is financed with the proceeds of the Series 2023 Bonds.

Section 2.4. Terms of the Series 2023 Bonds. If issued pursuant to a public sale, the Series 2023 Bonds shall be issued as fully registered Bonds in the denomination of \$5,000 and integral multiples thereof (but no single Series 2023 Bond shall represent installments of principal maturing on more than one date), and shall be numbered 1 and upward. If issued pursuant to a private sale, the Series 2023 Bonds shall be issued as fully registered Bonds in the denomination of \$100,000 and integral multiples of \$5,000 thereof, or as otherwise set forth in *Exhibit C*, (but no single Series 2023 Bond shall represent installments of principal maturing on more than one date), and shall be numbered 1 and upward. The Series 2023 Bonds shall bear interest from their date or from the most recent interest payment date to which interest has been paid, or duly provided for, until the principal amount of the Series 2023 Bonds is paid, or such earlier date or dates as provided in the form of Series 2023 Bonds set forth in *Exhibit B*, such interest (computed upon the basis of a 360 day year of twelve 30-day months) payable semiannually on the first days of April and October in each year until paid, commencing on October 1, 2023, and shall mature on April 1 of each of the years, in the amounts, bear interest per annum and may be subject to optional and mandatory redemption, all as provided in *Exhibit C*. The aggregate principal amount of the Series 2023 Bonds shall be as set forth in *Exhibit C*.

All redemptions shall be made in the manner, upon the notice, and with the effect provided in *Exhibit C* and in the form of Series 2023 Bond set forth in *Exhibit B*.

Interest on each Series 2023 Bond shall be paid by check or draft of the Bond Registrar, in lawful money of the United States of America, to the person in whose name such Series 2023 Bond is registered at the close of business on the Record Date; *provided, however*, that interest on the Series 2023 Bonds held by a registered owner of at least \$100,000 in aggregate principal amount of the Series 2023 Bonds may also be paid by wire transfer of immediately available funds to any bank in the continental United States as such registered owner shall specify in a written request to the Bond Registrar. The principal of the Series 2023 Bonds shall be payable when due upon presentation and surrender thereof in lawful money of the United States of America at the principal corporate trust office of the Bond Registrar.

Section 2.5. Execution and Authentication of Series 2023 Bonds. The Series 2023 Bonds shall be signed by the facsimile signatures of the President and Executive Director of the Board and the seal of the Board or a facsimile thereof shall be impressed or imprinted thereon and in case

any officer whose signature shall appear on any Series 2023 Bond shall cease to be such officer before the delivery of such Series 2023 Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

All Series 2023 Bonds shall have thereon a certificate of authentication substantially in the form set forth in *Exhibit B* hereto duly executed by the Bond Registrar as authenticating agent of the Board and showing the date of authentication. No Series 2023 Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution unless and until such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such Series 2023 Bond shall be conclusive evidence that such Series 2023 Bond has been authenticated and delivered under the Bond Resolution. The certificate of authentication on any Series 2023 Bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Series 2023 Bonds issued hereunder.

Section 2.6. Form of Series 2023 Bonds. The Series 2023 Bonds shall be prepared in substantially the form attached hereto as *Exhibit B*.

ARTICLE III

PROCEEDS OF THE SERIES 2023 BONDS

Section 3.1. Creation of Funds and Accounts; Application of Series 2023 Bond Proceeds.

(a) There are hereby created and designated the following funds, accounts and subaccounts:

(i) a separate subaccount of the Bond and Interest Sinking Fund Account of each of the following Institutional Systems: (A) for USD's Institutional System, the "*Series 2023 USD Bond and Interest Subaccount*;" (B) for BHSU's Institutional System, the "*Series 2023 BHSU Bond and Interest Subaccount*;" and (C) for SDSMT's Institutional System, the "*Series 2023 SDSMT Bond and Interest Subaccount*;"

(ii) a separate Expense Fund under the Bond Resolution, designated the "*Series 2023 Expense Fund*;"

(iii) a separate Project Construction Fund under the Bond Resolution, designated the "*Series 2023 USD Project Construction Fund*."

(b) All deposits to the funds and accounts described in clauses (a)(i), (a)(ii) and (a)(iii) shall be made with the Depository.

(c) The proceeds of the Series 2023 Bonds and the Available SDSU Funds shall be deposited in the amounts set forth in *Exhibit C*, as follows:

(i) the amount necessary to pay the Refunded Series 2013A Bonds on their redemption date, as set forth in *Exhibit C*, of the Series 2023 Bonds, to the Series 2013A USD Bond and Interest Subaccount;

(ii) the amount necessary to pay the Refunded Series 2014A BHSU Bonds on their redemption date, as set forth in Exhibit C, of the Series 2023 Bonds, to the Series 2014A BHSU Bond and Interest Subaccount;

(iii) the amount necessary to pay the Refunded Series 2014A SDSMT Bonds on their redemption date, as set forth in Exhibit C, of the Series 2023 Bonds, to the Series 2014A SDSMT Bond and Interest Subaccount;

(iv) the amount necessary to pay the Refunded Series 2014A SDSU Bonds on their redemption date, as set forth in Exhibit C of the Series 2023 Bonds, to the Series 2014A SDSU Bond and Interest Subaccount;

(v) the amount necessary to finance the Series 2023 USD Project, to the Series 2023 USD Project Construction Fund; and

(vi) the remaining proceeds of the Series 2023 Bonds, to the Series 2023 Expense Fund.

(d) Amounts in the Series 2023 Expense Fund shall be used to pay the expenses of the issuance of the Series 2023 Bonds not paid on the date of the delivery of the Series 2023 Bonds. Any excess after payment of such expenses shall be deposited by the Executive Director in the Series 2023 USD Project Construction Fund, or as otherwise determined by the Executive Director.

Section 3.2. Call of the Refunded Bonds . In accordance with the redemption provisions of the Refunded Bonds, the Board does hereby make provision for the payment of and does hereby call (subject only to the delivery of the Series 2023 Bonds and deposit of the Available SDSU Funds in the Series 2014A SDSU Bond and Interest Subaccount) the Refunded Bonds for redemption on the date set forth in *Exhibit C*.

Section 3.3. Series 2023 USD Project Construction Fund. Except as otherwise provided in the Bond Resolution, all moneys held in the Series 2023 USD Project Construction Fund shall be used or held for use solely for the payment of the cost of the Series 2023 USD Project. The moneys in the Series 2023 USD Project Construction Fund that are not needed for expenditures therefrom may be invested and reinvested in any Permitted Investments, having a maturity date, or becoming due at the option of the holder, not more than three years subsequent to the date of investment or the completion of the Series 2023 USD Project, whichever is sooner, having due regard to the estimates of USD as to the times such moneys will be needed. Interest, or any profit or loss realized, from such investments prior to the completion of the Series 2023 USD Project shall be deposited in or charged to the Series 2023 USD Project Construction Fund.

The description of the Series 2023 USD Project set forth in *Exhibit A-1* (the “*Series 2023 USD Project Description*”) may be supplemented or amended at any time by the Board, without the consent of any Series 2023 Bondholder as long as the facilities to be added to the Series 2023 USD Project Description are authorized by the Act and upon receipt of a Favorable Opinion of Bond Counsel with respect to such supplement or amendment. Prior to the application of money in the Series 2023 USD Project Construction Fund for the cost of facilities to be included in the

amended Series 2023 USD Project Description and if the facilities to be so included are not already a part of the USD Institutional System, the Board shall adopt a resolution which describes such new facilities in sufficient detail to allow such facilities to be included in the USD Institutional System and which includes such facilities in the USD Institutional System. The Board shall also adopt a resolution which amends the Series 2023 USD Project Description; *provided* that, if the Board has previously delegated authority to make expenditures consistent with such changes to the Series Series 2023 USD Project Description, such delegation shall control.

If, upon the completion of the Series 2023 USD Project, such proceeds received from the sale of the Series 2023 Bonds deposited in the Series 2023 USD Project Construction Fund or transferred therein from the Series 2023 Expense Fund, and the investment income thereon, shall exceed the cost of the Series 2023 USD Project, any surplus shall be (i) paid into the Series 2023 USD Bond and Interest Subaccount of the Bond and Interest Sinking Fund Account of USD and shall be used for the next interest payment on the Series 2023 Bonds or (ii) used for any purpose approved by Bond Counsel.

ARTICLE IV

MISCELLANEOUS

Section 4.1. Non-Arbitrage; Tax Law Compliance. The Board further covenants that it will not make any investment or do any other act or thing during the period that any Series 2023 Bonds are outstanding which would cause the Series 2023 Bonds to become or be classified as “arbitrage bonds” within the meaning of Section 148 of the Code and the regulations thereunder now or hereafter proposed or published in the Federal Register or as promulgated in final form.

The Board also agrees and covenants with the purchasers and holders of the Series 2023 Bonds from time to time outstanding that, to the extent possible under South Dakota law, it will comply with whatever federal tax law is adopted in the future which applies to the Series 2023 Bonds and affects the exclusion of interest on the Series 2023 Bonds from federal gross income of the owners thereof.

The Board agrees to comply with all provisions of the Code, which if not complied with by the Board, would cause the interest on the Series 2023 Bonds not to be excludable from gross income of the owners thereof for federal income tax purposes. Without limiting the generality of the foregoing agreement, the Board agrees: (a) through its officers, to make such further specific covenants, representations and assurances as may be necessary or advisable; (b) to comply with all representations, covenants and assurances contained in the Tax Exemption Certificate and Agreement to be prepared by counsel approving the Series 2023 Bonds; (c) to consult with such counsel and to comply with such advice as may be given; (d) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Series 2023 Bonds; (e) to file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Board in such compliance.

Section 4.2. Continuing Disclosure Agreement. The Executive Director of the Board is hereby authorized, empowered and directed to execute and deliver a Continuing Disclosure Agreement (the “*Continuing Disclosure Agreement*”) in substantially the same form as approved by the Board, or with such changes therein as the individual executing the Continuing Disclosure Agreement on behalf of the Board shall approve, their execution thereof to constitute conclusive evidence of his approval of such changes. When the Continuing Disclosure Agreement is executed and delivered on behalf of the Board as herein provided, the Continuing Disclosure Agreement will be binding on the Board and the officers, employees and agents of the Board, and the officers, employees and agents of the Board are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Agreement as executed. Notwithstanding any other provision of this Sixteenth Supplemental Resolution, the sole remedies for failure to comply with the Continuing Disclosure Agreement shall be the ability of the beneficial owner of any Series 2023 Bond to seek mandamus or specific performance by court order, to cause the Board to comply with its obligations under the Continuing Disclosure Agreement.

Section 4.3. Interpretation and Construction. This Sixteenth Supplemental Resolution is supplemental to and is adopted in accordance with Section 14(K) of the Original Resolution. In all respects not inconsistent with this Sixteenth Supplemental Resolution, the Original Resolution is hereby ratified, approved and confirmed, and all of the definitions, terms, covenants and restrictions of the Original Resolution shall remain applicable except as otherwise expressly provided. All of the terms and provisions of this Sixteenth Supplemental Resolution shall be deemed to be a part of the terms and provisions of the Original Resolution and the Original Resolution and this Sixteenth Supplemental Resolution shall be read, taken and construed as one and the same instrument. In executing any Series 2023 Bond authorized by this Sixteenth Supplemental Resolution each officer, agent or employee of the Board or USD, BHSU, SDSMT or BHSU shall be entitled to all of the privileges and immunities afforded to them under the terms of the Original Resolution.

Section 4.4. Sale of Series 2023 Bonds. As soon as may be after this Sixteenth Supplemental Resolution becomes effective, the Series 2023 Bonds may be sold with such terms and provisions as are not inconsistent herewith and within the limitations prescribed by the Board in its proceedings adopted on March 30, 2023, such officers’ approval and the Board’s approval of such terms and provisions to be evidenced by the execution and delivery of this Sixteenth Supplemental Resolution by the duly authorized officers of the Board executed as herein provided, shall be deposited with the Executive Director of the Board (the “*Executive Director*”), and delivered by the Executive Director to the purchasers thereof, upon receipt of the purchase price therefor. The Executive Director is hereby authorized, empowered and directed to execute an Official Statement, a Bond Purchase Agreement, and all other necessary closing documents and certificates in connection with the sale of the Series 2023 Bonds, in substantially the form of Official Statement, and Bond Purchase Agreement approved by the Board or with such changes therein as the Executive Director shall approve, the execution of any such document by the Executive Director to constitute conclusive evidence of the approval by the Executive Director of such changes.

Section 4.5. Completion of Exhibit C. The Executive Director is authorized to approve the terms of the Series 2023 Bonds within the parameters set forth herein. Promptly after the issuance of the Series 2023 Bonds, the Executive Director shall file with the Board Secretary the completed *Exhibit C* showing the terms of the Series 2023 Bonds.

Section 4.6. Severability Provisions. It is the intention hereof to confer upon the Board the whole of the powers provided for in the Act, and if any one or more sections, clauses, sentences and parts of this Sixteenth Supplemental Resolution shall for any reason be questioned in any court of competent jurisdiction, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, but shall be confined to the specific section, clause, sentence and part so determined, and that all resolutions or parts thereof in conflict herewith are hereby repealed.

ARTICLE V

MUNICIPAL BOND INSURANCE

Section 5.1. Municipal Bond Insurance. Prior to the sale of the Series 2023 Bonds, the Executive Director of the Board or any other business official of the Board is hereby authorized to approve and execute a commitment for the purchase of a Municipal Bond Insurance Policy (the “*Municipal Bond Insurance Policy*”), to further secure the Series 2023 Bonds, as long as the present value of the fee to be paid for the Municipal Bond Insurance Policy (using as a discount rate the expected yield on the Series 2023 Bonds treating the fee paid as interest on the Series 2023 Bonds) is less than the present value of the interest reasonably expected to be saved on the Series 2023 Bonds over the term of the Series 2023 Bonds as a result of the Municipal Bond Insurance Policy.

In the event the payment of principal and interest on the Bonds is insured pursuant to the Municipal Bond Insurance Policy issued by a bond insurer (the “*Bond Insurer*”), and as long as such Municipal Bond Insurance Policy shall be in full force and effect, the Board and the Bond Registrar agree to comply with such usual and reasonable provisions regarding presentment and payment of the Series 2023 Bonds, subrogation of the rights of the Series 2023 Bondholders to the Bond Insurer upon payment of the Series 2023 Bonds by the Bond Insurer, amendment hereof, or other terms, as approved by the Executive Director of the Board on advice of counsel, or his or her designee, his or her approval to constitute full and complete acceptance by the Board of such terms and provisions under authority of this Section.

THIS SIXTEENTH SUPPLEMENTAL RESOLUTION shall take effect upon its adoption.

Adopted this 30th day of March, 2023.

President

ATTEST:

Executive Director

(Seal)

SCHEDULE I**EVIDENCE OF COMPLIANCE WITH PARITY TEST**

(i) *Historic Test.* Actual Net Revenues of the System for FY 2021 and FY 2022 are \$_____ and \$_____, respectively, each of which is at least 120% of Annual Debt Service on all Outstanding Bonds, there being no outstanding additional obligations issued on a parity with the Bonds; and

(ii) *Projected Test.* Projected Net Revenues of the System for each of the three full Fiscal Years immediately succeeding the issuance of the Series 2023 Bonds are \$_____ (FY 2024), \$_____ (FY 2025) and \$_____ (FY 2026), each of which is at least 120% of Annual Debt Service on all Outstanding Bonds, plus the Series 2023 Bonds, there being no additional obligations. The Annual Debt Service for the Refunded Bonds has been eliminated from this calculation.

EXHIBIT A-1

THE SERIES 2023 USD PROJECT

Improvements to the Wellness Center at USD.

EXHIBIT A-2**EXISTING FACILITIES****BHSU:**

Housing Facilities:

- Heidepriem Hall
- Bordeaux Hall
- Wenona Cook Hall
- Thomas Hall
- University Apartments

Student Union

Parking Facilities

Dining Services

Bookstore

DSU:

Residence Halls:

- Zimmerman Hall
- Higbie Hall
- Richardson Hall
- Emry Hall
- The Courtyard
- Residence Village
- Van Eps

Student Union

NSU:

Residence Halls:

- Briscoe Hall
- Great Plains East
- Great Plain West
- McArthur-Welsh Hall
- Steele Hall
- Kramer Hall
- Wolves Memorial Suites

Student Union

SDSMT:

Residence Halls:

- Connolly Hall
- Palmerton Hall
- Peterson Hall
- Placer Hall

Surbeck Student Center

Wellness Center

SDSU:

Housing Facilities:

- Binnewies Hall
- Brown Hall
- Caldwell Hall
- Hansen Hall
- Jackrabbit Grove (Ben Reifel, Theodore W. Schultz, Hallie Walker Hyde, and Honors Halls)
- Jackrabbit Village (Spencer, Abbott and Thorne Halls)
- Mathews Hall
- Meadows North
- Meadows South
- Pierson Hall
- Young Hall
- Skylight Apartments
- Huggins Apartments
- Garden Square Units
- Thornber Apartments
- Southeast Neighborhood Apartments

Student Wellness Center

Dining Facilities:

- Larsen Commons
- Student Union Building

Parking Facilities

USD:

Residence Halls:

- Beede Hall
- Burgess Hall
- McFadden Hall
- Mickelson Hall
- Norton Hall
- Olson Hall
- Richardson Hall

Cherry Street Rentals

Muenster University Center

Student Wellness Center, including parking lot

Coyote Village Housing, including parking lot

EXHIBIT B**FORM OF SERIES 2023 BOND**REGISTERED
No. _____REGISTERED
\$ _____UNITED STATES OF AMERICA
SOUTH DAKOTA BOARD OF REGENTS
HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BOND, SERIES 2023Interest _____ Maturity _____ Dated _____
Rate: _____% Date: April 1, _____ Date: _____, 2023 CUSIP: _____

Registered Owner: CEDE & Co.

Principal Amount:

The Board of Regents of the State of South Dakota (the “*Board*”), created and existing under the laws of the State of South Dakota, hereby acknowledges itself to owe and for value received promises to pay, but only from the sources herein identified, to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, unless previously called for earlier redemption, the Principal Amount identified above and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on such Principal Amount from the date of this Series 2023 Bond (as hereinafter defined) or from the most recent interest payment date to which interest has been paid or duly provided for at the Interest Rate per annum set forth above on April 1 and October 1 of each year commencing _____, 20__, until said Principal Amount is paid. The principal of this Series 2023 Bond is payable upon presentation and surrender hereof, in lawful money of the United States of America at the principal corporate trust office of First Bank & Trust, Brookings, South Dakota, as bond registrar and paying agent (the “*Bond Registrar*”). Payment of the installments of interest shall be made to the Registered Owner hereof as shown on the registration books of the Board maintained by the Bond Registrar at the close of business on the 15th day of the month next preceding each interest payment date and shall be paid by check or draft of the Bond Registrar, payable in lawful money of the United States of America, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar; *provided, however*, that interest on the Series 2023 Bonds held by a Registered Owner of at least \$100,000 in aggregate principal amount of the Series 2023 Bonds may also be paid by wire transfer of immediately available funds to any bank in the continental United States as such Registered Owner shall specify in a written request to the Bond Registrar.

This Bond is one of a duly authorized series of \$_____ principal amount of the Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “*Series 2023 Bonds*”) of the Board, issued or to be issued, pursuant to a Resolution of the Board duly adopted October 21, 2004, as supplemented (said Resolution as so supplemented being herein referred to as the “*Bond Resolution*”) for the purpose of financing (i) improvements to the Wellness Center for the Institutional System of the University of South Dakota (“*USD*”), [(ii) the costs of refunding of the

Board's outstanding Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A, maturing on and after April 1, 2024, and Housing and Auxiliary Facilities System Revenue Bonds Series 2014A maturing on and after April 1, 2024 (except for the Refunded Series 2014A SDSU Bonds which will be paid with the Available SDSU Funds),] and (iii) the costs of issuance of the Series 2023 Bonds, all under and pursuant to the Board of Regents Revenue Bond Act of 1971, as amended (the "*Act*"), and the Bond Resolution, to which Bond Resolution reference is hereby made for a statement of the funds and revenues from which this Series 2023 Bond and the issue of which it is a part is payable and the conditions and restrictions pursuant to which this Series 2023 Bond has been issued and pursuant to which additional bonds on a parity herewith may be issued. Capitalized terms not defined herein shall have the meanings assigned in the Bond Resolution.

The Series 2023 Bonds are of like tenor and date, except as to maturity, interest rate and redemption provisions.

This Series 2023 Bond and the series of which it is a part, together with such Bonds as have been and may hereafter be issued under the provisions of the authorizing Bond Resolution (collectively, the "*Bonds*"), are payable solely from and secured by a pledge of and lien on (i) the Net Revenues of the USD Housing and Auxiliary Facilities System (the "*USD Institutional System*"), as to the Series 2023 USD Proportion, (ii) the Net Revenues of the Black Hills State University ("*BHSU*") Housing and Auxiliary Facilities System (the "*BHSU Institutional System*"), as to the Series 2023 BHSU Proportion, (iii) the Net Revenues of the South Dakota School of Mines and Technology Housing and Auxiliary Facilities System (the "*SDSMT Institutional System*"), as to the Series 2023 SDSMT Proportion, and (iv) uncommitted funds held in the Repair and Replacement Reserve Accounts of USD, BHSU, and SDSMT, as to the Series 2023 USD Proportion, the Series 2023 BHSU Proportion, and the Series 2023 SDSMT Proportion, respectively, (vi) Net Revenues of the other Institutions but only after provision for payment of Annual Debt Service of the Bonds issued on behalf of such Institution in the current Fiscal Year, (vii) uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutional Systems, in the amount and from such Institutions as determined by the Board, and (viii) such other funds which may be pledged or used as authorized by the Act.

All of the Bonds are equally and ratably secured by said pledge and lien without priority or preference one over the other by reason of series designation, denomination, number, maturity, date or terms of redemption prior to maturity, date of sale or delivery or otherwise; *provided, however*, that Bonds may be issued in the future which are secured by a Debt Service Reserve Account. The Series 2023 Bonds are not secured by a Debt Service Reserve Account.

Subject to the limitations and upon payment of the charges provided in the Bond Resolution, Series 2023 Bonds may be exchanged for registered Series 2023 Bonds of other authorized denominations.

The Series 2023 Bonds maturing on or after _____, 20__ are subject to redemption prior to maturity at the option of the Board in whole or in part (in integral multiples of \$5,000), in any order of maturity and within a single maturity as determined by the Board, on any date occurring on or after _____, 20__ at a price equal to the principal amount of Series 2023 Bonds to be redeemed plus accrued interest to the date of redemption.

[In the event a Series 2023 Bond is in a denomination larger than \$5,000, a portion of such Series 2023 Bond may be redeemed but only in a principal amount equal to \$5,000 or any integral multiple thereof.] Notice of each redemption shall be given as described in the Bond Resolution; *provided, however*, that failure to give such notice or any defect therein, as to any Series 2023 Bond shall not affect the validity of the proceedings for the redemption of any other Series 2023 Bonds. All Series 2023 Bonds, or portions thereof, so called for redemption will cease to bear interest on the specified redemption date, provided funds for such redemption are on deposit at the place of payment at that time, and shall no longer be protected by the Bond Resolution and shall not be deemed to be Outstanding under the provisions of the Bond Resolution.

The Board shall have the option of calling Bonds, when subject to redemption according to their terms, of any one or more series, at its discretion.

With respect to any optional redemption of the Series 2023 Bonds, unless moneys sufficient to pay the principal of and interest on, the Series 2023 Bonds to be redeemed shall have been received by the Bond Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption shall be conditional upon the receipt of such moneys by the Bond Registrar on or prior to the date fixed for redemption.

The Board hereby covenants with the Owner of this Series 2023 Bond that it will keep and perform all the covenants and agreements in the Bond Resolution adopted by it authorizing the issuance of this Series 2023 Bond and the series of which it forms a part.

The Bond Resolution provides that the Board may prepay or provide for the payment of the entire indebtedness of all Outstanding Bonds, any series thereof or any portion thereof, by depositing with the Bond Registrar moneys and/or Government Securities in an amount, together with the income or increment to accrue thereon, sufficient to pay or redeem all such Bonds. In such case, the liability of the Board in respect of such Bonds shall continue but the Owners thereof shall thereafter be entitled to payment only from the moneys and/or Government Securities deposited with the Bond Registrar. Upon such deposit, such Bonds of such series or any such portion thereof shall cease to be entitled to any lien, benefit or security under the Bond Resolution. The Board shall remain the obligor on such Bonds of such series, or any such portion thereof, but the Owners thereof shall be entitled to payment (to the exclusion of all other owners of Bonds) solely out of such cash and funds received from such Government Securities.

Reference is hereby made to the Bond Resolution for a more complete description of the nature and extent of the security, the rights of the Owners of the Bonds and the terms and conditions upon which the Bonds are to be issued and secured, to all the provisions of which Bond Resolution, each holder by the acceptance hereof assents.

This Series 2023 Bond is transferable by the registered Owner hereof in person or by his attorney duly authorized in writing at the principal corporate trust office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution and upon surrender and cancellation of this Series 2023 Bond. Upon such transfer a new registered Series 2023 Bond or Series 2023 Bonds of the same tenor, maturity and rate of interest, of an authorized denomination or denominations, for the same aggregate principal amount will be issued to the transferee in exchange therefor. The Board and the Bond Registrar

may deem and treat the registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the Board nor the Bond Registrar nor any paying agent shall be affected by any notice to the contrary. The Bond Registrar shall not be required to transfer or exchange any Series 2023 Bond (i) during the period after the fifteenth day of the month next preceding any interest payment date with respect to such Series 2023 Bond and ending on such interest payment date, (ii) after notice calling a Series 2023 Bond for redemption has been given, or (iii) during a period of fifteen days next preceding the giving of a notice of redemption of any Series 2023 Bond.

With the consent of the Board and to the extent permitted by and as provided in the Bond Resolution, the terms and provisions of the Bond Resolution, or of any instrument supplemental thereto, may be modified or altered.

This Series 2023 Bond does not constitute an obligation of the State of South Dakota within the meaning or application of any Constitutional or statutory limitation or provision, and the Owner thereof shall never have the right to demand payment of this Series 2023 Bond or interest hereon out of any funds other than the revenues and income pledged for payment thereof.

It is hereby certified and recited that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Series 2023 Bond did exist, have happened, been done and performed in regular and due form and time as required by law; and that the amount of this Series 2023 Bond, and the series of which it is one, and the total authorized issue of Series 2023 Bonds of which this series is a part, do not exceed any limit prescribed by the Constitution or statutes of the State of South Dakota.

This Series 2023 Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been signed by the Bond Registrar.

IN WITNESS WHEREOF, the South Dakota Board of Regents has caused this Series 2023 Bond to be signed by the duly authorized facsimile signature of the President of the Board, a facsimile of its corporate seal to be imprinted hereon, and attested by the facsimile signature of the Executive Director of the Board, all as of the Dated Date identified above.

SOUTH DAKOTA BOARD OF REGENTS

(Facsimile Signature)

President

(FACSIMILE SEAL)

(Facsimile Signature)

Executive Director

CERTIFICATE
OF
AUTHENTICATION

Date of Authentication: _____, _____

This Series 2023 Bond is one of the Series 2023 Bonds described in the within mentioned Resolution.

FIRST BANK & TRUST,
Brookings, South Dakota,
as Bond Registrar

By _____
Authorized Officer

(FORM OF ASSIGNMENT)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto

(Please Print or Typewrite Name and Address of Assignee)

the within Series 2023 Bond and does hereby irrevocably constitute and appoint, _____, attorney-in-fact, to transfer the said Series 2023 Bond on the Bond Register with full power of substitution in the premises.

Dated: _____

Signature guaranteed: _____

NOTICE: The signature to this assignment must correspond with the name of the registered Owner as it appears upon the face of the within Series 2023 Bond in every particular, without alteration or enlargement or any change whatever.

EXHIBIT C**SERIES 2023 BOND TERMS**

The Series 2023 Bonds shall be issued in the aggregate principal amount of \$_____, shall be dated _____, 2023, shall be numbered 1 and upward, shall mature on April 1 of each of the years and shall bear interest (calculated on the basis of a 360-day year comprising 12 months of 30 days each) at the rates per annum as follows:

YEAR	PRINCIPAL AMOUNT (\$)	INTEREST RATE (%)
20__		

The first interest payment date for the Series 2023 Bonds is _____, 202__.

The redemption date for the Refunded Series 2013A Bonds is _____, 2023.

The redemption date for the Refunded Series 2014A Bonds is _____, 2023.

The purchase price of the Series 2023 Bonds is \$_____, which represents the par amount of \$_____ plus [net]original issue [premium/discount] of \$_____ and less an underwriter's discount of \$_____.

DEPOSIT OF SERIES 2023 BOND PROCEEDS AND THE SDSU AVAILABLE FUNDS:

1. \$_____ to the Series 2013A USD Bond and Interest Subaccount.
2. \$_____ to the Series 2014A BHSU Bond and Interest Subaccount
3. \$_____ to the Series 2014A SDSMT Bond and Interest Subaccount
4. \$_____ to the Series 2014A SDSU Bond and Interest Subaccount
5. \$_____ to the Series 2023 USD Project Construction Fund.
6. \$_____ to the Series 2023 Expense Fund.¹

¹ Costs of issuance in the total amount of \$_____ will be paid by the Underwriter from bond proceeds.

OPTIONAL REDEMPTION:

The Series 2023 Bonds maturing on or after _____, 20__, are subject to redemption prior to maturity at the option of the Board in whole or in part (in integral multiples of \$5,000), in any order of maturity as determined by the Board, on any date occurring on or after _____, 20__, at a price equal to the principal amount of the Series 2023 Bonds to be redeemed plus accrued interest to the date of redemption.

At least 45 days prior to the redemption date, the Board shall designate in writing to the Bond Registrar the principal amount of Series 2023 Bonds to be redeemed. If less than all of the Series 2023 Bonds shall be called for redemption, the particular Series 2023 Bonds to be redeemed shall be selected by the Bond Registrar, in such a manner as the Bond Registrar in its discretion may deem fair and appropriate, in the principal amount designated to the Bond Registrar by the Board; *provided, however*, that the portion of any Series 2023 Bonds to be redeemed shall be in integral multiples of \$5,000.

REDEMPTION PROCEDURES:

The Bond Registrar shall give notice of redemption of the Series 2023 Bonds in accordance with the following provisions:

Notice of the redemption of Series 2023 Bonds will be given by mailing a copy of the redemption notice by first class mail or by electronic notice at least 20 days prior to the date fixed for such redemption to The Depository Trust Company, as the securities depository or any successor securities depository, as the registered owner of the Series 2023 Bonds, so long as the global book-entry system is used for recording ownership of the Series 2023 Bonds.

In the event that the global book-entry system is no longer used for recording ownership of the Series 2023 Bonds, notice of each redemption shall be given by mailing a copy of the redemption notice by first class mail (postage prepaid) not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of the Series 2023 Bonds, or portions thereof, to be redeemed at the address shown on the registration books; *provided, however*, that failure to give such notice or any defect therein, as to any Series 2023 Bond shall not affect the proceedings for the redemption of any other Series 2023 Bonds.

With respect to any optional redemption of the Series 2023 Bonds, unless moneys sufficient to pay the principal of and interest on the Series 2023 Bonds to be redeemed shall have been received by the Bond Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption shall be conditional upon the receipt of such moneys by the Bond Registrar on or prior to the date fixed for redemption.

For purposes of any redemption of less than all of the Series 2023 Bonds of a single maturity, the particular Series 2023 Bonds or portions of Series 2023 Bonds to be redeemed shall be selected by lot by the Bond Registrar by such method as the Bond Registrar shall deem fair and appropriate (except when the Series 2023 Bonds are held in a book-entry system, in which case the selection of Series 2023 Bonds to be redeemed will be made in accordance with procedures established by The Depository Trust Company or any other securities depository); *provided that*

such method shall provide for the selection of redemption of Series 2023 Bonds or portions thereof so that any \$5,000 Series 2023 Bond or \$5,000 portion of a Series 2023 Bond shall be as likely to be called for redemption as any other such \$5,000 Series 2023 Bond or \$5,000 portion of a Series 2023 Bond.

Notice of redemption having been given as described above and in the Bond Resolution, and notwithstanding failure to receive such notice, the Series 2023 Bonds or portions of Series 2023 Bonds so to be redeemed will, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Board shall default in the payment of the redemption price) such Series 2023 Bonds or portions of Series 2023 Bonds shall cease to bear interest. Upon surrender of such Series 2023 Bonds or redemption in accordance with said notice, such Series 2023 Bonds will be paid by the Bond Registrar at the redemption price.

[REFUNDED SERIES 2013A BONDS

\$4,820,000 Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A, dated February 28, 2013, being all of the bonds outstanding from an issue in the principal amount of \$11,990,000, fully registered and without coupons, due on April 1 of the years, in the principal amounts and bearing interest at the interest rates as follows:

YEAR OF MATURITY	PRINCIPAL AMOUNT (\$)	INTEREST RATE (%)
2024	890,000	4.00
2025	925,000	4.00
2026	965,000	4.00
2028	2,040,000	3.00]

[REFUNDED SERIES 2014A BONDS]

\$16,340,000 Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A, dated January 9, 2014, being all of the bonds outstanding from an issue in the principal amount of \$39,905,000, fully registered and without coupons, due on April 1 of the years, in the principal amounts and bearing interest at the interest rates as follows:

YEAR OF MATURITY	PRINCIPAL AMOUNT (\$)¹	INTEREST RATE (%)
2024	2,990,000	5.000
2025	3,150,000	5.000
2026	540,000	5.000
2027	565,000	4.000
2028	590,000	4.000
2033	3,355,000	4.500
2036	2,400,000	4.625
2039	2,750,000	4.750

¹ The Refunded Series 2014A SDSU Bonds shall be paid from the Available SDSU Funds.]

SERIES 2023 USD PROPORTION:

Amount of Series 2023 Bond proceeds deposited in the Series 2023 USD Project Construction Fund for the Series 2023 USD Project (with the amount deposited in the Series 2013A USD Bond and Interest Subaccount, the amount allocated to USD in the Series 2023 Expense Fund and the amount of Underwriter's discount allocated to USD, the "*Series 2023 USD Proportion*"): \$ _____

Amount of Series 2023 Bond proceeds deposited in the Series 2013A USD Bond and Interest Subaccount: \$ _____

Amount of Series 2023 Bond proceeds allocated to USD deposited in the Series 2023 Expense Fund: \$ _____

Amount of Underwriter's discount allocated to USD: \$ _____

Series 2023 USD Debt Service See Schedule C-1
attached hereto

SERIES 2023 BHSU PROPORTION:

Amount of Series 2023 Bond proceeds allocated to BHSU deposited in the Series 2014A BHSU Bond and Interest Subaccount (with the amount of Series 2023 Bond proceeds allocated to BHSU in the Series 2023 Expense Fund and the amount of Underwriter's discount allocated to BHSU, the "*Series 2023 BHSU Proportion*"): \$ _____

Amount of Series 2023 Bond proceeds allocated to BHSU deposited in the Series 2023 Expense Fund: \$ _____

Amount of Underwriter's discount allocated to BHSU: \$ _____

Series 2023 BHSU Debt Service: See Schedule C-2
attached hereto

SERIES 2023 SDSMT PROPORTION:

Amount of Series 2023 Bond proceeds allocated to SDSMT deposited in the Series 2014A SDSMT Bond and Interest Subaccount (with the amount of Series 2023 Bond proceeds allocated to SDSMT in the Series 2023 Expense Fund and the amount of Underwriter's discount allocated to SDSMT, the "*Series 2023 SDSMT Proportion*"): \$ _____

Amount of Series 2023 Bond proceeds allocated to SDSMT deposited in the Series 2023 Expense Fund: \$ _____

Amount of Underwriter's discount allocated to SDSMT: \$ _____

Series 2023 SDSMT Debt Service: See Schedule C-3
attached hereto

SCHEDULE C-1

DEBT SERVICE

South Dakota Board of Regents
University of South Dakota - Housing and Auxiliary Facilities System Revenue Bonds,
Series 2023

SCHEDULE C-2

DEBT SERVICE

South Dakota Board of Regents
Black Hills State University - Housing and Auxiliary Facilities System Revenue Bonds,
Series 2023

SCHEDULE C-3

DEBT SERVICE

South Dakota Board of Regents
South Dakota School of Mines and Technology - Housing and Auxiliary Facilities System
Revenue Bonds, Series 2023

New Issue—Book-Entry Only

RATING: Moody's: "Aa3"
See "BOND RATING" herein.

Subject to compliance by the South Dakota Board of Regents with certain covenants, in the opinion of Chapman and Cutler LLP, Bond Counsel ("Bond Counsel"), under present law, interest on the Series 2023 Bonds (as hereinafter defined) is excludable from gross income of the owners thereof for federal income tax purposes and is not included as an item of tax preference in computing the federal alternative minimum tax for individuals. For tax years beginning after December 31, 2022, interest on the Series 2023 Bonds may affect the corporate alternative minimum tax for certain corporations. See "TAX MATTERS" for a more complete discussion.



\$ _____ *

SOUTH DAKOTA BOARD OF REGENTS
Housing and Auxiliary Facilities System
Revenue Bonds, Series 2023

Dated: Date of Delivery**Due: April 1, as shown on the inside cover**

The Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the "*Series 2023 Bonds*") will be issued as fully registered bonds and will be registered in the name of Cede & Co., the nominee of The Depository Trust Company, New York, New York ("*DTC*"). DTC will act as securities depository for the Series 2023 Bonds. Payments of principal of and interest on the Series 2023 Bonds will be made to purchasers by DTC through its participants. See "BOOK ENTRY PROVISIONS." Purchases will be made in book-entry form through DTC participants only in \$5,000 denominations or integral multiples thereof. Purchasers of a beneficial interest in the Series 2023 Bonds ("*Beneficial Owners*") will not receive certificates representing their interests in the Series 2023 Bonds.

The Series 2023 Bonds will mature on the dates and will bear interest at the rates shown on the inside front cover. Interest on the Series 2023 Bonds will be payable semi-annually on April 1 and October 1, commencing October 1, 2023. The Series 2023 Bonds are subject to redemption prior to maturity as provided herein. First Bank & Trust, Brookings, South Dakota, will serve as the bond registrar and paying agent (the "*Bond Registrar*") for the Series 2023 Bonds. Interest on the Series 2023 Bonds, together with the principal of the Series 2023 Bonds, will be paid by the Bond Registrar directly to DTC so long as DTC or its nominee is the registered owner of the Series 2023 Bonds. The final disbursements of such payments to the Beneficial Owners will be the responsibility of the DTC participants or indirect participants.

The Series 2023 Bonds are being issued by the South Dakota Board of Regents (the "*Board*") under the authority of the Board of Regents Revenue Bond Act of 1971, as amended (the "*Act*") and an Amended and Restated Bond Resolution dated October 21, 2004, as amended and supplemented from time to time thereafter, including a Sixteenth Supplemental System Revenue Bond Resolution adopted by the Board on March __, 2023 (the "*Bond Resolution*").

The proceeds from the sale of the Series 2023 Bonds will be used to (i) pay the costs of financing improvements to the student wellness center of University of South Dakota ("*USD*"); (ii) [refund the Board's Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A, maturing on and after April 1, 2024; (iii)] refund the USD, Black Hills State University ("*BHSU*") and South Dakota School of Mines & Technology ("*SDSMT*") portions of the Board's Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the "*Series 2014A Bonds*"), maturing on and after April 1, 2024; and [(iii)/(iv)] pay the costs of issuance of the Series 2023 Bonds. Certain funds available to the Board from South Dakota State University ("*SDSU*") will be used to redeem the SDSU portion of the Series 2014A Bonds. See "FINANCING PLAN" herein.

The Series 2023 Bonds are payable solely from and secured by a pledge of certain net revenues of the Housing and Auxiliary Facilities System of USD, BHSU and SDSMT and certain other net revenues and funds which have been authorized or pledged by the Board for payment of the Series 2023 Bonds under the Act and the Bond Resolution.

THE SERIES 2023 BONDS ARE OBLIGATIONS OF THE BOARD PAYABLE ONLY IN ACCORDANCE WITH THE TERMS THEREOF AND ARE NOT OBLIGATIONS GENERAL, SPECIAL, OR OTHERWISE, OF THE STATE OF SOUTH DAKOTA. THE SERIES 2023 BONDS DO NOT CONSTITUTE A DEBT, LEGAL OR MORAL, OF THE STATE OF SOUTH DAKOTA, AND ARE NOT ENFORCEABLE AGAINST THE STATE, NOR WILL PAYMENT THEREOF BE ENFORCEABLE OUT OF ANY FUNDS OF THE BOARD, OR OF ANY INSTITUTION (AS DEFINED HEREIN), OTHER THAN THE INCOME AND REVENUES PLEDGED AND ASSIGNED TO, OR IN TRUST FOR THE BENEFIT OF, THE SERIES 2023 BONDHOLDERS.

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, PRICES AND CUSIPS

SEE INSIDE FRONT COVER

The Series 2023 Bonds are offered when, as and if issued by the Board and received by Piper Sandler & Co. (the "Underwriter"), subject to prior sale, to withdrawal or modification of the offer without notice, to the approval of legality by Bond Counsel, and to certain other conditions. Certain legal matters will be subject to the approval of Nathan D. Lukkes,

* Preliminary; subject to change.

counsel to the Board, and certain matters will be passed upon for the Underwriter by its ATTACHMENT II, Chicago, Illinois. Delivery of the Series 2023 Bonds through the facilities of DTC in New York, New York, is expected to be made on or about April __, 2023. [Piper Sandler]

The date of this Official Statement is _____, 2023

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, PRICES AND CUSIPs[†]**SOUTH DAKOTA BOARD OF REGENTS**

\$ _____ *

Housing and Auxiliary Facilities System
Revenue Bonds, Series 2023

Maturity (April 1)	Principal Amount	Interest Rate	Price	CUSIP
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				
2038				
2039				
2040				
2041				
2042				
2043				

[†] Copyright 2023, American Bankers Association. CUSIP data herein is provided by CUSIP Global Services which is managed on behalf of the American Bankers Association by FactSet Research Systems Inc. The CUSIP numbers listed are being provided solely for the convenience of the bondholders only at the time of sale of the Series 2023 Bonds and the Board does not make any representation with respect to such numbers or undertake any responsibility for their accuracy now or at any time in the future. The CUSIP number for a specific maturity is subject to change after the sale of the Series 2023 Bonds as a result of various subsequent actions including, but not limited to, a refunding in whole or in part of such maturity or as a result of the procurement of secondary market portfolio insurance or other similar enhancement by investors that is applicable to all or a portion of certain maturities of the Series 2023 Bonds.

* Preliminary; subject to change.

Members of the South Dakota Board of Regents

John W. Bastian, Belle Fourche
 Jeff Partridge, Rapid City
 Tim Rave, Baltic
 Pam Roberts, Pierre (Hughes County)
 Jim Thares, Aberdeen
 Joan Wink, Howes (Meade)
 Brock Brown, Vermillion

Officers of the South Dakota Board of Regents

Pam Roberts, President
 Jim Morgan, Vice President
 Jim Thares, Secretary
 Brian Maher, Executive Director & CEO
 Heather Forney, Vice-President of Finance and Administration

Principal Administrative Officers of the System Component Institutions

Dr. Laurie Stenberg Nichols, Interim President, Black Hills State University
 Dr. Jose-Marie Griffiths, President, Dakota State University
 Dr. Neal Schnoor, President, Northern State University
 Dr. James Rankin, President, South Dakota School of Mines & Technology
 Dr. Barry H. Dunn, President, South Dakota State University
 Sheila K. Gestring, President, University of South Dakota

Financial Advisors to the South Dakota Board of Regents

Blue Rose Capital Advisors

Counsel to the South Dakota Board of Regents

Nathan D. Lukkes

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REGARDING USE OF THIS OFFICIAL STATEMENT

This Official Statement does not constitute an offering of any security other than the Series 2023 Bonds. No dealer, broker, salesman or other person has been authorized by the Board or the Underwriter to give any information or to make any representations with respect to the Series 2023 Bonds, other than those contained in this Official Statement, and if given or made, such other information or representation may not be relied upon or deemed to have been authorized by any of the foregoing named parties. This Official Statement does not constitute an offer to sell or the solicitation of any offer to buy nor shall there be any sale of the Series 2023 Bonds by a person in any jurisdiction in which it is unlawful to make such offer, solicitation or sale.

The Underwriter has provided the following sentence for inclusion in this Official Statement: the Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

The information and descriptions in this Official Statement and expressions of opinion are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances create any implication that there has been no change in the affairs of the Board or any of the Institutions (as defined herein) or the information contained herein since the date hereof. Statements regarding specified documents, including the Series 2023 Bonds, are summaries of, and are subject to, the detailed provisions of such documents and are qualified in their entirety by reference to each document, copies of which will be on file with the Board and will be furnished on request. Until the issuance and delivery of the Series 2023 Bonds offered hereby, copies of the Bond Resolution may be obtained from the Underwriter.

This Official Statement includes forecasts, projections and estimates that are based on expectations and assumptions which existed at the time such forecasts, projections and estimates were prepared. In light of the important factors that may materially affect the Institutions' enrollments, operations and financial condition, the inclusion in this Official Statement of such forecasts, projections and estimates should not be regarded as a representation by the Board that such forecasts, projections and estimates will occur. Such forecasts, projections and estimates are not intended as representations of fact or guarantees of results.

This Official Statement contains "forward-looking statements" within the meaning of the federal securities laws. These forward-looking statements include, among others, statements concerning projections, assumptions, expectations, beliefs, opinions, future plans and strategies, anticipated events or trends and similar expressions concerning matters that are not historical facts. The forward-looking statements in this Official Statement are subject to risks and uncertainties that could cause actual results to differ materially from those expressed in or implied by such statements.

Information contained herein has been provided by the Board, the Institutions and other sources believed to be reliable.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF THE SERIES 2023 BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME. THE UNDERWRITER MAY OFFER AND SELL THE SERIES 2023 BONDS TO CERTAIN DEALERS AND DEALER BANKS AND BANKS ACTING AS AGENTS AT PRICES LOWER THAN THE PUBLIC OFFERING PRICES STATED ON THE COVER PAGE HEREOF AND SAID PUBLIC OFFERING PRICES MAY BE CHANGED FROM TIME TO TIME BY THE UNDERWRITER.

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION OR ANY STATE SECURITIES COMMISSION NOR HAS THE SECURITIES AND EXCHANGE COMMISSION OR ANY STATE SECURITIES COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

THE SERIES 2023 BONDS HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND THE BOND RESOLUTION RELATING TO THE SERIES 2023 BONDS HAS NOT BEEN QUALIFIED UNDER THE TRUST INDENTURE ACT OF 1939, AS AMENDED, IN RELIANCE UPON EXEMPTIONS CONTAINED IN SUCH ACTS. THE REGISTRATION OR QUALIFICATION OF THE SERIES 2023 BONDS IN ACCORDANCE WITH APPLICABLE PROVISIONS OF LAW OF THE STATES IN WHICH SERIES 2023 BONDS HAVE BEEN REGISTERED OR QUALIFIED AND THE EXEMPTION FROM REGISTRATION OR QUALIFICATION IN OTHER STATES CANNOT BE REGARDED AS A RECOMMENDATION THEREOF.

SUMMARY STATEMENT

This Summary Statement is subject in all respects to more complete information contained herein. The offering of the Series 2023 Bonds to potential investors is made only by means of this Official Statement (this “Official Statement”). No person is authorized to detach this Summary Statement from this Official Statement or to otherwise use it without this entire Official Statement.

Definitions. Definitions of certain capitalized terms used in this Official Statement are set forth in Appendix B hereto.

Appendices. The Appendices to this Official Statement are an integral part hereof and should be read in their entirety.

The Board of Regents. The South Dakota Board of Regents (the “*Board*”) is a body corporate and politic of the State of South Dakota responsible for the governance of six state-supported universities (each an “*Institution*” and, collectively, the “*Institutions*”), including Black Hills State University (“*BHSU*”), Dakota State University (“*DSU*”), Northern State University (“*NSU*”), South Dakota School of Mines & Technology (“*SDSMT*”), South Dakota State University (“*SDSU*”), and the University of South Dakota (“*USD*”). The Board controls the Institutions, but the Board may delegate provisionally to such Institutions so much of the authority conferred on it as in its judgment seems proper and in accordance with usual custom in such cases.

The System. The Housing and Auxiliary Facilities System of the Board (the “*System*”) consists of the aggregate of the housing and auxiliary facilities (each, an “*Institutional System*”) of BHSU, DSU, NSU, SDSMT, SDSU and USD. See “THE HOUSING AND AUXILIARY SYSTEM.” herein.

Purpose of Issue. The proceeds from the sale of the Series 2023 Bonds will be used to (i) pay the costs of financing improvements to the student wellness center of USD; (ii) [refund the Board’s Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A, maturing on and after April 1, 2024; (iii)] refund the USD, BHSU and SDSMT portions of the Board’s Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the “*Series 2014A Bonds*”), maturing on and after April 1, 2024; and [(iii)/(iv)] pay the costs of issuance of the Series 2023 Bonds. Certain funds available to the Board from SDSU will be used to redeem the SDSU portion of the Series 2014A Bonds. See “FINANCING PLAN” herein.

The Bond Resolution. The Series 2023 Bonds will be issued pursuant to the amended and restated bond resolution of the Board adopted on October 21, 2004, as supplemented from time to time thereafter, including a Sixteenth Supplemental System Revenue Bond Resolution adopted by the Board on March __, 2023, and as hereafter supplemented and amended (the “*Bond Resolution*”).

Security and Source of Payment. The Series 2023 Bonds will be payable from and secured by a pledge of and lien on the following sources in the following order of priority:

- (a) the Net Revenues of the USD Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to USD (the “*Series 2023 USD Proportion*”), the Net Revenues of the BHSU Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to BHSU (the “*Series 2023 BHSU Proportion*”), and the Net Revenues of the SDSMT Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to SDSMT (the “*Series 2023 SDSMT Proportion*”);

(b) uncommitted funds of the Repair and Replacement Reserve Accounts of USD, BHSU and SDSMT, as to the Series 2023 USD Proportion, the Series 2023 BHSU Proportion and the Series 2023 SDSMT Proportion;

(c) Net Revenues of the other Institutions, but only after provision for payment of interest due on the next interest payment date and one-half of the principal due on the Bonds issued on behalf of such Institutions within the succeeding 12 months;

(d) uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutions, in an amount and from such Institutions as determined by the Executive Director; and

(e) such other funds which may be pledged or used as authorized by the Board of Regents Revenue Bond Act of 1971, as amended (the “*Act*”).

THE SERIES 2023 BONDS ARE OBLIGATIONS OF THE SOUTH DAKOTA BOARD OF REGENTS PAYABLE ONLY IN ACCORDANCE WITH THE TERMS THEREOF AND ARE NOT OBLIGATIONS GENERAL, SPECIAL, OR OTHERWISE, OF THE STATE OF SOUTH DAKOTA. THE SERIES 2023 BONDS DO NOT CONSTITUTE A DEBT, LEGAL OR MORAL, OF THE STATE OF SOUTH DAKOTA, AND ARE NOT ENFORCEABLE AGAINST THE STATE, NOR WILL PAYMENT THEREOF BE ENFORCEABLE OUT OF ANY FUNDS OF THE BOARD OF REGENTS, OR OF ANY INSTITUTION, OTHER THAN THE INCOME AND REVENUES PLEDGED AND ASSIGNED TO, OR IN TRUST FOR THE BENEFIT OF, THE BONDHOLDERS.

Rate Covenant. The Board covenants in the Bond Resolution to adopt such rules and regulations as are necessary to assure occupancy and use of the System and that the rates, rents, charges and fees (including the General Activity Fee) chargeable to the occupants of, and students, faculty members and others using or being served by, or having the right to use or having the right to be served by, the System shall be so fixed and revised from time to time and collected, that the (i) ratio of Net Revenues to Annual Debt Service on all Bonds in each Fiscal Year shall be at least equal to 120 percent (1.2 times) of the Annual Debt Service for such Fiscal Year and (ii) ratio of Net Revenues of each Institutional System to Annual Debt Service of the Bonds of that Institution in each Fiscal Year shall be at least equal to 120 percent (1.2 times) of such Annual Debt Service for such Fiscal Year, commencing with the end of the first Fiscal Year in which capitalized interest, if any, has been fully applied to the payment of debt service on any Outstanding Bonds of such Institution.

Failure to satisfy such rate covenant will not constitute an event of default under the Bond Resolution if the Board timely engages (within 30 days of any such failure) an independent management consultant, such consultant timely prepares (within 45 days of engagement) a report with recommendations for meeting the required coverage ratio and the Board, to the extent legally permissible, timely implements the consultant’s recommendations. Notwithstanding the preceding sentence, in no event may coverage described in clause (i) of the preceding paragraph fall below 100 percent (1.00 times) of the Annual Debt Service on all Bonds in each Fiscal Year.

Prior Parity Bonds. Bonds payable from and secured by a pledge of and lien on the same sources as the Series 2023 Bonds have been issued by the Board for the purposes set forth in the Bond Resolution (the “*Prior Parity Bonds*”). See “The Housing and Auxiliary System—*Outstanding Bonds*.”

Future Parity Bonds. Additional Bonds secured on a parity with the Series 2023 Bonds and the Prior Parity Bonds may be issued by the Board under the Bond Resolution subject to the conditions expressed in this Official Statement. See “Security for the Series 2023 Bonds—*Future Parity Bonds*.”

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OFFICIAL STATEMENT

SOUTH DAKOTA BOARD OF REGENTS

\$ _____ *

**HOUSING AND AUXILIARY FACILITIES SYSTEM
REVENUE BONDS
SERIES 2023**

INTRODUCTION

This Official Statement, including the cover page, Summary Statement and Appendices, is furnished in connection with the offering of \$ _____* in aggregate principal amount of Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “*Series 2023 Bonds*”) of the South Dakota Board of Regents (the “*Board*”). The Series 2023 Bonds will be issued pursuant to the Board of Regents Revenue Bond Act of 1971, as amended (the “*Act*”), and the amended and restated bond resolution of the Board adopted on October 21, 2004, as supplemented from time to time thereafter, including a Sixteenth Supplemental System Revenue Bond Resolution adopted by the Board on March __, 2023, and as hereafter supplemented and amended (the “*Bond Resolution*”).

The Board is a body corporate and politic of the State of South Dakota responsible for the governance of six state-supported universities (each an “*Institution*” and, collectively, the “*Institutions*”), including Black Hills State University (“*BHSU*”), Dakota State University (“*DSU*”), Northern State University (“*NSU*”), South Dakota School of Mines & Technology (“*SDSMT*”), South Dakota State University (“*SDSU*”), and the University of South Dakota (“*USD*”). The Housing and Auxiliary Facilities System of the Board (the “*System*”) consists of the aggregate of the housing and auxiliary facilities (each, an “*Institutional System*”) of BHSU, DSU, NSU, SDSMT, SDSU and USD.

The proceeds from the sale of the Series 2023 Bonds will be used to (i) pay the costs of financing improvements to the student wellness center of USD (the “*USD Project*”); (ii) [refund the Board’s Housing and Auxiliary Facilities System Revenue Bonds, Series 2013A, maturing on and after April 1, 2024 (the “*Refunded Series 13A Bonds*”); (iii)] refund the USD, BHSU and SDSMT portions of the Board’s Housing and Auxiliary Facilities System Revenue Bonds, Series 2014A (the “*Series 2014A Bonds*”), maturing on and after April 1, 2024 (the “*Refunded Series 2014A Bonds*”); and [(iii)/(iv)] pay the costs of issuance of the Series 2023 Bonds. Certain funds available to the Board from SDSU (the “*SDSU Funds*”) will be used to redeem the SDSU portion of the Series 2014A Bonds (the “*Redeemed Series 14A Bonds*”).

The Series 2023 Bonds are payable solely from and secured by a pledge of certain net revenues of the Housing and Auxiliary Facilities System of USD, BHSU, SDSMT and certain other net revenues and funds which have been authorized or pledged by the Board for payment of the Series 2023 Bonds under the Act and the Bond Resolution.

The Series 2023 Bonds will be authorized pursuant to the Act. The Act empowers the Board to borrow money and issue and sell bonds for any project and for any institution or any combination of Institutions governed by the Board, which means and includes revenue-producing buildings, structures and facilities which, as determined by the Board, are required by, or necessary for the use or benefit of each institution, including, without limiting the generality of the foregoing, the following: student residence halls, apartments, staff housing facilities, dormitories, health, hospital or medical facilities, dining halls, student union buildings, field houses, stadiums, physical education installations and facilities, auditoriums,

* Preliminary; subject to change.

facilities for student or staff services, facilities or buildings leased to the United States of America, off-street parking facilities, with all equipment and appurtenant facilities, or any combination thereof, and to refund or refinance any and all bonds issued and sold by the Board pursuant to the Act. Under the Act, all revenues derived from the operation of any such buildings or facilities are continuously appropriated to the Board and the Board is authorized to pledge such revenues for the payment of operation and maintenance costs and for the retirement of such bonds.

The summaries of and references to all documents, statutes and other instruments referred to in this Official Statement do not purport to be complete and are qualified in their entirety by reference to the full text of each such document, statute or instrument. Copies of the Bond Resolution are available for inspection at the offices of the Board, 306 East Capitol Avenue, Pierre, South Dakota 57501-3159. Certain capitalized terms used in this Official Statement are defined in Appendix B hereto. Any terms not defined in this Official Statement shall have the meanings as set forth in the respective documents. The Appendices hereto are part of this Official Statement and should be read in their entirety.

ESTIMATED SOURCES AND USES

The estimated sources and uses of the proceeds of the Series 2023 Bonds are shown below.

SOURCES:		Amount
	Principal Amount of Series 2023 Bonds	\$
	Original Issue Premium/Discount	
	TOTAL SOURCES	\$
USES:		
	USD Project	\$
	[Refunding of Refunded Series 2013A Bonds]	
	Refunding of Refunded Series 2014A Bonds	
	Cost of Issuance ⁽¹⁾	
	TOTAL USES	\$

⁽¹⁾ Costs of issuance include underwriter's discount, legal fees, [fees of the Municipal Advisor,] rating agency fees, initial Bond Registrar fees and other expenses incurred in connection with the issuance of the Series 2023 Bonds.

The SDSU Funds will be used to redeem the Redeemed Series 2014A Bonds.

THE FINANCING PLAN

The proceeds from the sale of the Series 2023 Bonds will be used to (i) pay the costs of the USD Project; (ii) [refund the Refunded Series 13A Bonds]; (iii) refund the Refunded Series 2014A Bonds; and [(iii)/(iv)] pay the costs of issuance of the Series 2023 Bonds. The SDSU Funds will be used to redeem the Redeemed Series 2014A Bonds.

USD PROJECT

The USD student wellness center is USD's campus recreation, fitness and athletic facility. The wellness center features two racquetball courts, multiple recreation courts for basketball and volleyball, group fitness studios for aerobics, Pilates and yoga, a three-lane walking/jogging track, locker rooms, and state-of-the-art workout equipment, including exercise bicycles, elliptical machines and a large weight room filled with treadmills and strength training equipment. In 2021, USD announced the \$31.3 million expansion of the wellness center to house a new indoor competition pool, wellness pool, aquatic obstacle

course, wet classroom, hot tub, steam room, athletic locker rooms, expanded wellness locker rooms, meet management rooms, coaches offices and lifeguard rooms.

REFUNDING OF THE [REFUNDED SERIES 2013A BONDS AND] REFUNDED SERIES 2014B BONDS

Information for the [Refunded Series 2013A Bonds and] Refunded Series 2014B Bonds is set forth below:

[REFUNDED SERIES 2013A BONDS

Maturity (April 1)	Interest Rate	Principal Amount Refunded	Redemption Price	CUSIP	
2024	4.00%	\$ 890,000	100%	837542 EC9	
2025	4.00	925,000	100%	837542 ED7	
2026	4.00	965,000	100%	837542 EE5	
2028	3.00	2,040,000	100%	837542 EG0]

REFUNDED SERIES 2014A BONDS

Maturity (April 1)	Interest Rate	Principal Amount Refunded	Redemption Price	CUSIP
2024	5.000%	\$2,990,000	100%	837542 ES4
2025	5.000	3,150,000	100%	837542 ET2
2026	5.000	540,000	100%	837542 EU9
2027	4.000	565,000	100%	837542 EV7
2028	4.000	590,000	100%	837542 EW5
2033	4.500	3,355,000	100%	837542 EX3
2036	4.624	2,400,000	100%	837542 EZ8
2039	4.750	2,750,000	100%	837542 EY1

REDEMPTION OF THE REDEEMED SERIES 14A BONDS

Information for the Redeemed Series 14A Bonds is set forth below.

REDEEMED SERIES 2014A BONDS

Maturity (April 1)	Interest Rate	Principal Amount Refunded	Redemption Price	CUSIP
2024		\$2,450,000	100%	
2025		2,575,000	100%	

THE SERIES 2023 BONDS

GENERAL

In the event book-entry is discontinued, Series 2023 Bonds may be transferred or exchanged for registered Series 2023 Bonds at the principal corporate trust office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution and upon surrender and cancellation of such Series 2023 Bonds. The Bond Registrar shall not be required to transfer or exchange any Series 2023 Bond (i) during the period after the fifteenth day of the month next preceding any interest payment date and ending on such interest payment date, (ii) after notice calling a Series 2023 Bond for redemption has been given, or (iii) during a period of fifteen days next preceding the giving of a notice of redemption of any Series 2023 Bond.

The Series 2023 Bonds shall be issued as fully registered Bonds in the denomination of \$5,000 and integral multiples thereof. The Series 2023 Bonds shall bear interest from their date or from the most recent interest payment date to which interest has been paid, or duly provided for, until the principal amount of the Series 2023 Bonds is paid. Interest shall be payable semiannually on the first day of April and October in each year until paid, commencing on October 1, 2023. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months. The principal of the Series 2023 Bonds shall be payable when due upon presentation and surrender thereof in at the principal corporate trust office of the Bond Registrar.

Interest on each Series 2023 Bond shall be paid by check or draft of the Bond Registrar, in lawful money of the United States of America, to the person in whose name such Series 2023 Bond is registered at the close of business on the 15th day of the month next preceding each interest payment date; provided,

however, that interest on the Series 2023 Bonds held by a registered owner of at least \$100,000 in aggregate principal amount of the Series 2023 Bonds may also be paid by wire transfer of immediately available funds to any bank in the continental United States as such registered owner shall specify in a written request to the Bond Registrar.

The Board and the Bond Registrar may deem and treat the registered owner of any Series 2023 Bond as the absolute owner thereof for the purpose of receiving payment of or on account of principal thereof and interest due thereon and for all other purposes and neither the Board nor the Bond Registrar nor any paying agent shall be affected by any notice to the contrary.

OPTIONAL REDEMPTION OF SERIES 2023 BONDS

The Series 2023 Bonds maturing on or after April 1, 20__, are subject to redemption prior to maturity at the option of the Board in whole or in part (in integral multiples of \$5,000), in any order of maturity as determined by the Board, on any date occurring on or after April 1, 20__, at a price equal to the principal amount of Series 2023 Bonds to be redeemed plus accrued interest to the date of redemption.

At least 45 days prior to the redemption date, the Board shall designate in writing to the Bond Registrar the principal amount of Series 2023 Bonds to be redeemed. If less than all of the Series 2023 Bonds shall be called for redemption, the particular Series 2023 Bonds to be redeemed shall be selected by the Bond Registrar, in such a manner as the Bond Registrar in its discretion may deem fair and appropriate, in the principal amount designated to the Bond Registrar by the Board; provided, however, that the portion of any Series 2023 Bonds to be redeemed shall be in integral multiples of \$5,000.

REDEMPTION PROCEDURES

The Board has the option of calling Bonds, when subject to redemption according to their terms, of any one or more series, at its discretion.

Notice of the redemption of Series 2023 Bonds will be given by electronic notice or by mailing a copy of the redemption notice by first class mail at least 30 days prior to the date fixed for such redemption to The Depository Trust Company, New York, New York (“DTC”), as the securities depository or any successor securities depository, as the registered owner of such Series 2023 Bonds, so long as the global book-entry system is used for recording ownership of such Series 2023 Bonds. See “BOOK ENTRY PROVISIONS.”

With respect to any optional redemption of any Series 2023 Bonds, unless moneys sufficient to pay the principal of and interest on such Series 2023 Bonds to be redeemed shall have been received by the Bond Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption shall be conditional upon the receipt of such moneys by the Bond Registrar on or prior to the date fixed for redemption.

For purposes of any redemption of less than all of the Series 2023 Bonds of a single maturity, the particular Series 2023 Bonds or portions of Series 2023 Bonds to be redeemed shall be selected in accordance with procedures established by DTC or any other securities depository; *provided* that such method shall provide for the selection of redemption of Series 2023 Bonds or portions thereof so that any \$5,000 Series 2023 Bond or \$5,000 portion of a Series 2023 Bond shall be as likely to be called for redemption as any other such \$5,000 Series 2023 Bond or \$5,000 portion of a Series 2023 Bond.

Notice of redemption having been given as described in the Bond Resolution, and notwithstanding failure to receive such notice, the Series 2023 Bonds or portions of Series 2023 Bonds so to be redeemed will, on the redemption date, become due and payable at the redemption price therein specified, and from

and after such date (unless the Board shall default in the payment of the redemption price) such Series 2023 Bonds or portions of Series 2023 Bonds shall cease to bear interest. Upon surrender of such Series 2023 Bonds or redemption in accordance with said notice, such Series 2023 Bonds will be paid by the Bond Registrar at the redemption price.

BOOK ENTRY PROVISIONS

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Board and the Underwriter believe to be reliable, but neither the Board nor the Underwriter takes responsibility for the accuracy thereof.

DTC will act as securities depository for the Series 2023 Bonds. The Series 2023 Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Series 2023 Bond will be issued for each maturity in the aggregate principal amount of such maturity and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("*Direct Participants*") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("*DTCC*"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("*Indirect Participants*"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Series 2023 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Series 2023 Bonds on DTC's records. The ownership interest of each actual purchaser of each Series 2023 Bond ("*Beneficial Owner*") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2023 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Series 2023 Bonds, except in the event that use of the book-entry system for the Series 2023 Bonds is discontinued.

To facilitate subsequent transfers, all Series 2023 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be

requested by an authorized representative of DTC. The deposit of Series 2023 Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2023 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2023 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Series 2023 Bonds may wish to take certain steps to augment transmission to them of notices of significant events with respect to the Series 2023 Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Series 2023 Bond documents. For example, Beneficial Owners of Series 2023 Bonds may wish to ascertain that the nominee holding the Series 2023 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Bond Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Series 2023 Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Series 2023 Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the Board as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Series 2023 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption proceeds and principal and interest payments on the Series 2023 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the Board or the Bond Registrar, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC nor its nominee, the Bond Registrar or the Board, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds and principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Board or the Bond Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Series 2023 Bonds at any time by giving reasonable notice to the Board. Under such circumstances, in the event that a successor securities depository is not obtained, certificates for such Series 2023 Bonds are required to be printed and delivered as described in the Bond Resolution.

The Board may decide to discontinue use of the system of book-entry transfers through DTC (or a successor Securities Depository). In that event, certificates for the affected Series 2023 Bonds will be printed and delivered.

SECURITY FOR THE SERIES 2023 BONDS

The Series 2023 Bonds shall be obligations of the Board payable only in accordance with the terms thereof and shall not be obligations general, special, or otherwise, of the State of South Dakota (the “*State*”). The Series 2023 Bonds shall not constitute a debt, legal or moral, of the State, and shall not be enforceable against the State, nor shall payment thereof be enforceable out of any funds of the Board, or of any Institution, other than the income and revenues pledged and assigned to, or in trust for the benefit of, the Bondholders, as described therein.

NET REVENUES AND FUNDS

The Series 2023 Bonds will be payable from and secured by a pledge of and lien on the following sources in the following order of priority:

- (a) the Net Revenues of the USD Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to USD (the “*Series 2023 USD Proportion*”), the Net Revenues of the BHSU Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to BHSU (the “*Series 2023 BHSU Proportion*”), and the Net Revenues of the SDSMT Institutional System, as to the proportion of the proceeds of the Series 2023 Bonds allocable to SDSMT (the “*Series 2023 SDSMT Proportion*”);
- (b) uncommitted funds of the Repair and Replacement Reserve Account of USD, BHSU and SDSMT, as to the Series 2023 USD Proportion, the Series 2023 BHSU Proportion, and the Series 2023 SDSMT Proportion, respectively;
- (c) Net Revenues of the other Institutions, but only after provision for payment of interest due on the next interest payment date and one half of the principal due on the Bonds issued on behalf of such Institutions within the succeeding 12 months;
- (d) uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutions, in an amount and from such Institutions as determined by the Executive Director; and
- (e) such other funds which may be pledged or used as authorized by Act.

All Parity Bonds are payable from and secured by a pledge of and lien on the same sources as the Series 2023 Bonds; provided, that certain Parity Bonds may be separately secured by individual Debt Service Reserve Accounts as described below under “–NO DEBT SERVICE RESERVE ACCOUNT.”

The Gross Revenues with respect to each Institution shall be paid to the Depository, to the credit of a special account for each Institution created and designated as the Housing and Auxiliary Facilities Revenue Fund of the related Institution (each, a “*Revenue Fund*”), and all operation and maintenance expenses of an Institutional System shall be payable from the related Revenue Fund.

The Board covenants and agrees in the Bond Resolution that, on a date on or before each March 25 and September 25 (or such other date as is provided for a series of Bonds in the supplemental resolution authorizing such Bonds) before each interest payment date and each principal payment date with respect to the Bonds, and after retaining in the Revenue Fund the current Operating Reserve and paying current operating and maintenance expenses of each Institutional System then due, the Chief Financial Officer of the Institution will transfer from the Revenue Fund to the credit of the Bond and Interest Sinking Fund Account for each Institution (to be held by the Depository) such amounts which, when added to the balance therein, will be sufficient to equal the interest then due on the Bonds of such Institution on such interest payment date and one-half of the principal due on such Bonds within the next 12 months. Such funds as

are necessary to pay the principal of and interest on the Bonds of such Institution due on the immediately following payment date shall be immediately transferred to a separate account, to be known as the Debt Service Account of the related Institution (each, a “*Debt Service Account*”) with the Bond Registrar. The Bond Registrar shall use moneys in the Debt Service Account to pay the interest due on the Bonds of such Institution then Outstanding on the next interest payment date and the principal of the Bonds of such Institution when due. All moneys credited to each Institution’s Debt Service Account shall be and are irrevocably pledged to and shall be used solely for the payment of the principal and interest on the Bonds of such Institution. Notwithstanding the foregoing, if any such Bonds bear, or are expected to bear, interest at a Variable Rate, the Chief Financial Officer of such Institution shall transfer amounts to the Institution’s Bond and Interest Sinking Fund Account and the Institution’s Debt Service Account to pay interest on such Bonds at such times and in such amounts as set forth in the supplemental resolution authorizing such Bonds.

Each Institution shall notify the Board at least 30 days prior to each interest or principal payment date either (i) that it has sufficient Net Revenues available from the Institutional System to make the interest and principal payment, if any, on such payment date or (ii) that it does not have sufficient Net Revenues available from the Institutional System (a “*Notice of Deficiency*”) to make such interest and principal payment, if any, and specifying the amount of such deficiency (a “*Deficiency*”).

If the Board receives a Notice of Deficiency with respect to an Institution, the Executive Director shall take the following steps as soon as possible prior to the payment date, in the order of priority listed:

- (i) if a Debt Service Reserve Subaccount is maintained for such Bonds, notify the Bond Registrar or the Depository, as the case may be, of such Deficiency and direct the application of a specified amount of such funds to the payment due;
- (ii) if the Institution has funds in the Repair and Replacement Reserve Account for its Institutional System for which there are no contractual commitments, such funds shall be transferred to the Bond and Interest Sinking Fund Account of the Institution to make up the Deficiency;
- (iii) the Executive Director shall direct the withdrawal and use of the Net Revenues of other Institutional Systems not necessary for payment of interest due on the next interest payment date and one-half of the principal due within the next 12 months on the Bonds issued on behalf of such Institution to make up all or a portion of the Deficiency; and
- (iv) if other Institutions have funds in the Repair and Replacement Reserve Accounts for their Institutional Systems for which there are no contractual commitments, funds shall be withdrawn therefrom at the direction of the Executive Director and transferred to make up all or a portion of the Deficiency.

The repayment provisions for the reimbursement of Institutions from which Net Revenues or funds in the Repair and Replacement Reserve Accounts have been transferred to satisfy a Deficiency shall be as determined by the Executive Director.

NO DEBT SERVICE RESERVE ACCOUNT

No Debt Service Reserve Account will be established to secure the Series 2023 Bonds.

The Bond Resolution authorizes Debt Service Reserve Accounts to secure Bonds issued under the Bond Resolution. As of the date of this Official Statement, no Debt Service Reserve Accounts have been established under the Bond Resolution for any outstanding Bonds. The Board may create Debt Service Reserve Accounts to secure future series of Bonds. Such Debt Service Reserve Accounts, if any, with

respect to future series of Bonds, may be established as provided in the supplemental resolution authorizing the issuance of such series of Bonds.

REPAIR AND REPLACEMENT RESERVE ACCOUNTS

Upon the delivery of the Series 2023 Bonds, the Repair and Replacement Reserve Accounts for BHSU, DSU, NSU, SDSMT, SDSU and USD will each have a cash balance which is to be used as a reserve for major projects in such Institutional Systems. As described above under “–NET REVENUES AND FUNDS,” the Repair and Replacement Reserve Accounts of all the Institutions may be drawn down to make debt service payments of any of the Institutions for an issue of Bonds that is deficient for that purpose. See Appendix B for a further description of these Accounts.

A SYSTEM CONSOLIDATION

Subject to the requirements of the Bond Resolution, the Board may amend the Bond Resolution in the future to consolidate the operation of the System and eliminate the Institutional Systems.

ADDITIONAL BONDS

The Board may issue additional Parity Bonds (“*Additional Bonds*”) to fund capital projects of the System or to refund Prior Parity Bonds. The timing and amount of such issuances of Additional Bonds, if any, will be dependent upon a variety of factors, including the actual project and financing needs of the Institutional System at the time, general bond market conditions and such other factors as the Board, in its sole discretion, determines. The Board has no immediate plans to issue Additional Bonds.

FUTURE PARITY BONDS

Parity Bonds may be issued under the Bond Resolution, or other additional debt secured by Net Revenues may be incurred, whether or not issued under the Bond Resolution, only if compliance with the following conditions, among others, is demonstrated:

(1) Any facility to be constructed with the proceeds of the Additional Bonds shall be a part of the System and the revenues derived from the operation thereof are pledged as additional security for the payment of all Bonds outstanding and the Additional Bonds proposed to be issued.

(2) The Board is current in all transfers and deposits to be made under the terms of the Bond Resolution.

(3) The Board certifies that the Board is in full compliance with all of the covenants and undertakings in connection with all Bonds then outstanding and payable from the Net Revenues of the System or any part of it, and no event of default has occurred or is continuing under the Bond Resolution.

(4) (a) *Historic Test.* Actual Net Revenues of the System for each of the two most recent Fiscal Years must equal at least 120% of Annual Debt Service on all Outstanding Bonds and outstanding additional obligations issued on a parity with the Bonds; and

(b) *Projected Test.* Projected Net Revenues of the System for each of the three full Fiscal Years immediately succeeding the later of the issuance of the Additional Bonds or additional obligations issued on a parity basis with the Bonds or the end of any capitalized interest period are equal to at least 120% of Annual Debt Service on all Outstanding Bonds and additional obligations, plus the Additional Bonds or additional obligations. If the Additional Bonds are being

issued, all or in part, for refunding purposes, Annual Debt Service for the outstanding Bonds that are being refunded can be eliminated from this Projected Test. If the Additional Bonds are being issued, all or in part, to finance additional System facilities, the projected Net Revenues from such facilities may be included in this calculation.

(5) The resolution authorizing the issuance of each such series of Additional Bonds which are to pay interest on a semi-annual basis shall provide that the amount of each semiannual deposit into the related Bond and Interest Sinking Fund Account shall be increased by a sum equal to the interest which will be payable on such Additional Bonds on the next succeeding interest payment date and one-half of the principal maturing on such Additional Bonds, if any, within the next succeeding twelve-month period. If the Additional Bonds are to pay interest on other than a semiannual basis, such resolution shall make appropriate provisions therefor.

(6) The resolution authorizing the issuance of each such series of Additional Bonds shall state whether such series of Bonds is to be secured by a Debt Service Reserve Account and, if so, shall provide that the amount in the related Debt Service Reserve Account shall be adjusted to a sum equal to not less than the Debt Service Reserve Requirement on all Bonds then Outstanding which are secured by such Debt Service Reserve Account and the Additional Bonds then proposed to be issued, and at the time of delivery of such Bonds, the related Debt Service Reserve Account shall be maintained at the related Debt Service Reserve Requirement.

(7) The resolution authorizing the issuance of each such series of Additional Bonds shall provide that the minimum amount to be accumulated in the Renewal and Replacement Reserve Account for the related Institutional System with respect to such project or projects, shall be an amount equal to the existing RRR Requirement for such Institutional System and at least an additional five percent of: (i) the cost of construction of any projects for which the Additional Bonds are to be issued and which are to be added to such Institutional System; plus (ii) the cost of any furnishings and moveable equipment for each such project which are financed with proceeds of such Bonds.

(8) The resolution authorizing such Additional Bonds may provide that such Bonds be Variable Rate Bonds.

(9) If, in the resolution authorizing any such Additional Bonds, it is provided that excess revenues in the Revenue Fund are to be used to redeem Bonds in advance of scheduled maturity, or if the Board undertakes to redeem Bonds in advance of scheduled maturity, it is agreed and understood that such Bonds may be callable from any series as determined by the Board.

ANNUAL DEBT SERVICE REQUIREMENTS

The following table sets forth the debt service requirements on the Series 2023 Bonds and Prior Parity Bonds after giving effect to the refunding of the Refunded Series 2013A Bonds and Refunded 2014A Bonds.

FISCAL YEAR ENDING JUNE 30	THE SERIES 2023 BONDS			OUTSTANDING BONDS DEBT SERVICE ⁽¹⁾	TOTAL DEBT SERVICE
	PRINCIPAL	INTEREST	DEBT SERVICE		
2024					
2025					
2026					
2027					
2028					
2029					
2030					
2031					
2032					
2033					
2034					
2035					
2036					
2037					
2038					
2039					
2040					
2041					
2042					
2043					

⁽¹⁾ See “THE HOUSING AND AUXILIARY FACILITIES SYSTEM—Outstanding Bonds.”

FUTURE PARITY BONDS FOR OTHER INSTITUTIONS

Provisions of the Bond Resolution may be amended without notice to, or the consent of, the owners of the Series 2023 Bonds or Parity Bonds, in order to include in the System the Net Revenues of the housing and auxiliary facilities systems and revenues of other institutions of higher education under the jurisdiction of the Board. Such amendments would authorize the issuance of future Parity Bonds to finance projects for such other systems, which Parity Bonds would be secured by a pledge of and lien on the revenues and funds described “SECURITY FOR THE SERIES 2023 BONDS—Net Revenues and Funds.”

THE HOUSING AND AUXILIARY SYSTEM**GENERAL**

The Housing and Auxiliary Facilities System of the Board consists of the aggregate of the housing and auxiliary facilities of BHSU, DSU, NSU, SDSMT, SDSU and USD. Auxiliary facilities include student unions, food services, bookstores, wellness centers, and a portion of the parking systems at the Institutions.

The System and each component Institutional System are under the control of the Board. The System was created by the Board in 2004 to strengthen the capacity of the Board to issue bonds to finance

the construction, acquisition, or modification of revenue generating facilities of the Institutions by pledging the revenues of all of the Institutional Systems for each bond issue. Although the revenues of all Institutional Systems are cross-pledged to meet bond repayment obligations of the System, each Institution continues to independently operate its own housing and auxiliary facilities. The Board closely monitors enrollments, retention, occupancy rates and coverage ratios for each Institution to ensure the financial soundness of the System.

The System is a “closed” system in that the revenues and the costs of the System are managed and accounted for separately from other activities of the Institutions. Once a facility is pledged to the System it can only be removed when it no longer is a viable revenue producing asset.

Academic facilities of the Institutions, which include classroom buildings, libraries, administrative buildings, research facilities, and athletic facilities, are supported by higher education facility funds (“HEFF”) and not revenues of the System. HEFF represents a portion of the tuition and fees collected by the Institutions and is used to fund maintenance, repairs and capital improvements to the academic facilities. Bonds for academic facilities are issued by the South Dakota Building Authority. See APPENDIX A—“SOUTH DAKOTA BOARD OF REGENTS AND SOUTH DAKOTA HIGHER EDUCATIONAL INSTITUTIONS—Ten Year Capital Investment Plan.”

CAPITAL IMPROVEMENTS; MAINTENANCE AND REPAIR

Any project undertaken by an Institution costing more than \$5 million is considered a capital improvement according to South Dakota codified law. The Board oversees all capital improvements through building committees. Capital improvements and most maintenance and repair projects fall under the jurisdiction of the Office of the State Engineer (OSE), which assists the Board and the Institutions with planning, project bidding, contracting, oversight, change orders, payment review, and trouble-shooting.

The Institutions are charged with the ongoing maintenance and repair of their respective facilities. The Board approves the projects which will be funded each year from the various sources of revenue dedicated to maintenance and repair. The Board’s policy is to invest a minimum of 2% of the current replacement value annually for maintenance and repair for revenue facilities.

SYSTEM REVENUES

System revenues come from the operation of each Institution’s housing, student union, dining service, the NSU, BHSU, and SDSMT bookstores, the SDSU, USD, and SDSMT wellness centers, and parking facilities at BHSU and SDSU.

Revenues generated by the residential facilities of the System must cover the cost to maintain the facilities. Board policy requires a minimum annual expenditure level of 2% on residence halls. Contributions to fully fund an Institution’s Repair, Renewal and Replacement (RRR) requirement on bonded projects may be applied towards the 2% annual maintenance and repair expenditure requirement.

Student unions are funded entirely through student fees and revenues from bookstores and food service operations. Parking facilities generate revenues from vehicle fees.

EXISTING FACILITIES

The existing facilities of the System are comprised of the residential housing facilities, student unions, wellness centers, and most parking facilities of the Institutions. The existing buildings, structures and facilities of the System by Institution are set forth in the following table.

SYSTEM FACILITIES

BHSU	DSU	NSU
<hr/> Housing Facilities: Heidepriem Hall Bordeaux Hall Wenona Cook Hall Thomas Hall University Apartments Student Union Parking Facilities Dining Services University Bookstore	<hr/> Residence Halls: Zimmerman Hall Higbie Hall Richardson Hall Emry Hall The Courtyard Residence Village Van Eps Student Union	<hr/> Residence Halls: Briscoe Hall Great Plains East Great Plains West McArthur-Welsh Hall Steele Hall Kramer Hall Wolves Memorial Suites Student Union
SDSMT	SDSU	USD
<hr/> Connolly Hall Palmerton Hall Peterson Hall Placer Hall Surbeck Student Center Wellness Center	<hr/> Housing Facilities: Binnewies Hall Brown Hall Caldwell Hall Hansen Hall Jackrabbit Grove (Ben Reifel, Theodore W. Schultz, Hallie Walker Hyde, and Honors Halls) Jackrabbit Village (Spencer, Abbott and Thorne Halls) Mathews Hall Meadows North Meadows South Pierson Hall Waneta Hall Young Hall Skylight Apartments Huggins Apartments Garden Square Units Thornber Apartments Southeast Neighborhood Student Wellness Center Dining Facilities: Larsen Commons Student Union Building Parking Facilities	<hr/> Beede Hall Burgess Hall McFadden Hall Mickelson Hall Norton Hall, including parking lot Olson Hall Richardson Hall Cherry Street Rentals Muenster University Center Student Wellness Center, including parking lot Coyote Village Housing, including parking lot

HOUSING FACILITIES

The System's student housing, which varies by Institution, consists of traditional dormitories, residence halls and suite-style apartments. All of the student housing utilized by the Institutions is on state property and is owned and operated by the Institutions, except for a limited number of student residences that are leased by DSU and SDSMT. The leased facilities are managed by the residence life staffs of the Institutions.

The housing capacity of the Institutional Systems and the System as a whole compared to headcount enrollments at the Institutions for the 2022 fall semester is provided in the following table.

System Housing Capacity			
	Capacity	Student Headcount	%
BHSU	863	1,514	57.00
DSU	936	1,326	70.59
NSU	855	1,152	74.22
SDSMT	1,091	2,316	47.11
SDSU	4,571	8,556	53.42
USD	1,989	5,700	34.89
System Total	10,305	20,564	50.11

The Board's student housing policy requires freshmen and sophomores to live in the residence halls and have a meal plan. During the first two years from the time students were or would have been graduated from high school, all unmarried students who enroll in six credit hours or more at any Institution are required to enter into a housing agreement and designated meal plan for the specific living environment with that Institution unless special permission to room or dine elsewhere is received from the Institution. Permission ordinarily will be granted to students with dependent children, to students who reside full time during the academic year with parents or legal guardians, or students enrolled primarily at off-campus locations. Students who have enrolled for twelve or more credits for four semesters may be exempted from this agreement at the discretion of the Institutions. Institutions may also grant exemptions for students when residence hall occupancy exceeds manageable capacity.

Below is a summary of occupancy rates for each Institution and the System as a whole for the past five fiscal years. The System reports occupancy based on the designed capacity of rooms but adjusts for any "permanent" changes including changing rooms to single rooms.

System Housing Occupancy					
	2018	2019	2020	2021	2022
BHSU	87.73%	91.49%	79.73%	86.63%	91.66%
DSU	97.77	99.62	94.72	83.06	86.65
NSU	78.85	75.62	61.38	64.13	61.40
SDSMT	89.98	92.59	84.84	94.90	99.27
SDSU	91.18	90.52	85.97	85.66	87.60
USD	100.27	91.11	85.71	87.11	99.65
System	91.99	90.40	84.00	85.02	88.05

STUDENT UNIONS

The student unions at the Institutions are the center of student and campus activity and have become the focal point for socializing among students, faculty and staff and student recruiting. The student unions are modern facilities with extensive student engagement and learning spaces as well as student support offices.

FOOD SERVICE

All of the Institutions have privatized food service operations. All six universities are under a contract with Sodexo America, LLC as their food service provider. Student union upgrades at the Institutions have all included expansion and improvements to food service operations.

BOOKSTORES

On-campus bookstores are operated by the respective Institutions. As publishers move away from printed books and market their e-texts and e-materials directly to faculty and students, the bookstores rely far more on their clothing and logo item sales to generate revenue. NSU, BHSU, and SDSMT are the only schools whose bookstore revenues are pledged to the system.

WELLNESS CENTERS

Fitness and health facilities have become expectations for today's college student. The Institutions serve this need through campus athletic facilities available to all students, community centers and joint student-athlete facilities. The System includes the student athletic, recreation and studio facilities at SDSU, USD, and SDSMT. These wellness centers are supported with student fees and operated by the respective Institutions.

PARKING

Parking facilities at BHSU (1,904 spaces) and SDSU (9,065 spaces) are included within the System. Parking facilities at all of the other Institutions are not part of the System. Both BHSU and SDSU charge students for parking at the facilities.

FINANCIAL MANAGEMENT, REPORTING AND BUDGETING

Financial management of the System is the responsibility of the Board and the chief business officers of each Institution.

Each year, the Auditor General must certify the financial statements of the State as a whole, inclusive of the System. As an agency of the State, the System's financial records reflect compliance with applicable State statutes and regulations. The significant accounting policies followed by the System in maintaining accounts and in the preparation of the combined primary financial statements are in accordance with the Auditor General's Annual Financial Reporting Requirements.

The Board has engaged the Department of Legislative Audit to perform a series of agreed upon procedures in order to assist the Board in evaluating its compliance with bond requirements in the System. An Independent Accountant's Report enumerating the procedures and results of the procedures is issued by the Auditor General for each fiscal year. See "FINANCIAL STATEMENTS" and "APPENDIX E—

FINANCIAL STATEMENTS OF THE HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BOND FUNDS FOR THE FISCAL YEARS ENDED JUNE 30, 2022 AND 2021 (UNAUDITED).”

The annual budgeting process for the System begins in June of each year with informal budget hearings conducted by the Board with the participation of the Institutions. In July, Institutions make specific budget requests and the Board approves an official budget request. The official budget request is submitted in August to the South Dakota Bureau of Finance and Management and to the Governor of the State (the “*Governor*”). From September through November, the official budget request is discussed with the Bureau of Finance and the Governor, and in November the board is notified with the Governor’s official recommendations. From January through March of the following year, the Board and university presidents have a scheduled time with the Legislature’s Appropriations Committee to discuss the budget and the Governor’s recommendations. An appropriations bill is passed out of the Appropriations Committee and sent to the floor of the House and Senate for passage, which becomes the next fiscal year’s operating budget.

PROPOSED CAPITAL PROJECTS

There are currently no system projects being discussed at the Board level.

OUTSTANDING BONDS

The following table sets forth the series, original principal amounts, current outstanding principal amounts as of March 1, 2023, and the maturity date for the Prior Parity Bonds after giving effect to the issuance of the Series 2023 Bonds and the refunding of the Refunded Series 2013A Bonds and the Refunded Series 2014A Bonds and the redemption of the Redeemed Series 2014A Bonds.

Outstanding Debt

Issue	Original Principal Amount	Current Amount Outstanding	Final Maturity Date
Series 2006 Bonds	\$ 9,015,000	\$ 2,470,000	4/1/2026
Series 2007 Bonds	8,540,000	3,760,000	10/1/2028
Series 2008A Bonds	4,770,000	1,825,000	4/1/2028
Series 2008B Bonds	5,230,000	2,150,000	4/1/2028
Series 2014B Bonds	13,760,000	7,625,000	4/1/2033
Series 2015 Bonds	22,525,000	16,660,000	4/1/2040
Series 2016 Bonds	19,625,000	17,020,000	4/1/2041
Series 2017 Bonds	88,260,000	77,670,000	4/1/2042
Series 2019A Bonds	16,000,000	11,480,000	4/1/2044
Series 2019B Bonds	4,535,000	4,250,000	4/1/2036
Series 2021 Bonds	38,285,000	36,570,000	4/1/2036
Series 2023 Bonds			
	<u>\$</u>	<u>\$</u>	

NO PENSION OBLIGATIONS

The System does not carry or incur pension or OPEB liabilities. No costs for pension or OPEB are part of or included in operating and maintenance expenses used in calculating Net Revenues.

HISTORICAL AND PROJECTED CASH FLOWS

GENERAL

The following tables sets forth the historical and projected revenues and expenses of the System and each Institution on a cash basis for the fiscal years 2018-2026. The historical and projected financial information presented is based upon unaudited information furnished to the Board from each of the Institutions in connection with the issuance of the Series 2023 Bonds.

Financial information for the revenue bond funds maintained for the System and the Institutions for the fiscal years 2021 and 2022 are set forth in APPENDIX E. For information on the financial information for fiscal year 2022, see “FINANCIAL STATEMENTS.”

Estimates for fiscal year 2023 and projections for the fiscal years 2024-2026 are based upon the assumptions stated herein under “—PROJECTED CASH FLOWS OF THE SYSTEM.” The assumptions are believed to be reasonable by the Board. No assurance can be given that the assumptions used in the projections will prove correct. If any of the assumptions prove to be materially incorrect, the projected estimates of excess revenues over expenditures are likely to be materially and adversely affected. Neither the Board nor the Underwriter has independently verified the projections of excess revenues over expenditures contained in the following table.

Historical and Projected Cash Flows of the System

ATTACHMENT II

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	FY18	FY19	FY20	FY21	FY22	Estimated FY23	Estimated FY24	Estimated FY25	Estimated FY26
Revenues									
Residence Life	\$38,811,342	\$40,331,835	\$32,291,333	\$36,556,155	\$41,496,948	\$42,734,914	\$44,153,247	\$43,666,171	\$46,739,642
Food Service	28,716,258	29,532,550	23,012,411	26,113,277	29,286,861	29,411,522	31,678,855	32,312,433	33,617,855
Student Center Operations	1,730,164	1,776,061	1,259,145	952,806	1,415,741	1,526,533	1,485,273	1,517,344	1,583,721
General Activity Fee Support	3,554,993	3,955,167	4,365,466	4,458,331	5,820,158	5,992,756	6,159,095	6,292,936	6,573,787
Bookstore	4,150,659	4,001,721	3,566,135	3,144,179	3,301,188	3,202,120	3,247,772	3,286,728	3,366,990
Parking	1,864,928	1,761,323	1,477,990	1,337,925	1,799,737	1,892,109	1,930,492	1,969,103	2,048,654
Wellness Center Operations	907,884	951,470	719,681	444,626	764,096	759,085	774,266	1,359,793	1,245,740
SubTotal Operating Revenue	79,736,228	82,310,128	66,692,161	73,007,299	83,884,729	85,519,039	89,429,001	90,404,506	95,176,389
Other Revenues									
GAF Bond Support	9,463,519	9,271,598	8,772,593	8,767,868	7,207,651	6,835,001	6,910,385	6,991,437	7,239,909
Facility Support Fee	1,613,171	1,369,666	816,136	561,391	494,059	516,386	525,659	533,573	541,644
Aramark Investment	150,000	150,000	0	150,000	150,000	150,000	150,000	150,000	150,000
BAB Subsidy	755,489	49,792	0	0	0	91,231	93,421	95,289	97,195
One-Time Transfers	0	0	0	0	0	0	0	0	0
Capitalized Interest	0	0	114,493	420,350	8,302	0	0	0	0
COVID - CARES Funding	0	0	809,192	8,152,938	0	0	0	0	0
COVID - CRF Funding	0	0	8,430,128	0	0	0	0	0	0
SubTotal Other Revenue	11,982,179	10,841,056	18,942,542	18,052,547	7,860,012	7,592,618	7,679,465	7,770,299	8,028,748
Investment Income									
Debt Service	80,840	58,676	120,046	153,373	85,503	68,382	68,852	69,332	69,822
Interest Revenue	175,037	194,984	257,192	220,963	125,156	137,108	138,812	140,549	142,321
Renewals	259,846	330,648	621,784	799,570	492,384	289,986	251,732	267,069	266,672
Completed Construction Funds	0	0	0	0	0	0	0	0	0
SubTotal Investment Income	515,723	584,308	999,022	1,173,906	703,043	495,476	459,396	476,950	478,814
Total Revenues	\$92,234,130	\$93,735,492	\$86,633,725	\$92,233,752	92,447,784	93,607,133	97,567,861	98,651,755	101,933,143
Expenditures									
Residence Life	\$18,341,641	\$17,937,204	\$18,228,253	\$17,658,718	19,665,235	19,333,125	19,821,660	20,082,486	20,682,883
Food Service	28,226,601	28,817,225	22,582,110	25,695,045	28,431,831	29,102,076	31,401,052	32,036,351	32,729,666
Student Center	1,778,369	1,920,153	1,712,428	1,282,941	1,497,276	1,618,798	1,636,152	1,671,190	1,707,024
General Activity Fee	2,980,315	3,703,511	4,185,996	4,458,332	6,001,503	6,076,671	6,272,938	6,383,114	6,498,784
Bookstore	4,065,207	3,821,166	3,560,095	2,923,024	2,894,378	3,026,218	3,067,728	3,107,551	3,147,569
Parking	638,641	753,151	793,883	499,002	586,267	602,530	618,380	632,448	645,737
Other	374,057	270,324	268,736	270,206	298,385	380,000	380,000	380,000	380,000
Wellness Center	1,198,865	767,808	925,149	674,972	811,934	841,922	810,364	1,223,041	1,199,213
Total Expenditures	\$57,603,696	\$57,990,544	\$52,256,650	\$53,462,240	\$60,186,809	\$60,981,339	\$64,008,275	\$65,516,181	\$66,990,876
Excess of Revenues over Expenditures	\$34,630,434	\$35,744,948	\$34,377,075	\$38,771,512	\$32,260,975	\$32,625,794	\$33,559,586	\$33,135,575	\$34,942,267
Annual Debt Service	\$22,476,644	\$24,021,128	\$23,659,395	\$23,911,500	\$23,368,957	\$23,392,517	\$23,093,413	\$23,271,104	\$20,383,701
Coverage Ratio	1.54	1.49	1.45	1.62	1.38	1.39	1.45	1.42	1.71

RATE COVENANT

Each Institution is required to maintain the ratio of Net Revenues to Annual Debt Service of the Bonds of that Institution in each Fiscal Year to at least equal to 120 percent (1.2 times) of such Annual Debt Service for such Fiscal Year, commencing with the end of the first Fiscal Year in which capitalized interest, if any, has been fully applied to the payment of debt service on any Outstanding Bonds of such Institution.

Failure to satisfy such rate covenant will not constitute an event of default as long as the Board timely engages an independent management consultant, and such consultant timely prepares a report with recommendations for meeting the required coverage ratios. In no event may coverage for any Institution fall below 100 percent (1.00 times) of the Annual Debt Service on all Bonds of such Institution in each Fiscal Year. See “SUMMARY OF CERTAIN PROVISIONS OF THE BOND RESOLUTION—RULES AND COVENANTS—Rate Covenant.”

MANAGEMENT DISCUSSION

Fiscal Years 2018-2020: Operating revenues decreased \$13.0 million from \$79.7 million in fiscal year 2018 to \$66.7 million in fiscal year 2020, a total decrease of 16.3%. Other revenues and investment income, which includes student fees committed to debt service, increased \$7.4 million from \$12.5 million in fiscal year 2018 to \$19.9 million in fiscal year 2020. Expenses decreased \$5.3 million from \$57.6 million in fiscal year 2018 to \$52.3 million in fiscal year 2020, a two-year change of 9.2%.

The decrease in operating revenues were directly related to campuses sending students home in March due to COVID-19. Refunds were issued to those students for unused meal plans and for the term of the housing contract that students were not able to utilize. CARES Act and HEERF (defined below) funding were utilized to cover the refunds issued to those students. Those funds account for the unusual increase in other revenues from 2019 to 2020. Expenses decreased due to the major change in operations. Expenses related to contracts with vendor, such as meal plan providers, were adjusted and campuses made additional cuts to create needed savings.

Fiscal Year 2021-2022: Operating revenue increased \$10.9 million from \$73.0 million in fiscal year 2021 to \$83.9 million in fiscal year 2022, a total increase of 15%. Other revenues and investment income, which includes student fees and federal pandemic assistance, decreased \$10.6 million from \$19.2 million in fiscal year 2021 to \$8.6 million in fiscal year 2022. Expenses decreased \$6.7 million from \$53.5 million in fiscal year 2021 to \$60.2 million in fiscal year 2022.

Annual debt service fell \$500 thousand from \$23.9 million in fiscal year 2021 to \$23.4 million in fiscal year 2022. The reduction in debt service is due to refinanced debt reaching maturity in fiscal year 2021.

The System overall and each Institutional System maintained their respective debt service coverage ratios from 2021 to 2022 due to rate increases and management of expenditures. See “—Rate Covenant” above.

PROJECTED CASH FLOWS OF THE SYSTEM

The estimated cash flows for the System for fiscal year 2023 and the projected cash flows for the System for fiscal years 2024 through 2026 are based on the following material assumptions:

Fiscal Year 2023: Fiscal year 2023 projections are based on first half year-to-date figures plus estimates for the second half of the year based on first half performance.

Fiscal Years 2024-26: Fiscal year 2024 projections are a mix of inflationary and other assumptions. Housing occupancy was held at the prior year levels. Inflation is projected at 7.8% for fiscal year 2024. Campus increased expenses to match the projected inflation and then increased revenues enough to maintain the fiscal year 2023 margin.

INVESTMENT CONSIDERATIONS

The following discussion of investment considerations should be reviewed by prospective investors prior to purchasing the Series 2023 Bonds. There can be no assurance that other factors not discussed herein will not become material investment considerations in the future.

SPECIAL, LIMITED OBLIGATIONS

The Series 2023 Bonds are special, limited obligations of the Board payable solely out of the Net Revenues and uncommitted funds in the Repair and Replacement Accounts of the Institutions. The Bondholders may not look to any other revenue or assets of the Board or any Institution for the payment of the Series 2023 Bonds. The Series 2023 Bonds do not constitute an indebtedness of any Institution, the Board or the State, within any constitutional or statutory limitation, and neither the taxing power nor the general credit of the Institutions, of the Board or of the State is pledged to the payment of the Series 2023 Bonds. See “SECURITY FOR THE SERIES 2023 BONDS.”

NO MORTGAGE OR LIEN ON PHYSICAL ASSETS

The Series 2023 Bonds are not secured by a mortgage, lien or security interest on or in any of the buildings or physical assets of the System. The Bondholders may not look to any buildings or other physical assets of the System for payment of debt service on the Series 2023 Bonds.

CHANGE IN ENROLLMENT; NON-RESIDENT STUDENTS

The amount of Net Revenues available for debt service on the Series 2023 Bonds will be affected by the future enrollments of the Institutions. Enrollment levels depend on the number of students applying to the Institutions and accepting offers of admission. A number of factors, including, without limitation, levels of tuition rates and other fees, competition from other public and private colleges and universities, a change in the number of college age students generally, the availability and affordability of student loans, and adverse general economic conditions could influence the number of applicants to the Institutions. The pool of potential high school graduates in South Dakota has fallen since 2004 and is not expected to begin to increase for a number of years. Certain of the Institutions have had success in attracting students from other states, which may or may not continue. There can be no assurance that the future enrollment of the Institutions will be maintained at the current level or increase.

REQUIRED OCCUPANCY LEVELS

In order for the Board to generate Net Revenues sufficient to pay debt service on the Series 2023 Bonds, the dormitories and residents halls of the System must achieve certain occupancy levels. The Board’s student residency policy and the stable enrollment of the Institutions have historically resulted in strong occupancy rates for the System’s housing facilities. Changes in the Board’s housing policy, student enrollment, room and board rates, student housing preferences or other factors could have a negative effect

on the future occupancy rates for the System's dormitories and residence halls. See "THE HOUSING AND AUXILIARY SYSTEM—Occupancy."

FUTURE FACILITIES UTILIZATION

The System includes dining halls, student unions, bookstores, recreational and health facilities, parking and other auxiliary facilities. The amount of Net Revenues will be affected by the future levels of utilization of the System's facilities and the rates and charges that the Board can reasonably impose in connection with the use of such facilities. The availability of alternative facilities at competitive rates and an increase in distance learning opportunities may have an adverse impact on the level of utilization of the facilities and on the ability of the Board to adjust fees and rates in the future.

RISKS RELATED TO SYSTEM OPERATIONS

Net Revenues will depend in part on the level of operating and maintenance expenses incurred in operating the System, including the normal course costs of the System's workforce, vendors, suppliers and materials and any extraordinary or unanticipated costs or expenses which may occur. Net Revenues will be affected by the Institutions' ability to manage and operate the System effectively and efficiently.

COVID AND OTHER HEALTH CRISES

In 2020, the Board initiated measures to address the effects of the COVID-19 pandemic on the Institutions. By late-March 2020, all classes were temporarily moved on-line and all public university courses continued by remote delivery. The Board reopened campuses for the fall 2020 semester and have since followed a full academic calendar. Despite lingering effects from the pandemic, the System recorded strong financial results in 2021 and 2022 and the Board expects similar results in 2023.

The impacts of COVID-19 and other public health crises that may come in the future on the Institutions are difficult to predict. Potential risks to the Institutions include, among others, adverse impacts on future enrollments, demand for student housing, availability of federal funding and state appropriations to cover increased health-related costs, and the ability or willingness of donors to support the System. The future impact of COVID-19 or other public health crises on the System are uncertain and the Board continues to monitor and assess the operations of the System.

LOSS OF STATE AID

A significant portion of the overall revenues of the Institutions comes from grants or appropriations provided by the State. The amount of money provided by the State has varied in past years. Loss of state aid to the Institutions could have a negative effect on the programs and opportunities the Institutions can offer students, the size and quality of faculty and research activities, all or any of which could have a negative impact on enrollment or the Institutions' ability to maintain the System at levels necessary to achieve high levels of occupancy and utilization.

RISKS RELATED TO HIGHER EDUCATION

There are a number of factors affecting institutions of higher education in general that could have an adverse effect on the Institutions. These factors include, but are not limited to, the continuing rising costs of providing higher education services; the failure to maintain or increase in the future the funds obtained by the Institution from other sources, including gifts and contributions from donors, grants or

appropriations from governmental bodies and income from investment of endowment funds; adverse results from the investment of endowment funds; increasing costs of compliance with federal or state regulatory laws or regulations, including, without limitation, laws or regulations concerning environmental quality, work safety and accommodating the physically challenged; changes in federal governmental policy relating to the reimbursement of overhead costs of government contracts; any unionization of the Institution's work force with consequent impact on wage scales and operating costs of the Institutions; and legislation or regulations which may affect student aid and other program funding. The Board cannot assess or predict the ultimate effect of these factors on the Institutions or the System.

DAMAGE OR DESTRUCTION OF FACILITIES

The Board insures the System against certain risks. There can be no assurance that the amount of insurance required to be obtained with respect to the System will be adequate or that the cause of any damage or destruction to the System will be as a result of a risk which is insured. Further, there can be no assurance of the ongoing creditworthiness of the insurance companies from which the Board obtains insurance policies. Damage or destruction of System facilities may impair the Board's ability to generate sufficient Net Revenues.

ENVIRONMENTAL REGULATION

The System is subject to various federal, State and local laws and regulations governing health and the environment. In general, these laws and regulations could result in liability for remediating adverse environmental conditions on or relating to the System, whether arising from preexisting conditions or conditions arising as a result of the activities conducted in connection with the ownership and operation of the System. Costs incurred by the Institutions with respect to environmental remediation or liability could adversely impact their financial condition and ability to own and operate the System.

ADDITIONAL BONDS

Under the Bond Resolution, the Board is permitted to issue Additional Bonds which would be on a parity with the lien of the Series 2023 Bonds. Debt service on all Additional Bonds will be payable from Net Revenues on a pro rata basis. Although the Board is required to meet historic and projected annual debt service coverage tests before issuing Additional Bonds, to the extent that Additional Bonds are issued, the debt service coverage ratio of the Series 2023 Bonds may be adversely affected. See "SECURITY FOR THE SERIES 2023 BONDS—Additional Bonds" and "—Future Parity Bonds."

RATING CHANGE

A rating application has been made to Moody's Investors Services, Inc. ("Moody's") for a rating on the Series 2023 Bonds. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance that the rating assigned to the Series 2023 Bonds will continue for any given period of time, or that such rating will not be revised, suspended or withdrawn, if, in the judgment of Moody's, circumstances so warrant. A revision, suspension or withdrawal of a rating may have an adverse effect on the market price of the Series 2023 Bonds.

SECONDARY MARKET

There is no guarantee that a secondary market will develop for the Series 2023 Bonds. Subject to applicable securities laws and prevailing market conditions, the Underwriter intends but is not obligated to make a market in the Series 2023 Bonds.

FUTURE CHANGES IN LAWS

Various State laws and constitutional provisions apply to the operation of the System, the imposition, collection and pledging of the Net Revenues and the financing of the Board's operations in general. Other State and federal laws, constitutional provisions and regulations apply to the obligations evidenced by the Series 2023 Bonds. There is no assurance that there will not be any change in, interpretation of or addition to applicable laws, provisions and regulations which would have a material effect, directly or indirectly, on the Board or the Institutions.

FEDERAL TAX LEGISLATION/LOSS OF TAX EXEMPTION

From time to time, legislative proposals are pending in Congress that would, if enacted, alter or amend one or more of the federal tax matters described herein in certain respects or would adversely affect the market value of the Series 2023 Bonds, or possibly affect the ability of Bondholders to treat interest on the Series 2023 Bonds as exempt from federal income taxation. It cannot be predicted whether or in what forms any of such proposals, either pending or that may be introduced, may be enacted and there can be no assurance that such proposals will not apply to the Series 2023 Bonds. Finally, reduction or elimination of the tax-exempt status of obligations such as the Series 2023 Bonds could have an adverse effect on the Board's ability to access the capital markets to finance future capital or operational needs by reducing market demand for such obligations or materially increasing borrowing costs of the Board.

The tax-exempt bond office of the Internal Revenue Service (the "Service") is conducting audits of tax exempt bonds, both compliance checks and full audits, with increasing frequency to determine whether, in the view of the Service, interest on such tax-exempt obligations is includible in the gross income of the Owners thereof for federal income tax purposes. It cannot be predicted whether the Service will commence any such audit with respect to any tax-exempt obligations of the Board. If any such audit is commenced, under current procedures the Service may treat the Board as a taxpayer and the holders of the Series 2023 Bonds may have no right to participate in such proceeding. The commencement of an audit with respect to any tax-exempt obligations of the Board could adversely affect the market value and liquidity of the Series 2023 Bonds, regardless of the ultimate outcome.

As discussed under the heading "TAX MATTERS," the interest on the Series 2023 Bonds could become includible in gross income for purposes of federal income taxation retroactive to the date of delivery of the Series 2023 Bonds, as a result of acts or omissions of the Board or the Institutions in violation of the tax covenants in the Bond Resolution. Should such an event of taxability occur, the Series 2023 Bonds are not subject to any special redemption.

ENFORCEABILITY OF REMEDIES

The Bond Resolution does not contain a provision allowing for the acceleration of the Series 2023 Bonds in the event of a default in the payment of principal of or interest on the Series 2023 Bonds when due. In the event of a default under the Bond Resolution, the Bondholders will only have the right to exercise the remedies provided in the Bond Resolution.

The remedies available upon an event of default under the Bond Resolution are in many respects dependent upon regulatory and judicial actions which are often subject to discretion and delay. Under existing laws and judicial decisions the remedies provided for under the Bond Resolution may not be readily available or may be limited. The Series 2023 Bonds may be subject to general principles of equity which may permit the exercise of judicial discretion, the reasonable exercise in the future by the State and its governmental bodies of the police power inherent in the sovereignty of the State, and applicable bankruptcy, insolvency, reorganization, moratorium or similar laws relating to or affecting the enforcement of creditors' rights generally, now or hereafter in effect. The various legal opinions to be delivered concurrently with the delivery of the Series 2023 Bonds will be qualified to the extent that the enforceability of certain legal rights related to the Series 2023 Bonds is subject to limitations imposed by bankruptcy, reorganization, insolvency or other similar laws affecting the rights of creditors generally and by equitable remedies and proceedings generally.

CYBERSECURITY

The Institutions rely on security measures included in their respective information systems to enable secure processing, transmission and storage of confidential and other sensitive information. Information systems security breaches, including electronic break-ins, computer virus insertion, attacks by internal and external parties and similar breaches could create disruption or shutdown of an Institution's information systems and disrupt the services it provides. Security breaches could also facilitate unauthorized access to or disclosure of personally identifiable information and other confidential or sensitive information.

Despite implementing, monitoring and regularly updating information system security measures, the Institutions may remain vulnerable to intrusion attempts by outside or internal parties, as well as data breaches resulting from employee error, negligence or malfeasance. Failure to maintain proper functionality and security of an Institution's information systems could interrupt such Institution's operations, damage its reputation, subject it to significant costs, liability claims or regulatory penalties, and could have a material adverse effect on the operations and financial condition of the Institution.

Each Institution maintains insurance coverage for losses associated with information system security breaches and failure to protect confidential business and personal information.

CLIMATE CHANGE

Numerous scientific studies have detailed changing global weather patterns and the potential for increasing extreme weather events across the world. The System is vulnerable to extreme fluctuations in weather temperature, damaging winds and other severe weather conditions. The Board cannot predict the timing, extent or severity of climate change and its impact on the System and the Institutions.

FORCE MAJEURE EVENTS

There are certain unanticipated events beyond the control of the Institutions that could have a material adverse impact on the generation of Gross Revenues or the management of expenses if they were to occur. These events include fire, flood, earthquake, epidemic, pandemic, adverse health conditions or other unavoidable casualties or acts of God, freight embargo, labor strikes or work stoppages, civil commotion, new acts of war or escalation of existing war conditions, sabotage, terrorism or enemy action, pollution, unknown subsurface or concealed conditions affecting the environment, and any similar causes. No assurance can be provided that such events will not occur, and, if any such events were to occur, no

prediction can be provided as to the actual impact or severity of the impact on the financial condition of the Institutions.

BOND RATING

The Series 2023 Bonds are rated “Aa3” by Moody’s based upon the rating agency’s assessment of the creditworthiness of the System. No application was made to any other rating service for the purpose of obtaining additional ratings on the Series 2023 Bonds. A rating reflects only the view of the rating agency giving such rating. An explanation of the significance of such rating may be obtained from the rating agency furnishing the same.

There is no assurance that any rating will continue for any given period of time or that it will not be revised downward or withdrawn entirely if, in the judgment of the rating agency, circumstances so warrant. Any downward revision or withdrawal of a rating may have an adverse effect on the market price of the Series 2023 Bonds. The Underwriter has undertaken no responsibility either to bring to the attention of the Series 2023 Bondholders any proposed revision or withdrawal of any rating of the Series 2023 Bonds, or to oppose any such proposed revision or withdrawal.

TAX MATTERS

Federal tax law contains a number of requirements and restrictions which apply to the Series 2023 Bonds, including investment restrictions, periodic payments of arbitrage profits to the United States, requirements regarding the proper use of bond proceeds and the facilities financed therewith, and certain other matters. The Board has covenanted to comply with all requirements that must be satisfied in order for the interest on the Series 2023 Bonds to be excludible from gross income for federal income tax purposes. Failure to comply with certain of such covenants could cause interest on the Series 2023 Bonds to become includible in gross income for federal income tax purposes retroactively to the date of issuance of the Series 2023 Bonds.

Subject to the Board’s compliance with the above-referenced covenants, under present law, in the opinion of Bond Counsel, interest on the Series 2023 Bonds is excludible from the gross income of the owners thereof for federal income tax purposes and is not includible as an item of tax preference in computing the federal alternative minimum tax for individuals under the Internal Revenue Code of 1986, as amended (the “*Code*”). For tax years beginning after December 31, 2022, interest on the Series 2023 Bonds may affect the corporate alternative minimum tax for certain corporations.

In rendering its opinion, Bond Counsel will rely upon certifications of the Board with respect to certain material facts within the Board’s knowledge. Bond Counsel’s opinion represents its legal judgment based upon its review of the law and the facts that it deems relevant to render such opinion and is not a guarantee of a result.

Ownership of the Series 2023 Bonds may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, corporations subject to the branch profits tax, financial institutions, certain insurance companies, certain S corporations, individual recipients of Social Security or Railroad Retirement benefits and taxpayers who may be deemed to have incurred (or continued) indebtedness to purchase or carry tax-exempt obligations. Prospective purchasers of the Series 2023 Bonds should consult their tax advisors as to applicability of any such collateral consequences.

The issue price for original issue discount (as further discussed below) and market discount purposes (the “*OID Issue Price*”) for each maturity of the Series 2023 Bonds is the price at which a substantial amount of such maturity of the Series 2023 Bonds is first sold to the public (excluding bond

houses and brokers and similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers). The OID Issue Price of a maturity of the Series 2023 Bonds may be different from the price set forth, or the price corresponding to the yield set forth, on the inside cover page hereof.

If the OID Issue Price of a maturity of the Series 2023 Bonds is less than the principal amount payable at maturity, the difference between the OID Issue Price of each such maturity, if any, of the Series 2023 Bonds (the “*OID Bonds*”) and the principal amount payable at maturity is original issue discount.

For an investor who purchases an OID Bond in the initial public offering at the OID Issue Price for such maturity and who holds such OID Bond to its stated maturity, subject to the condition that the Board complies with the covenants discussed above, (a) the full amount of original issue discount with respect to such OID Bond constitutes interest which is excludible from the gross income of the owner thereof for federal income tax purposes; (b) such owner will not realize taxable capital gain or market discount upon payment of such OID Bond at its stated maturity; (c) such original issue discount is not included as an item of tax preference in computing the alternative minimum tax for individuals under the Code; and (d) the accretion of original issue discount in each year may result in certain collateral federal income tax consequences in each year even though a corresponding cash payment may not be received until a later year. Owners of OID Bonds should consult their own tax advisors with respect to the state and local tax consequences of original issue discount on such OID Bonds.

Owners of Series 2023 Bonds who dispose of Series 2023 Bonds prior to the stated maturity (whether by sale, redemption or otherwise), purchase Series 2023 Bonds in the initial public offering, but at a price different from the OID Issue Price or purchase Series 2023 Bonds subsequent to the initial public offering should consult their own tax advisors.

If a Series 2023 Bond is purchased at any time for a price that is less than the Series 2023 Bond’s stated redemption price at maturity, or, in the case of an OID Bond, its OID Issue Price plus accreted original issue discount (the “*Revised Issue Price*”), the purchaser will be treated as having purchased a Series 2023 Bond with market discount subject to the market discount rules of the Code (unless a statutory *de minimis* rule applies). Accrued market discount is treated as taxable ordinary income and is recognized when a Series 2023 Bond is disposed of (to the extent such accrued discount does not exceed gain realized) or, at the purchaser’s election, as it accrues. Such treatment would apply to any purchaser who purchases an OID Bond for a price that is less than its Revised Issue Price. The applicability of the market discount rules may adversely affect the liquidity or secondary market price of such Series 2023 Bond. Purchasers of the Series 2023 Bonds should consult their own tax advisors regarding the potential implications of market discount with respect to the Series 2023 Bonds.

An investor may purchase a Series 2023 Bond at a price in excess of its stated principal amount. Such excess is characterized for federal income tax purposes as “bond premium” and must be amortized by an investor on a constant yield basis over the remaining term of the Series 2023 Bond in a manner that takes into account potential call dates and call prices. An investor cannot deduct amortized bond premium relating to a tax-exempt bond. The amortized bond premium is treated as a reduction in the tax-exempt interest received. As bond premium is amortized, it reduces the investor’s basis in the Series 2023 Bond. Investors who purchase a Series 2023 Bond at a premium should consult their own tax advisors regarding the amortization of bond premium and its effect on the Series 2023 Bond’s basis for purposes of computing gain or loss in connection with the sale, exchange, redemption or early retirement of the Series 2023 Bond.

There are or may be pending in the Congress of the United States legislative proposals, including some that carry retroactive effective dates, that, if enacted, could alter or amend the federal tax matters referred to above or affect the market value of the Series 2023 Bonds. It cannot be predicted whether or in

what form any such proposal might be enacted or whether, if enacted, it would apply to bonds issued prior to enactment. Prospective purchasers of the Series 2023 Bonds should consult their own tax advisors regarding any pending or proposed federal tax legislation. Bond Counsel expresses no opinion regarding any pending or proposed federal tax legislation.

The Service has an ongoing program of auditing tax-exempt obligations to determine whether, in the view of the Service, interest on such tax-exempt obligations is includible in the gross income of the owners thereof for federal income tax purposes. It cannot be predicted whether or not the Service will commence an audit of the Series 2023 Bonds. If an audit is commenced, under current procedures the Service may treat the Board as a taxpayer and the Series 2023 Bondholders may have no right to participate in such procedure. The commencement of an audit could adversely affect the market value and liquidity of the Series 2023 Bonds until the audit is concluded, regardless of the ultimate outcome.

Payments of interest on, and proceeds of the sale, redemption or maturity of, tax-exempt obligations, including the Series 2023 Bonds, are in certain cases required to be reported to the Service. Additionally, backup withholding may apply to any such payments to any Series 2023 Bond owner who fails to provide an accurate Form W-9 Request for Taxpayer Identification Number and Certification, or a substantially identical form, or to any Series 2023 Bond owner who is notified by the Service of a failure to report any interest or dividends required to be shown on federal income tax returns. The reporting and backup withholding requirements do not affect the excludability of such interest from gross income for federal tax purposes.

LITIGATION

At the time of delivery of the Series 2023 Bonds, the Board will certify that there is no litigation or other proceeding pending or, to the knowledge of the Board, threatened in any court, agency or other administrative body restraining or contesting the issuance of the Series 2023 Bonds or the pledge of Net Revenues, or in any way affecting the validity of any provision of the Bond Resolution or the Series 2023 Bonds.

LEGAL MATTERS

Certain legal matters incident to the authorization, issuance and sale of the Series 2023 Bonds are subject to the approving legal opinion of Chapman and Cutler LLP, Chicago, Illinois, Bond Counsel, who has been retained by, and acts as Bond Counsel to, the Board. Bond Counsel has not been retained or consulted on disclosure matters and has not undertaken to review or verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Series 2023 Bonds and assumes no responsibility for the statements or information contained in or incorporated by reference in this Official Statement, except that in its capacity as Bond Counsel, Chapman and Cutler LLP has, at the request of Piper Sandler & Co. (“*Underwriter*”), reviewed the statements under the captions “SUMMARY STATEMENT—Security and Source of Payment,” “—Rate Covenant” and “—Prior Parity Bonds,” “THE SERIES 2023 BONDS,” “SECURITY FOR THE SERIES 2023 BONDS,” “FUTURE PARITY BONDS FOR OTHER INSTITUTIONS,” “TAX MATTERS” and APPENDIX B – “SUMMARY OF CERTAIN PROVISIONS OF THE BOND RESOLUTION.” This review was undertaken solely at the request and for the benefit of the Underwriter and did not include any obligation to establish or confirm factual matters set forth herein.

Certain legal matters will be passed upon for the Board by its counsel, Nathan D. Lukkes, and certain matters will be passed upon for the Underwriter by SJ Gray Law LLC, Chicago, Illinois.

CONTINUING DISCLOSURE

In order to assist the Underwriter in complying with certain provisions of Rule 15c2-12 of the Securities and Exchange Commission (the “*Rule*”) with respect to the Series 2023 Bonds, the Board will agree in a Continuing Disclosure Agreement to submit certain annual financial information and notices of certain events to the Electronic Municipal Market Access (“*EMMA*”) system maintained by the Municipal Securities Rulemaking Board. The proposed form of the Continuing Disclosure Agreement is included as Appendix D to this Official Statement. The Continuing Disclosure Agreement may be enforced by any beneficial or registered owner of the Series 2023 Bonds, but the Board’s failure to comply will not be a default under the Bond Resolution.

A failure by the Board to comply with the Continuing Disclosure Agreement must be reported in accordance with the Rule and must be considered by any broker, dealer or municipal securities dealer before recommending the purchase or sale of the Series 2023 Bonds in the secondary market. Consequently, such a failure may adversely affect the transferability and liquidity of the Series 2023 Bonds and their market price. The Board has previously entered into similar continuing disclosure agreements with respect to certain of its Outstanding Bonds.

The Board believes that it is in compliance in all material respects with its filing requirements under all of its continuing disclosure agreements.

The Board has created the position of Financial Compliance Officer to assist the Board in meeting its disclosure obligations under the Board’s various continuing disclosure agreements. The Financial Compliance Officer will be responsible for all of the Board’s EMMA filings.

UNDERWRITING

The Series 2023 Bonds are being purchased, subject to certain conditions, by the Underwriter pursuant to a Bond Purchase Agreement between the Board and the Underwriter.

The Underwriter has agreed to purchase all, but not less than all, of the Series 2023 Bonds at a price of \$_____, representing the principal amount of the Series 2023 Bonds, plus an [net] [original issue premium/discount] of \$_____, less the Underwriter’s discount of \$_____, and to make a bona fide public offering of the Series 2023 Bonds at not in excess of the public offering prices set forth on the inside front cover page hereof. The Underwriter will purchase all of the Series 2023 Bonds if any are not purchased.

The Underwriter has entered into a distribution agreement (“*Distribution Agreement*”) with Charles Schwab & Co., Inc. (“*CS&Co*”) for the retail distribution of certain securities offerings at the original issue prices. Pursuant to the Distribution Agreement, CS&Co. will purchase the Series 2023 Bonds from the Underwriter at the original issue price less a negotiated portion of the selling concession applicable to any Series 2023 Bonds that CS&Co. sells.

FINANCIAL STATEMENTS

The Board maintains funds and accounts for each Institutional System under the Bond Resolution. Set forth as Appendix E to this Official Statement are the Financial Statements of the Housing and Auxiliary Facilities System Revenue Bond Funds (the “*Financial Information*”) for the Fiscal Years Ended June 30, 2022 and 2021 (unaudited), which present the financial position and results of financial activity of such funds and accounts for the periods indicated. The financial statements report the combined activity of the

funds and accounts established under the Bond Resolution for each Institutional System on a cash basis and include supplementary statements for each Institutional System separately. The funds and accounts included in the financial statements are the Housing and Auxiliary Facilities Revenue Fund, the Bond and Interest Sinking Fund Account and the Repair and Replacement Reserve Account. See “SECURITY FOR THE SERIES 2023 BONDS” and “APPENDIX B –SUMMARY OF CERTAIN PROVISIONS OF THE BOND RESOLUTION – FLOW OF FUNDS,” and APPENDIX E – FINANCIAL STATEMENTS OF THE HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BOND FUNDS FOR THE FISCAL YEARS ENDED JUNE 30, 2022 AND 2021 (UNAUDITED).”

The financial statements included in Appendix E are not audited but are accompanied by an independent accountant’s report on applying agreed upon procedures. The procedures performed by the independent accountant were agreed to by management of the Board solely to assist the Board in evaluating its compliance with its covenants under the Bond Resolution. No opinion has been expressed by the accountant with respect to internal controls or an audit of the financial statements.

THE SERIES 2023 BONDS ARE OBLIGATIONS OF THE BOARD PAYABLE ONLY IN ACCORDANCE WITH THE TERMS THEREOF AND ARE NOT OBLIGATIONS GENERAL, SPECIAL, OR OTHERWISE, OF THE STATE OF SOUTH DAKOTA. THE SERIES 2023 BONDS DO NOT CONSTITUTE A DEBT, LEGAL OR MORAL, OF THE STATE OF SOUTH DAKOTA, AND ARE NOT ENFORCEABLE AGAINST THE STATE, NOR WILL PAYMENT THEREOF BE ENFORCEABLE OUT OF ANY FUNDS OF THE BOARD, OR OF ANY INSTITUTION, OTHER THAN THE INCOME AND REVENUES PLEDGED AND ASSIGNED TO, OR IN TRUST FOR THE BENEFIT OF, THE BONDHOLDERS.

MISCELLANEOUS

The foregoing descriptions or summaries of the Series 2023 Bonds and the Bond Resolution and all references to other materials not purporting to be quoted in full are only brief outlines of some of the provisions therein and do not purport to summarize or describe all of the provisions thereof. Reference is hereby made to such instruments and other materials for the complete provisions thereof, which may be examined, or copies of which will be furnished, upon request to the Board, Office of the Executive Director, 306 East Capitol Avenue, Suite 200, Pierre, South Dakota 57501-2545.

Any statements in this Official Statement involving matters of opinion, whether or not expressly so stated, including statements of belief, and any estimates are intended as such and not as representations of fact.

AUTHORIZATION

The Board has authorized the distribution of this Official Statement.

At the time of the delivery of the Series 2023 Bonds, the Board will furnish a certificate executed by the Executive Director stating that, to the best knowledge of such person, this Official Statement did not (as of the date hereof) and does not (as of the date of the delivery of the Series 2023 Bonds) contain any untrue statements of a material fact or omit to state any material fact required to be stated herein, or necessary in order to make the statements made herein, in the light of the circumstances under which they were made, not misleading (except for information relating to DTC).

SOUTH DAKOTA BOARD OF REGENTS

By _____
Executive Director, South Dakota Board of Regents

APPENDIX A

SOUTH DAKOTA BOARD OF REGENTS
AND SOUTH DAKOTA HIGHER EDUCATIONAL INSTITUTIONS

GENERAL DESCRIPTION

GOVERNANCE

Control of higher educational institutions in the State of South Dakota is vested in the Board of Regents (the “*Board*”).

The Board’s duties and responsibilities are described by statute (South Dakota Codified Law Ch. 13-49 through 13-56):

The Board shall have power to establish such departments and courses of study in the institutions under its control as it may think best, to determine what textbooks shall be used, and what requirements for the admission and graduation of students shall be maintained.

The Board shall have power to enact and enforce all rules and regulations, not in conflict with any law, and deemed necessary by it for the wise and successful management of the institutions under its control and for the government for students and employees therein.

The Board may delegate provisionally to the president, dean, superintendent, or faculty of any school under its control, so much of the authority conferred by Section 13-54-4 as in its judgment seems proper and in accordance with usual custom in such cases.

The Board is authorized to confer all scholastic honors and degrees usually granted by such boards; and all degrees, diplomas and certificates of graduation shall be issued and conferred in its name and by its expressed authority. In conferring degrees the Board shall conform as nearly as may be to the best and most reputable current practice in such matters. Students shall be graduated from each institution by the Board upon recommendation of the faculty of such institution.

ADMINISTRATION

The Board’s institutions are managed by presidents appointed by the Board and by chief business, research, student and academic vice presidents of each component institution. The chief administrative officers at all of the component institutions report to the Board through Dr. Brian L. Maher, Executive Director and CEO, and meet six times per year. The president prepares annual operating budgets, capital expenditure budgets, maintenance and repair plans, reports and requests for submission to the Board and conducts the ongoing affairs of his or her institution.

Following is summary biographical information relating to each member of the Board, the administrative officers of the Board and the presidents of the component institutions:

BOARD OF REGENTS

President of Board**Pam Roberts**

Pam Roberts of Pierre, holds a bachelor's degree in commercial economics from South Dakota State University. She retired from state government after a career in senior leadership roles serving on the cabinet of five South Dakota governors, including positions as state labor secretary, state personnel commissioner,

and chief of operations. Roberts and her husband, Clay, operate their family's ranch in Stanley and Lyman counties. Appointed by Governor Dugaard in 2016 and reappointed by Governor Noem in 2022, her term will expire in 2028.

Vice President of Board

Jim Thares

Jim Thares of Aberdeen, is the founder and CEO of Primrose Retirement Communities, an Aberdeen company founded in 1989 that currently operates 35 senior living communities in 16 states. He has also worked in hotel development and as a certified public accountant. Thares is a graduate of Moorhead State University, where he earned his degree in accounting. Appointed by Governor Dugaard in 2017, his term will expire in 2023.

Secretary of Board

Tim Rave

Tim Rave, Baltic, is president and CEO of the South Dakota Association of Healthcare Organizations. He served in both chambers of the South Dakota Legislature, first in the House of Representatives from 2003-11, where he became Speaker of the House, and later in the Senate from 2011-15, where he was the majority leader. Rave attended South Dakota State University and graduated from the University of Sioux Falls. Appointed by Governor Noem in 2021, his term will expire in 2027.

Student Board Member

Brock Brown

Brock Brown, Lake Norden, is enrolled in the Juris Doctor program at the University of South Dakota Knudson School of Law, which he plans to complete in May 2025. At USD Law, Brown serves as the 1L SBA Class President and on the Federalist Society Board. In 2022, Brown completed his undergraduate education at South Dakota State University in political science and history. While at SDSU, Brown was the Residence Hall Association President, Students' Association Senator, Students' Association Executive Board Member, and South Dakota College Republicans Chairman. Appointed by Governor Noem in 2020 and reappointed in 2022, his term will expire in 2024. After graduation, Brown plans to practice law.

Board Member

John W. Bastian

John W. Bastian of Belle Fourche, holds a bachelor's degree in political science from South Dakota State University and a J.D. degree from Hamline University School of Law. He was a circuit court judge for the Fourth Judicial Circuit for 20 years and retired in 2013. Prior to that service, he spent 10 years in the attorney general's office as an appellate attorney and prosecutor. Bastian is also a veteran of the United States Air Force. He serves part-time with the South Dakota Unified Judicial System and is assigned to preside over cases in the Fourth, Sixth and Seventh Judicial Circuits. Appointed by Governor Dugaard in 2014 to complete the term of the late Randy Morris, his third term will expire in 2028.

Board Member

Jeff Partridge

Jeff Partridge, Rapid City, is president of Partridge Financial Services. He served on the Rapid City Common Council from 2003-05, including a term as the council's vice president. Partridge was on the legislature's budget-setting Joint Appropriations Committee for six years, while serving terms in the House of Representatives from 2015-17 and in the Senate from 2017-21. He is a graduate of Augustana University. Appointed by Governor Noem in 2021, his term will expire in 2027.

Board Member**Joan Wink**

Joan Wink is a professor emerita of California State University, Stanislaus. In addition, Joan has been an adjunct professor at Black Hills State University, South Dakota State University, and The College of New Jersey in Mallorca, Spain. Joan began a six-year term to the South Dakota Board of Regents in April 2017. Throughout her career, she has focused on languages, literacy, and learning in pluralistic contexts. Dr. Wink completed her Ph.D. in Curriculum and Instruction (Texas A&M, 1991); two masters' degrees from the University of Arizona (Spanish, 1981; Educational Foundations/Bilingual, 1985); and a Spanish and English undergraduate degree from Yankton College, SD, 1966. During her experiences in K-12 public education, Joan taught Spanish, English, reading, language arts in junior and senior high school in Pennsylvania, Arizona, Texas, and California. She directed federal grants and was the bilingual/ESL/migrant education coordinator in California. Joan continues consulting, writing, and speaking nationally and internationally. Joan maintains an active website ([joanwink.com](http://www.joanwink.com)) and a blog, *WinkWorld*, (<http://www.joanwink.com/wink-world/>). She has published widely in scholarly journals and is the author of *Critical Pedagogy: Notes from the Real World* (4 editions), *A Vision of Vygotsky* with LeAnn Putney, and *Teaching Passionately: What's Love Got to Do with It?* with Dawn Wink. Joan's most recent book is *The Power of Story* links libraries and literacies through the power of story, both oral and written. Libraries Unlimited/ABCLIO published this book in 2018.

Administrative Officers**Executive Director and CEO****Dr. Brian L Maher**

Brian L. Maher was appointed June 24, 2020, to lead South Dakota's six public universities and two special schools as the Board of Regents' executive director and chief executive officer. Dr. Maher began his duties with the Board of Regents in the Pierre central office July 6, 2020.

Dr. Maher's experience in educational administration includes 21 years as a superintendent of K-12 school systems. He came to the Board of Regents after five years as superintendent of the Sioux Falls School District, South Dakota's largest public school district serving more than 23,000 students. He was superintendent of schools in two Nebraska districts, Kearney and Centennial, from 1999 to 2015.

A Nebraska native, he also worked as a school principal and began his career in education teaching mathematics, computer science, and physics. He was honored as Nebraska's superintendent of the year in 2015.

He holds a doctorate in educational administration from the University of Nebraska and a master's degree, also in educational administration, from the University of Nebraska at Omaha. His bachelor's degree in mathematics education is from Midland Lutheran College (now Midland University) in Fremont, Neb. Maher's family includes his wife, Peg, and together they have three grown children, Lindsey, Brett, and Maggie.

Vice-President of Finance and Administration**Heather K. Forney, CPA**

Heather Forney started with the Board of Regents in 2009 working in the finance area and left in 2014 to take on the role of controller at the South Dakota School of Mines & Technology (SDSMT). She was promoted to Vice President of Finance and Administration at SDSMT prior to her return to the Board office in September of 2020 as the System VP of Finance and Administration. In addition to her previous work for the Board of Regents, she acted as the deputy executive director for the South Dakota Public Utilities Commission, served in academia as an adjunct instructor of economics and accounting, and worked in public accounting. She holds master's and bachelor's degrees in accounting, both from the University of

South Dakota and is a Certified Public Accountant. She has been involved in all aspects of South Dakota higher education finances, including management of components of the auxiliary system for over a decade.

PRESIDENTS

President - Black Hills State University

Dr. Laurie Stenberg Nichols

Dr. Laurie Stenberg Nichols is the 11th president of Black Hills State University in Spearfish, South Dakota. Prior to this appointment, Nichols led the University of Wyoming as its 26th president, the first woman to hold this post. From 2009 to 2016 she served as provost and vice president for academic affairs at South Dakota State University. From 1994 to 2009 she was dean of family and consumer sciences at South Dakota State University. In 2008 she was tapped to be the interim president at Northern State University. President Nichols was an American Council on Education (ACE) fellow, class of 2006-2007. Prior to that, she taught at secondary and post-secondary levels in South Dakota, Colorado, Nebraska, Ohio, Idaho, and Iowa.

A native of Colman, S.D., Nichols received her undergraduate degree in home economics education from South Dakota State University. She holds a master's of education degree in vocational and adult education from Colorado State University and a Ph.D. in family and consumer sciences education/family studies from The Ohio State University.

President - Dakota State University

Dr. Jose-Marie Griffiths

Dr. José-Marie Griffiths is President of Dakota State University in Madison, South Dakota. President Griffiths has spent her career in research, teaching, public service, corporate leadership, economic development, and higher education administration. She has served in presidential appointments to the National Science Board, the U.S. President's Information Technology Advisory Committee, and the U.S. National Commission on Libraries and Information Science. She was also a member of the National Security Commission on Artificial Intelligence, part of the John S. McCain National Defense Authorization Act for 2020, where she served as chairman of the Workforce Subcommittee. In 2022, Griffiths was named one of the Top 50 Women in AI by Inspired Minds. In early 2022, she was named an expert advisor for the Special Competitive Studies Project (SCSP). In 2021, she was named a member of the CNAS Task Force on Artificial Intelligence and National Security. She has led projects for over 28 U.S. Federal agencies including the National Science Foundation, National Institutes of Health, Department of Energy, National Institutes of Science and Technology, NASA, and military and intelligence agencies. She has also carried out projects with over 20 major corporations such as AT&T Bell Laboratories and IBM. President Griffiths has received over 20 significant awards in science, technology, teaching and the advancement of women in these fields.

President - Northern State University

Dr. Neal Schnoor

Dr. Neal H. Schnoor became the 18th president of Northern State University in July 2021. Prior to his time at Northern, Dr. Schnoor served as chief of staff at the University of California State Long Beach (CSULB) where he collaborated on a number of priorities with campus and community leaders including fiscal and capital planning, academic and student services, program accreditation, and development. He represented CSULB on the board of the Los Angeles Economic Development Corporation and Long Beach Economic Partnership. He also served as the first chief compliance officer at the University of Nebraska at Kearney (UNK) and served as the Dean for the School of Education and Counseling at Wayne State College (WSC). Prior to his role as the Dean, Dr. Schnoor was a faculty member at UNK where he taught an array of graduate and undergraduate courses and served as the director of bands. He has co-led institutional strategic planning, developed campus master plans, initiated an online curriculum and instruction master's degree, and led a comprehensive renewal and revision of teacher education programs at WSC.

President - South Dakota School of Mines & Technology**Dr. James Rankin**

James (Jim) Rankin, PhD returned to his alma mater as the 19th president of South Dakota School of Mines & Technology. A South Dakota native from Draper and Fort Pierre, Rankin graduated from SD Mines in 1978 with a Bachelor of Science degree in electrical engineering. Prior to returning to Mines, Dr. Rankin's leadership as vice-provost for research and economic development at the University of Arkansas generated more than 50 start-up companies and significantly increased annual external funding to \$103 million. He led efforts to develop the institution's first strategic plan in research and economic development, instituted several faculty recognition programs, and developed an expedited industry contracting process. Previously at Ohio University, Rankin was interim vice president for research, associate dean, professor of electrical engineering, and director of the Avionics Engineering Center. He has also been a professor at St. Cloud State University and an engineer at Rockwell-Collins. Rankin's personal research has been funded by numerous NASA and FAA grants. His Ph.D. and master's degrees in electrical engineering were earned at Iowa State University.

President - South Dakota State University**Dr. Barry H. Dunn**

Barry H. Dunn became the 20th president of South Dakota State University in April 2016. The latest HLC report indicate Dunn led SDSU through a successful accreditation which granted the university its strongest report in decades. Since his inauguration, Dunn has led several key initiatives for SDSU to include the strategic plan, Imagine 2023 to embrace our core values, people-centered leadership, creativity, integrity, diversity and excellence, to fulfill our mission to be a premier land-grant university. In accordance with our mission, Dunn began the Wokini Initiative to increase access to higher education for Native American students in South Dakota.

President - University of South Dakota**Sheila K. Gestring, MBA**

Sheila K. Gestring, M.B.A., became the 18th president of the University of South Dakota on June 22, 2018, after serving as chief financial officer since 2010 and a part of the USD finance staff since 2006. She is a South Dakota native, and the second USD graduate and woman to serve as president.

Gestring obtained her undergraduate degree in Accounting and Business Administration from the University of Sioux Falls and her M.B.A. from the University of South Dakota. Gestring started her career working in various finance related positions for the State of South Dakota Departments of Health, Transportation and Human Services. She moved on to become the Director, Internal Audit for the South Dakota Board of Regents. Prior to her time at USD, Gestring served as the CFO at Flathead Valley Community College in Kalispell, MT until 2006. She was an instrumental leader in the University of South Dakota Foundation's 'Onward' campaign, which surpassed over \$250 million raised for student scholarships and development. Beyond her commitment to the university, Gestring has been a driving force in growing the city of Vermillion and creating a positive, symbiotic relationship between the community and university serving as past chairperson of the Vermillion Chamber and Development Corporation and a member of multiple Vermillion NOW campaigns.

COMPONENT INSTITUTIONS

A summary description of the component institutions follows:

Black Hills State University offers 23 certificates, 5 associate, 55 baccalaureate and 8 master's degree programs within 3 academic units including the College of Liberal Arts, the College of Business and Natural Sciences, and the College of Education and Behavioral Sciences.

Dakota State University offers 26 undergraduate certificates, 10 graduate certificates, 45 minors, 9 associate, 24 baccalaureate, 7 master's, and 4 doctoral degree programs within 4 academic units including the College of Arts and Sciences, the Beacom College of Computer and Cyber Sciences, the College of Business and Information Systems, and the College of Education.

Northern State University offers 25 certificate, 5 associate, 43 baccalaureate, and 12 master's degree programs housed within its academic units: the College of Arts and Sciences; the College of Professional Studies, which includes the School of Business and Millicent Atkins School of Education; and the School of Fine Arts.

South Dakota School of Mines & Technology offers 11 certificate, 1 associate, 29 baccalaureate, 19 masters, and 13 doctoral degree programs.

South Dakota State University offers 86 majors, 38 specializations, 102 minors, 39 master's degree programs, 16 doctoral programs, and two professional doctorates within 9 academic units including the College of Agriculture Food and Environmental Sciences, the College of Arts, Humanities and Social Sciences, the College of Education and Human Sciences, the College of Natural Sciences, the Jerome J. Lohr College of Engineering, the College of Nursing, the College of Pharmacy and Allied Health Professions, the Graduate School, and the Van D. & Barbara B. Fishback Honors College.

The University of South Dakota offers 66 certificate, 4 associate, 75 baccalaureate and 37 master's, and 18 doctoral degree programs in addition to 2 graduate education specialist degrees and terminal doctoral degrees in law and medicine within 8 academic units including the College of Arts and Sciences, the Beacom School of Business, the School of Education, the College of Fine Arts, the Graduate School, the Knudson School of Law, the Sanford School of Medicine, and the School of Health Sciences.

ENROLLMENT

The following are the historical headcount enrollment and FTE figures at the institutions during the past five fall semesters:

Fall Headcount Enrollment by Component Institutions					
	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
BHSU	4,035	3,858	3,608	3,539	3,425
DSU	3,382	3,268	3,186	3,219	3,241
NSU	3,493	3,427	3,431	3,340	3,344
SDSMT	2,654	2,529	2,477	2,418	2,493
SDSU	12,107	11,518	11,405	11,465	11,331
USD	10,066	9,920	9,459	9,464	9,856
TOTAL	<u>35,737</u>	<u>34,520</u>	<u>33,566</u>	<u>33,445</u>	<u>33,690</u>

**Fall Full-time Equivalent Enrollment by
Component Institutions**

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
BHSU	2,646	2,521	2,357	2,229	2,114
DSU	2,037	2,063	2,046	1,978	1,990
NSU	1,913	1,817	1,770	1,750	1,681
SDSMT	2,197	2,156	2,040	2,013	2,041
SDSU	9,802	9,403	9,249	9,059	9,097
USD	7,497	7,344	7,125	6,935	7,045
TOTAL	26,093	25,304	24,586	23,964	23,969

The following are the combined historical headcount enrollment figures for undergraduate and graduate and professional students at all of the institutions during the previous five fall semesters.

Headcount Enrollment by Undergraduate and Graduate

<u>Fall Term</u>	<u>Undergraduate</u>	<u>Graduate and Professional</u>	<u>Total</u>
2022	27,981	5,709	33,690
2021	27,752	5,693	33,445
2020	28,215	5,351	33,566
2019	29,114	5,406	34,520
2018	30,073	5,664	35,737

The following are the historical undergraduate admissions figures for the institutions for the previous five fall semesters:

Historical Undergraduate Admissions						
Fall Semesters						
	BHSU	DSU	NSU	SDSMT	SDSU	USD
2018						
First Time Undergrad:						
Applications	1,858	1,058	1,068	1,460	5,390	4,120
Acceptances	1,647	880	941	1,211	4,982	3,535
Matriculants	30%	46%	36%	38%	44%	41%
Transfers:						
Applications	1,858	519	220	203	1,110	1,135
Acceptances	1,647	417	184	119	914	883
Matriculants	30%	60%	52%	57%	55%	60%
2019						
First Time Undergrad:						
Applications	2,182	1,343	1,392	1,501	5,731	4,327
Acceptances	1,825	1,094	1,179	1,155	5,121	3,690
Matriculants	28%	38%	29%	41%	40%	34%
Transfers:						
Applications	376	394	163	168	829	759
Acceptances	301	317	135	109	664	570
Matriculants	63%	67%	67%	63%	58%	60%
2020						
First Time Undergrad:						
Applications	1,366	936	1,002	1,328	5,206	3,254
Acceptances	1,093	809	793	1,137	4,644	2,977
Matriculants	40%	47%	41%	40%	43%	38%
Transfers:						
Applications	303	333	180	178	743	543
Acceptances	229	274	121	120	609	440
Matriculants	70%	61%	62%	49%	59%	65%
2021						
First Time Undergrad:						
Applications	1,603	936	1,186	1,445	5,783	4,165
Acceptances	1,314	843	961	1,163	5,046	3,635
Matriculants	34%	43%	34%	42%	39%	32%
Transfers:						
Applications	335	277	162	178	921	681
Acceptances	249	232	101	124	737	459
Matriculants	70%	69%	63%	59%	51%	63%

Historical Undergraduate Admissions						
Fall Semesters (continued)						
	BHSU	DSU	NSU	SDSMT	SDSU	USD
2022						
First Time Undergrad:						
Applications	1,809	1,208	1,277	1,514	6,302	5,157
Acceptances	1,470	1,006	1,016	1,252	5,443	4,326
Matriculants	81%	83%	80%	83%	86%	84%
Transfers:						
Applications	323	318	185	178	866	772
Acceptances	245	273	117	130	711	452
Matriculants	76%	86%	63%	73%	82%	59%

The non-resident student population has grown from 7,714 students representing 25.1% of the student population in fall 2005, to 13,114 or 38.8% of the student population for fall 2022. Recruiting and retaining non-resident students is one of the Board's strategic goals in order to meet the State's workforce needs and to offset the aging population. The Institutions recruit heavily throughout the Midwest as well as in states where demand exceeds capacity. The following table sets forth, by percentage, a breakdown of the System's enrollment by residency classification for the previous five fall semesters:

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
In-State Students	62.0%	61.8%	61.8%	62.2%	61.2%
Out-of-State Students	33.6	34.1	34.9	34.3	34.8
Foreign Students	4.4	4.1	3.3	3.4	4.0
TOTAL	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>	<u>100.0%</u>

In fall 2022, South Dakota's overall college enrollment increased slightly. This is the first increase in overall college enrollment since 2018.

Institution Enrollments

	<u>Actual</u> <u>2012-13</u>	<u>Actual</u> <u>2022-23</u>	<u>Percent</u> <u>Change</u>
Headcount	36,430	33,690	-7.5%
Full-Time Equivalents	26,468	23,969	-9.4%

Enrollments for fall 2022 at the Institutions increased slightly compared to fall 2021, increasing by less than one percent. Headcount enrollment increased by 245 students, or 0.73%, compared to 2021. The number of full-time equivalent students being served increased by 5 students or 0.02% from 2021. Given the very low unemployment rates, coupled with the coronavirus pandemic, decreases in enrollment were not surprising. Increasing student retention, growing the non-traditional student population, improving graduation rates, and recruiting non-residents have been key components of the enrollment management strategy of the Board.

In light of the uncertainty of the coronavirus pandemic, enrollments at the Institutions were relatively stable, and even grew in some areas. The number of graduate students increased, as did the number of students wishing to remain close to home, with campuses seeing a record number of students from the region.

The retention rates for campuses have been improving since the Board began to track and reward institutions for improvements. The retention rate for new degree seeking students from fall 2006 to fall 2007 was 70% for the Institutions. That has increased to 81.8% for new degree-seeking students retained from fall 2021 to fall 2022. The 81% retention rate has remained steady for the last few years. (Source: Regents Information Systems.) Nationally, the student retention rate at 4-year public institutions is 75.6% for fall 2021, the most recent data available. (Source: NCES IPEDS Data Center.)

The Board and the Institutions have made distance education a priority to reach more place-bound and non-traditional students. The Board has focused on distance education opportunities by encouraging the growth of distance programs and building educational centers in three population centers in the state. The System enrolled nearly 30,000 students in distance education courses in fall 2022 at the Institutions, an increase of 6.2% over fall 2018. This growth represents an investment by the Institutions in offering more courses and programs via distance and the significant change to hybrid and distance offerings as a result of the coronavirus pandemic. Distance education uses a variety of delivery mechanisms, primarily through the internet and the Digital Dakota Network and the off-campus centers in Sioux Falls, Pierre, and Rapid City.

Distance Education Enrollments Fall 2018 – Fall 2022

<u>Enrollment Measurement</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>5-Year Change</u>
Unduplicated Headcount	15,136	13,716	21,379	15,637	16,074	6.20%
Total Enrollment	27,557	24,272	44,604	28,777	29,433	6.81%
Total Credit Hours	76,337	65,444	121,001	78,703	80,593	5.58%

FACULTY AND EMPLOYEES

The number of faculty and employees budgeted by the component institutions of the System as of July 1, 2022, the most recent date for which such information is available is set forth in the following table:

	<u>Faculty and Employees</u>
Faculty (FTE)	1,631
All Other Employees (FTE)	3,425
Subtotal	5,056
Board Administration (FTE)	27
Total	5,083

FINANCIAL INFORMATION

The table below reflects the Condensed Combined Balance Sheet of the Institutions at June 30, 2020, 2021 and 2022.

Condensed Combined Balance Sheet of the Institutions
(In Thousands)

	<u>2020</u>	<u>2021</u>	<u>2022</u>
Assets & Deferred Outflows:			
Current Assets	\$ 409,662	\$ 448,278	\$ 538,203
Restricted Assets	245,866	210,897	214,741
Other Noncurrent Assets	427,814	608,147	768,830
Capital Assets, Net	1,301,359	1,407,908	1,431,042
Deferred Outflows	130,011	114,712	155,941
Total Assets & Deferred Outflows	<u>\$ 2,514,712</u>	<u>\$ 2,789,942</u>	<u>\$ 3,108,757</u>
Liabilities & Deferred Inflows:			
Current Liabilities	162,523	151,701	243,582
Noncurrent Liabilities	597,437	590,632	556,318
Deferred Inflows	26,229	81,519	200,570
Total Liabilities & Deferred Inflows	<u>\$ 786,189</u>	<u>\$ 823,852</u>	<u>\$ 1,000,470</u>
Net Position:			
Invested in Capital Assets, Net of Related Debt	814,467	917,210	949,225
Restricted for Pensions	95,667	19,690	45,733
Restricted	675,365	847,147	929,248
Unrestricted	143,024	182,043	184,081
Net Position	<u>\$ 1,728,523</u>	<u>\$ 1,966,090</u>	<u>\$ 2,108,287</u>

The following table presents the Combined Statement of Revenues, Expenses and Changes in Net Assets of the institutions (Unaudited) for the fiscal years ended June 30, 2020, 2021 and 2022.

**COMBINED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET
POSITION OF THE INSTITUTIONS
(In Thousands)**

	<u>2020</u>	<u>2021</u>	<u>2022</u>
Operating Revenue:			
Tuition and Fees (net of discounts and allowances for scholarships of \$45,739)	\$253,926		
Tuition and Fees (net of discounts and allowances for scholarships of \$47,606)		\$235,405	
Tuition and Fees (net of discounts and allowances for scholarships of \$45,557)			\$232,728
Use of Money and Property			
Sales and Services (net of discounts and allowances for scholarships of \$13,866)	120,706		
Sales and Services (net of discounts and allowances for scholarships of \$12,626)		103,750	
Sales and Services (net of discounts and allowances for scholarships of \$10,936)			125,095
Administering Programs	118,099	111,496	119,056
Other Revenue	71,656	107,019	67,821
Total Operating Revenue	\$564,387	\$557,670	\$544,700
Operating Expenses:			
Personal Services and Benefits	\$473,614	\$478,417	\$426,066
Travel	21,694	6,531	17,162
Contractual Services	127,842	117,269	126,084
Supplies and Materials	61,281	55,983	68,883
Grants and Subsidies	38,836	44,587	54,031
Other	2,113	2,933	4,214
Interest	62	346	257
Depreciation/Amortization	58,665	63,684	68,736
Total Operating Expenses	\$784,107	\$769,750	\$765,433
Operating Income (Loss)	(\$219,720)	(\$212,080)	(\$220,733)
Non-operating Revenue (Expenses):			
Gain/(Loss) on Disposal of Assets	\$4,345	(\$73)	(\$480)
Realized Gain on Defeasance of Bonds	0	0	0
Interest Income	(1,760)	67,317	44,123
Interest Expense	(21,156)	(16,272)	(15,965)
Other Expense	(19,352)	(17,535)	(18,157)
State Aid from Primary Government	213,843	228,207	242,751
Federal Appropriation	6,861	5,564	5,427
Grant and Other Income	30,629	68,628	68,622
Depreciation	0	0	0
Total Non-operating Revenue (Expenses)	213,410	\$335,836	326,321

Income (Loss) Before Capital Grants	(\$6,310)	\$123,756	\$105,588
Capital Grants	14,301	4,417	4,071
Additions to Endowments and Special Items	19,077	28,035	43,084
Change in Net Position	\$27,068	\$156,208	\$152,743
Net Position at Beginning of Year, restated	\$1,701,981	\$1,808,352	\$1,966,090
Net Position at End of Year	\$1,728,523	\$1,966,090	\$2,108,286

STATE APPROPRIATIONS

The operations of the Institutions are dependent upon the continued support of the State through appropriations of general fund revenues. The State Legislature is a part-time body that meets annually and appropriates funds on a fiscal year basis, July 1 through June 30. The State Legislature appropriated \$258.4 million in general funds for the Board of Regents Institutions for the 2022-2023 fiscal year. The total FY23 budget for the System was \$856 million.

The higher education budget in South Dakota tends to be a base plus budget with no current formulas or statutes governing the funding levels. The State Legislature funds targeted appropriations by adding them to the base budgets of the institutions. State funding support over the last decade has focused on the ability of higher education to grow the State's economy through research and providing an educated workforce to drive the state's economy and meet the needs of the state's citizens.

The State support of higher education grew at an average rate of 4.5% from fiscal year 2000 to fiscal year 2009. Similar to other states, starting in fiscal year 2010 the State began to experience a downturn in the economy and the public universities budget was cut by \$12.2 million (-7.9%). All but \$700,000 of this was replaced with federal American Recovery and Reinvestment Act ("ARRA") funding. In fiscal year 2011, the budget was again cut by \$2.4 million (-1.7%). The cuts for fiscal year 2010 and fiscal year 2011 were both backfilled with tuition funding. The fiscal year 2012 base State budget was cut by \$14.1 million or a 10.3% reduction of State funding. A similar reduction in funding was made across state government to balance the State's budget. Tuition was used to backfill \$9.1 million of the Board's cut with a final cut of \$5.6 million.

While the Institutions experienced a reduction in state funding from fiscal year 2010 to fiscal year 2012, the System only suffered an actual loss in revenue of about \$3.0 million (-1.9%) when considering tuition revenue increases related to rate increases and enrollment growth. In fiscal year 2013, higher education received \$1.4 million (0.9%) in new State funding. The "ARRA" funding was replaced with State dollars totaling \$10.6 million and a \$4.5 million employee compensation package was appropriated giving the Board of Regents a total increase in State funding of \$16.6 million (11%). In fiscal years 2014 and 2015, the general fund increase totaled \$12.6 million and \$13.4 million respectively or a 7.5% increase in both FY14 and FY15. In FY16, the general fund increase of \$7.3 million (3.8%), equated to about half the previous fiscal year's increase.

Numerous initiatives and a \$4.2 million salary package equated to a general fund increase of \$10.7 million (5.3%) in FY17. Base budgets cuts were required across state government in FY18, with the System taking a \$3.5 million (-1.7%) cut in general funds. By FY19, the general fund allocation to the System was restored beyond the FY18 cuts and increased by a total of \$4.8 million (2.3%) which included a salary package of \$1.9 million. FY20 saw continued general funds growth of \$10.8 million (4.8%) which included a \$7.2 million salary package for the Board of Regents. Another \$4.0 million (1.79%) was allocated in the System's FY21 general funds budget with, again, the majority of this base funding applied toward a salary package. The Board of Regents saw an additional \$7.7 million (3.37%) in general funds in FY22, with nearly half of that funding applied toward a \$3.6 million salary package. With the State in great financial

health coming out of the COVID-19 pandemic, the Legislature was able to allocate over \$22.4 million (9.51%) in additional base general funds to the Board of Regents for FY23. Of this \$22.4 million, there was \$8.6 million dedicated specifically for a tuition freeze and another \$10.8 million for a salary package.

Future levels of State support are dependent upon the ability and willingness of the State Legislature to make appropriations to the institutions taking into consideration the availability of financial resources and other potential uses of such resources.

TUITION AND FEES

The Board adopted a strategic plan in 2014 that identified affordability as one of four strategic goals. To that end, the Board has been focused on minimizing tuition increases for resident students. For FY15-FY18, the Board requested the funding from the State to freeze tuition including funding to cover mandatory cost increases related to the salary and benefit package, and inflation on operating expenses. The request was funded for FY15, FY17, and FY23 and resident on-campus students did not see an increase in tuition and mandatory fees for those years. There were no tuition increases in FY21 to help students manage the difficulties surrounding COVID-19. Off-campus and distance delivery rates were also saw no increases from FY22 to FY23.

Following is a table showing the total tuition and fees charged by each institution for a full-time student for academic year 2022-23.

Tuition and Fees for Full-time Students
Academic Year 2022-23

	Undergraduate Resident	Undergraduate Nonresident	Graduate Resident	Graduate Nonresident
BHSU	\$ 8,763	\$11,865	\$8,916	\$15,850
DSU	9,633	12,735	8,974	15,907
NSU	8,844	11,946	8,981	15,914
SDSMT	10,167	14,592	9,324	17,516
SDSU	9,293	12,809	9,384	16,918
USD	9,432	12,942	9,491	17,024

Prior to fiscal year 2007, the Board offered students from 14 states that were part of an interstate compact a reduction in non-resident tuition rates. The non-resident rate for states in the compact was 150% of the resident rate. All other non-resident students paid 320% of the resident tuition rate. Starting in fiscal year 2007, the Board reduced the non-resident rate for all states to 150%. The Institutions aggressively recruited in target states and grew their non-resident enrollments. The Board monitored the revenues through fiscal year 2010 and found that enrollments were offsetting the reduced rate, and in fact overall revenues were increasing. The Board authorized an adjacent state tuition program offering new freshman and new transfer students from Wyoming, Montana, North Dakota, Nebraska, Iowa, and Colorado a tuition rate equivalent to the resident undergraduate rate set for each university starting summer 2020. Starting in the summer of 2023 two more states were added to this program, Illinois and Wisconsin. On-campus non-resident enrollments increased from 25% of total headcount in fiscal year 2006, to 45.1% in fiscal year 2018, an increase of 3,558 students.

While many states have experienced double digit tuition and fee increases over the last decade, the Board has been very conscious of student affordability. The Board monitors the cost in the surrounding states and looks closely at resident and non-resident costs. Beginning in FY13 the Board changed the number of credit hours required for graduation from 128 credits to 120. The average tuition and fee increase over the last six years for an undergraduate resident has been 1.60%.

**History of Tuition and Fee Rates
Undergraduate Resident**

	<u>Average Cost</u>	<u>\$ Change</u>	<u>Percent Change</u>
FY05	4,903.77	352.31	7.7
FY06	5,178.22	274.44	5.6
FY07	5,580.67	402.45	7.8
FY08	5,951.55	370.88	6.6
FY09	6,474.33	522.78	8.8
FY10	6,904.08	429.75	6.6
FY11	7,217.27	313.18	4.5
FY12	7,721.05	503.78	6.9
FY13	7,675.61	(45.43)	(.6)
FY14	8,038.50	362.89	4.7
FY15	8,038.50	0.00	0.0
FY16	8,475.00	436.50	5.4
FY17	8,503.75	28.75	0.3
FY18	8,811.33	307.58	3.6
FY19	9,018.00	206.67	2.3
FY20	9,298.67	206.67	3.1
FY21	9,298.67	0.00	0.0
FY22	9,356.17	57.50	0.6
FY23	9,356.17	0.00	0.0
		Average Increase	3.90%

The State began to fund the South Dakota Opportunity Scholarship Program in fiscal year 2005. The scholarship program is the first state-funded merit based scholarship program. The scholarship value was \$5,000 over four years. For students starting in FY16, the scholarship was increased from \$5,000 to \$6,500, or about 17% of the tuition and fees for an eligible undergraduate student over a four-year period. New students receive \$1,300 for the first three years and \$2,600 for the last year. As of fall 2018, there were 3,601 recipients attending all South Dakota institutions, with 2,776 at the Board of Regents' universities.

TEN YEAR CAPITAL INVESTMENT PLAN

The Board funds the maintenance and repair and any capital investments to its academic facilities by dedicating 11.5% of all tuition to the Higher Education Facilities Fund (“HEFF”). The creation of the fund and the uses of the dollars are provided in the South Dakota Codified Laws. Any investment in academic facilities requires approval by the South Dakota Legislature. Each year the South Dakota Legislature appropriates the funds for maintenance and repair and approves any major remodels, or new facilities through passage of legislation. In 2000, 2005 and 2012, the South Dakota Legislature approved the Board’s proposed Ten-Year Capital Investment Plan. The current 2012 ten-year plan represents a principal investment of \$105,000,000 of HEFF and \$95,252,182 of private and federal money into academic facilities. The Board and institutions have been aggressive in investing in infrastructure and buildings to make the campuses attractive to today’s demanding students. The Board’s 2012 Ten-Year Capital Investment Plan follows.

2012 Ten-Year Plan Proposed Funding Schedule													
10/1/2022													
Project	Fund Sources			Project Total	Bonded			FY14	FY15		FY17	FY22	Proposed Bonding FY27
	HEFF Bonds	Other Bonds	Other Funds		FY15	FY17							
Infrastructure Projects**													
BHSU Infrastructure Repair and Upgrade	\$4,000,000		\$500,000	\$4,500,000			\$4,000,000						\$0
DSU Energy Efficiency and ADA Compliance	\$1,275,000		\$0	\$1,275,000			\$1,275,000						\$0
NSU Street Improvements	\$600,000		\$0	\$600,000			\$600,000						\$0
SDSM&T Utility Infrastructure	\$2,740,000		\$500,000	\$3,240,000			\$2,740,000						\$0
SDSU Utility Tunnel, Steam/Condensate Infrastructure Repair & Modernization	\$7,000,000		\$10,434,000	\$17,434,000			\$7,000,000						\$0
SDSU Utility Repairs & Upgrades - Water, Sanitary Sewer, Storm Sewer	\$5,000,000		\$5,043,000	\$10,043,000			\$0						\$5,000,000
USD Mechanical Overhaul & Modernization	\$8,000,000		\$2,000,000	\$10,000,000			\$8,000,000						\$0
	\$28,615,000		\$18,477,000	\$47,092,000			\$23,615,000		\$0				\$5,000,000
Building Projects													
BHSU Jonas Science Renovation	\$1,250,000		\$2,900,000	\$4,150,000			\$1,250,000						\$0
BHSU E. Y. Berry Library Renovation	\$3,000,000		\$1,500,000	\$4,500,000			\$0					\$3,000,000	\$0
DSU Information Systems Building	\$6,000,000		\$5,400,000	\$11,400,000			\$0		\$6,000,000				\$0
NSU Johnson Fine Arts Center Renovation and Addition	\$5,000,000		\$9,108,648	\$14,108,648			\$5,000,000						\$0
SDSM&T Chemistry/Chemical Engineering Renovation **	\$6,040,000		\$519,000	\$6,559,000			\$0		\$6,040,000				\$0
SDSU New Headhouse & Greenhouses	\$1,000,000		\$3,414,000	\$4,414,000			\$1,000,000						\$0
SDSU Architecture, Math & Engineering	\$10,000,000		\$5,755,142	\$15,755,142			\$10,000,000						\$0
SDSU Visual Arts Facility	\$7,500,000		\$4,900,000	\$12,400,000			\$0						\$7,500,000
SDSU Performing Arts Center	\$13,000,000		\$35,391,807	\$48,391,807			\$0		\$13,000,000				\$0
SDSU New Cow-Calf Research & Education Unit - Volga	\$900,000	\$2,000,000	\$1,732,500	\$4,632,500			\$900,000						\$0
USD Science, Health, and Research Lab Building*	\$9,695,000		\$3,904,085	\$13,599,085			\$8,695,000						\$0
USD Patterson Hall Renovation	\$5,500,000		\$250,000	\$5,750,000			\$6,500,000						\$0
USD Allied Health Facility	\$7,500,000		\$0	\$7,500,000			\$0					\$7,500,000	\$0
	\$76,385,000	\$2,000,000	\$74,775,182	\$153,160,182			\$33,345,000		\$12,040,000	\$13,000,000		\$10,500,000	\$7,500,000
Total Infrastructure Plus Building Projects													
	\$105,000,000	\$2,000,000	\$93,252,182	\$200,252,182			\$56,960,000		\$12,040,000	\$13,000,000		\$10,500,000	\$12,500,000
** Other funds will come from campus HEFF M&R allocations													

NO PENSION OBLIGATIONS

Employees of the Board and the institutions participate in the State of South Dakota's pension and other postemployment benefit (OPEB) plans for which the State is responsible for making employer contributions. As such, the Board and the institutions do not carry any pension or OPEB liabilities. As of June 30, 2016, the State had no unfunded pension obligations with respect to its OPEB.

STATE AND FEDERALLY-SPONSORED RESEARCH EXPENDITURES

Federal agencies continue to provide the largest portion of funding for the institutions' research and training projects. The following table sets forth the amounts of research expenditures sponsored by federal agencies during fiscal year 2022, the last year for which such numbers are available.

FY22 Expenditures from Grants and Contracts
Restricted Non-Appropriated Current Fund Expenditures

	State	Federal*	Private	Total
BHSU	607,371	2,952,775	1,357,907	4,918,054
DSU	1,483,189	4,693,547	2,466,662	8,643,399
NSU	86,802	801,244	536,270	1,424,316
SDSMT	1,449,140	14,941,537	1,060,531	17,451,208
SDSU	1,025,296	16,117,118	1,404,492	18,546,905
USD	1,754,864	11,105,992	883,346	13,744,202
Subtotal	6,406,662	50,612,214	7,709,208	64,728,084
SSOM	1,198,432	14,254,922	665,194	16,118,548
SDSU Extension	182,332	2,883,845	351,622	3,417,799
SD AES	1,559,354	9,393,963	3,125,045	14,078,362
Total	<u>9,346,780</u>	<u>77,144,944</u>	<u>11,851,070</u>	<u>98,342,794</u>

* Federal expenditures do not include American Recovery and Reinvestment Act Stabilization dollars (the dollars that replaced general funds) or federal, state or private resources expended as scholarships or financial aid. Federal expenditures do include individual American Recovery and Reinvestment Act grants awarded to the institutions. Federal expenditure do not include COVID relief funds.

Source: Accounting System Expenditure Data

Expenditures from Grants and Contracts History

	State	Federal*	Private	Total
FY08	7,982,665	60,744,686	9,884,378	78,611,729
FY09	7,808,992	68,700,165	9,797,768	86,306,925
FY10	8,731,238	86,152,766	8,784,544	103,668,548
FY11	6,974,069	104,889,644	8,275,465	120,139,178
FY12	8,603,988	93,998,883	9,063,144	111,666,015
FY13	8,933,190	76,623,730	11,264,601	96,821,521
FY14	9,522,242	64,532,247	9,626,593	83,681,082
FY15	10,092,160	61,219,224	12,100,220	83,411,604
FY16	11,431,428	66,847,138	11,643,215	89,921,781
FY17	11,172,077	69,989,586	13,444,170	94,605,833
FY18	15,622,436	69,437,792	12,626,500	97,686,728
FY19	18,352,165	72,815,795	13,505,297	104,673,257
FY20	11,586,543	67,266,577	12,322,894	91,446,014
FY21	9,466,819	62,899,203	9,453,489	81,819,510
FY22	9,346,780	77,144,944	11,851,070	98,342,794

* Federal expenditures do not include American Recovery and Reinvestment Act Stabilization dollars (the dollars that replaced general funds) or federal, state or private resources expended as scholarships or financial aid. Federal expenditures do include individual American Recovery and Reinvestment Act grants awarded to the institutions. Federal expenditure do not include COVID relief funds.

Source: Accounting System Expenditure Data

To further support the South Dakota research agenda, the State funded ten new Ph.D. programs over the past fifteen years, including a \$1.9 million investment for a joint Ph.D. program in Physics during the 2013 Legislative session. Additionally, during this time frame they began transitioning the former Homestake Gold Mine in Lead, SD, into the Sanford Underground Research Laboratory (SURF). Initially, South Dakota Scientists worked with the National Science Foundation (“NSF”) on a long-term goal of converting SURF into a national Deep Underground Science and Engineering Laboratory, with facility operations funding responsibilities transitioning to the Department of Energy (“DOE”) in 2012. The State has provided \$62 million to support SURF since 2004, which has been leveraged to garner over \$932 million in private and federal funding. Through continued operational funding support from the DOE, the laboratory is currently engaged in a series of preliminary experiments, which if successful will hold great promise for education, technology and research on a global scale. The Long-Baseline Neutrino Facility (“LBNF”), which broke ground in July of 2017 and is led by Fermilab, is the largest planned experiment for SURF, including 218 institutions and 1,427 collaborators from 37 countries. Facility construction for LBNF and assembly of the Deep Underground Neutrino Experiment within LBNF is estimated to exceed \$682 million in federal funding.

The State has made strategic investments in research in a large part through the institutions. Research awards at the institutions have shown trending growth since FY2000, rising from \$33.2 million to \$118.3 million in fiscal year 2022. During this time frame, South Dakota was ranked

first in the country for a number of consecutive years (2002-2005) based on its percentage growth in research awards and expenditures. From FY2006-2007, South Dakota experienced the second highest percentage of increase of research and development funding. Investments in research infrastructure through the Governor Research Center programs, Established Program to Stimulate Competitive Research (“EPSCoR”), as well as other private and federal investments have helped to generate an average of \$554.9 million a year in economic impact in the state since FY2005. Technology Transfer and Commercialization activities have begun to expand over the past decade as institutions have begun to aggressively facilitate the transfer of intellectual property and innovation into the marketplace. Due to these successes, research growth continues to be a goal of the Board and the State and is emphasized in the State’s new Science and Innovation Strategy. In 2020, the State Legislature appropriated \$300,000 in ongoing annual funding to support the operations of research parks at SDSU, SDSM&T and USD, in addition to providing \$1,000,000 in one-time funding to seed a bioprocessing research and development initiative led by SDSU and SDSM&T.

PRIVATE SECTOR CAMPAIGNS

Comprehensive fundraising efforts at various institutions are directed toward support of annual programs to address facilities expansion and renovation and establishment of endowments for instruction, research and patient care activities.

BHSU – The Black Hills State University Foundation has conducted two back-to-back successful capital campaigns raising over \$71 million combined for scholarships, the alumni center and athletic facilities. The foundation is currently in the quiet phase of a \$58 million campaign raising money for scholarships, an endowed faculty chair, the Laboratory Preschool facility, equipment and operational money. The campaign is in the first nine months and has raised \$20.8 million thus far. The goal will be adjusted as the campaign moves along.

DSU – On April 1, 2022, Dakota State University announced the Trojans Unite Comprehensive Campaign focused on three areas: Building Champions, Cyber-Research Initiative, and Academic Success. This \$250 million campaign breaks down into goals of \$100 million for Building Champions, \$90 million for the Cyber-Research Initiative, and \$60 million for Academic Success. Included in the \$100 million for Building Champions is an Athletics Events Center, which is under construction with a current commitment (funds raised) of \$40 million for that facility. The \$90 million for the Cyber-Research Initiative is fully funded, with funds of \$30 million from the State of South Dakota, \$50 million pledge from private funds, and \$10 million grant from the City of Sioux Falls.

NSU – The Northern State University Foundation completed the Educational Impact Campaign in 2021. This capital campaign raised \$62.7 million to fund the Athletic and Recreation Fields, which includes a football practice field, women’s soccer field and pavilion; a new School for the Blind and Visually Impaired; and a Regional Sports Complex, which includes a football stadium, softball field, locker rooms and event space. With the successful completion of the capital campaign, fundraising efforts are now focused on scholarships and support of academic programs.

SDSMT – Given the priority of scholarship dollars, an increased focus will be placed on both endowed and non-endowed funds for academic and athletic scholarships over the next three to five years. The Sustainable Earth Resources Center (formally the Mineral Industries) building project has been identified as a campus priority, which the South Dakota Mines Center for Alumni Relations and Advancement (CARA) is actively discussing with donors. The Sustainable Earth Resources Center building project is designed to create an environment that supports the delivery of a multi-discipline curriculum and research

program for South Dakota Mines geological engineering, geology, mining engineering, materials science, and metallurgy majors. South Dakota Mines received a \$19M general fund budget approved during 2021 legislative session to support this project. The University has committed \$3M from other funds and CARA is soliciting the remaining \$12M required to complete the project. CARA has raised \$5.4M of the \$7.1M for the Surbeck Center expansion. A portion (\$1M) from the Surbeck Center project was moved to the library renovation to support student success. Additionally, CARA is cultivating \$22M in donations to support academic departments and student programming.

SDSU – The SDSU Foundation is in a comprehensive campaign that began in 2017 and is expected to run through April 2024. The campaign has a working goal of \$500 million. The goals of the campaign were established based on priorities of South Dakota State University, as outlined in the University’s strategic plan, *Imagine 2023*. In September 2022, the university’s annual giving day, *One Day for STATE*, raised over \$2.4 million from 5,882 donors in 24 hours to support scholarships, academic programming and student travel.

USD – Following the close of a 7-year comprehensive fundraising campaign in June 2019 which raised more than \$272 million in support of the following campus-wide initiatives: \$98.6 million for student scholarships; \$21.1 million for the support of faculty; \$79.7 million for student and program enrichment programs; and \$73 million for capital projects, the University of South Dakota and the USD Foundation have continued to focus on the needs of the university, raising an additional \$28.3 million during the fiscal year ended June 30, 2020, 74% of which is in support of student scholarships.

APPENDIX B**SUMMARY OF CERTAIN PROVISIONS OF THE BOND RESOLUTION**

The Series 2023 Bonds will be issued under the Bond Resolution. Reference is made to the Bond Resolution for complete details of the terms of the Series 2023 Bonds and the security therefor. The following is a summary of certain provisions of the Bond Resolution and should not be considered as a full statement thereof.

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APPENDIX C

PROPOSED FORM OF OPINION OF BOND COUNSEL

Upon the issuance of the Series 2023 Bonds, Chapman and Cutler LLP, Bond Counsel, expects to issue its approving opinion in substantially the following form:

_____, 2023

South Dakota Board of Regents
306 East Capitol Avenue
Pierre, South Dakota 57501

We hereby certify that we have examined a certified copy of the proceedings of the South Dakota Board of Regents (the “*Board*”) passed preliminary to the issue by the Board of its Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “*Series 2023 Bonds*”), in the aggregate principal amount of \$_____, dated the date hereof, maturing on April 1 of the years, in the amounts and bearing interest at the rates per annum as follows:

YEAR	PRINCIPAL AMOUNT (\$)	INTEREST RATE (%)
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		

and the Series 2023 Bonds maturing on and after April 1, 20__, being subject to redemption prior to maturity at the option of the Board in whole or in part (in integral multiples of \$5,000), in any order of maturity as determined by the Board, on any date occurring on or after April 1, 20__, at a price equal to the principal amount of the Series 2023 Bonds to be redeemed plus accrued interest to the date of redemption.

We are of the opinion that such proceedings show lawful authority for the issuance of the Series 2023 Bonds under the authorizing Amended and Restated Bond Resolution of the Board adopted October 21, 2004, as supplemented and amended on December 6, 2005 (as amended), November 22, 2006 (as amended), December 13, 2007 (as amended), March 28, 2008 (as amended), October 22, 2008 (as amended), May 21, 2009 (as amended), October 12, 2011 (as amended), December 12, 2012, December 4, 2013 (as amended), August 14, 2014, December 2, 2015, December 7, 2016, December 6, 2017, December 11, 2019, December 9, 2020, March 29, 2023 and as hereafter amended or supplemented (the “*Bond Resolution*”) and the laws of the State of South Dakota now in force. Capitalized terms used herein and not defined shall have the meanings set forth in the Bond Resolution.

We further certify that we have examined the form of Series 2023 Bond prescribed for said issue and find the same in due form of law.

In our opinion said issue of Series 2023 Bonds, to the amount named, is valid and the Series 2023 Bonds are legally binding special obligations of the Board, except that the rights of the owners of the Series 2023 Bonds and the enforceability of the Series 2023 Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors’ rights and by equitable principles, whether considered at law or in equity, including the exercise of judicial discretion. The Series 2023 Bonds are payable from and secured by the the Net Revenues of the USD Institutional System, as to the Series 2023 USD Proportion, the Net Revenues of the BHSU Institutional System, as to the Series 2023 BHSU Proportion, the Net Revenues of the SDSMT Institutional System, as to the Series 2023 SDSMT Proportion, and the uncommitted funds of the Repair and Replacement Reserve Accounts of USD, BHSU, and SDSMT as to the Series 2023 USD Proportion, the Series 2023 BHSU Proportion, and the Series 2023 SDSMT, respectively. The Series 2023 Bonds, together with the Series 2006 Bonds, the Series 2007 Bonds, the Series 2008A Bonds, the Series 2008B Bonds, the Series 2011 Bonds, [the Series 2013A bonds], the Series 2014B Bonds, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017 Bonds, the Series 2019A Bonds, the Series 2019B Bonds and the Series 2021 Bonds and such bonds as may be issued on a parity with the Series 2023 Bonds pursuant to the terms of the Bond Resolution, are also payable from and secured by Net Revenues of the other Institutions (limited as described in the Bond Resolution), uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutions (as described in the Bond Resolution), and by such other funds which may be pledged or used as authorized by the Board of Regents Revenue Bond Act of 1971, as amended.

It is our opinion that, subject to the Board’s compliance with certain covenants, under present law, interest on the Series 2023 Bonds is excludable from gross income of the owners thereof for federal income tax purposes and is not included as an item of tax preference in computing the alternative minimum tax for individuals under the Internal Revenue Code of 1986, as amended. For tax years beginning after December 31, 2022, interest on the Series 2023 Bonds may affect the corporate alternative minimum tax for certain corporations. Failure to comply with certain of such Board covenants could cause interest on the Series 2023 Bonds to be includible in gross income for federal income tax purposes retroactively to the date of issuance of the Series 2023 Bonds. Ownership of the Series 2023 Bonds may result in other federal tax consequences to certain taxpayers, and we express no opinion regarding any such collateral consequences arising with respect to the Series 2023 Bonds.

Ownership of the Series 2023 Bonds may result in state and local tax consequences to certain taxpayers, and we express no opinion regarding any such state and local tax consequences arising with respect to the Series 2023 Bonds.

We express no opinion herein as to the accuracy, adequacy or completeness of the Official Statement relating to the Series 2023 Bonds.

In rendering this opinion, we have relied upon certifications of the Board with respect to certain material facts within the Board's knowledge. Our opinion represents our legal judgment based upon our review of the law and the facts that we deem relevant to render such opinion, and is not a guarantee of a result. This opinion is given as of the date hereof and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention or any changes in law that may hereafter occur.

Respectfully submitted,

APPENDIX D

PROPOSED FORM OF CONTINUING DISCLOSURE AGREEMENT

THIS CONTINUING DISCLOSURE AGREEMENT (the “*Agreement*”) is executed and delivered by the South Dakota Board of Regents (the “*Board*”) in connection with the issuance of its \$_____ Housing and Auxiliary Facilities System Refunding Revenue Bonds, Series 2023 (the “*Series 2023 Bonds*”). The Series 2023 Bonds are being issued pursuant to t an Amended and Restated Bond Resolution dated October 21, 2004, as amended and supplemented from time to time thereafter, including a Sixteenth Supplemental System Revenue Bond Resolution adopted by the Board on March 29, 2023 (the “*Bond Resolution*”).

In consideration of the issuance of the Series 2023 Bonds by the Board and the purchase of such Series 2023 Bonds by the beneficial owners thereof, the Board covenants and agrees as follows:

(1) **PURPOSE OF THIS AGREEMENT.** This Agreement is executed and delivered by the Board as of the date set forth below, for the benefit of the beneficial owners of the Series 2023 Bonds and to assist the Participating Underwriter (as defined below) in complying with the requirements of the Rule (as defined below). The Board represents that it will be the only obligated person with respect to the Series 2023 Bonds at the time the Series 2023 Bonds are delivered to the Participating Underwriter and that no other person is expected to become so committed at any time after issuance of the Series 2023 Bonds.

(2) **DEFINITIONS.** The terms set forth below shall have the following meanings in this Agreement, unless the context clearly otherwise requires.

“*Annual Financial Information*” means the financial information and operating data described in Exhibit I.

“*Annual Financial Information Disclosure*” means the dissemination of disclosure concerning Annual Financial Information and the dissemination of the Audited Financial Statements, if any, as set forth in Section 4.

“*Audited Financial Statements*” means audited financial statements of the Board, if and when prepared, as described in Exhibit I.

“*Commission*” means the Securities and Exchange Commission.

“*Dissemination Agent*” means any agent designated as such in writing by the Board and which has filed with the Board a written acceptance of such designation, and such agent’s successors and assigns.

“*EMMA*” means the Electronic Municipal Market Access system for municipal securities established by the MSRB or any other electronic format or system prescribed by the MSRB for purposes of the Rule.

“*Exchange Act*” means the Securities Exchange Act of 1934, as amended.

“*Financial Obligation*” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of (a) or (b); provided that “financial obligation” shall not include

municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Participating Underwriter*” means Piper Sandler & Co.

“*Reportable Event*” means the occurrence of any of the Events with respect to the Series 2023 Bonds set forth in Exhibit II.

“*Reportable Events Disclosure*” means dissemination of a notice of an Event as set forth in Section 5.

“*Rule*” means Rule 15c2-12 adopted by the Commission under the Exchange Act, as the same may be amended from time to time.

“*State*” means the State of South Dakota.

“*Undertaking*” means the obligations of the Board pursuant to Sections 4 and 5.

(3)

CUSIP NUMBER/FINAL OFFICIAL STATEMENT. The CUSIP Numbers of the Series 2023 Bonds are as set forth in Exhibit III. The Final Official Statement relating to the Series 2023 Bonds is dated _____, 2023 (the “*Final Official Statement*”). If the Series 2023 Bonds are refunded after the date hereof, the Board will also make all filings required under this Agreement under any new CUSIP Numbers assigned to the Series 2023 Bonds as a result of such refunding, to the extent the Board remains legally liable for the payment of such Series 2023 Bonds; provided, however, that the Board will not be required to make such filings under new CUSIP Numbers unless the Board has been notified in writing by the Participating Underwriter or the Board’s financial advisor that new CUSIP Numbers have been assigned to the Series 2023 Bonds. The Board will not make any filings pursuant to this Agreement under new CUSIP Numbers assigned to any of the Series 2023 Bonds after the date hereof for any reason other than a refunding, as described in the previous sentence, including, but not limited to, new CUSIP Numbers assigned to the Series 2023 Bonds as a result of a holder of the Series 2023 Bonds obtaining a bond insurance policy or other credit enhancement with respect to some or all of the outstanding Series 2023 Bonds in the secondary market.

(4) ANNUAL FINANCIAL INFORMATION DISCLOSURE. Subject to Section 9 of this Agreement, the Board hereby covenants that it will disseminate its Annual Financial Information and its Audited Financial Statements, if any (in the form and by the dates set forth in Exhibit I), to EMMA in such manner and format and accompanied by identifying information as is prescribed by the MSRB or the Commission at the time of delivery of such information and by such time so that such entities receive the information by the dates specified. MSRB Rule G-32 requires all EMMA filings to be in word-searchable PDF format. This requirement extends to all documents to be filed with EMMA, including financial statements and other externally prepared reports.

If any part of the Annual Financial Information can no longer be generated because the operations to which it is related have been materially changed or discontinued, the Board will disseminate a

statement to such effect as part of its Annual Financial Information for the year in which such event first occurs.

If any amendment or waiver is made to this Agreement, the Annual Financial Information for the year in which such amendment is made (or in any notice or supplement provided to EMMA) shall contain a narrative description of the reasons for such amendment or waiver and its impact on the type of information being provided.

(5) **REPORTABLE EVENTS DISCLOSURE.** Subject to Section 9 of this Agreement, the Board hereby covenants that it will disseminate in a timely manner (not in excess of ten business days following the occurrence of the Reportable Event) Reportable Events Disclosure to EMMA in such manner and format and accompanied by identifying information as is prescribed by the MSRB or the Commission at the time of delivery of such information. References to “material” in *Exhibit II* refer to materiality as it is interpreted under the Exchange Act. MSRB Rule G-32 requires all EMMA filings to be in word-searchable PDF format. This requirement extends to all documents to be filed with EMMA, including financial statements and other externally prepared reports. Notwithstanding the foregoing, notice of optional or unscheduled redemption of any Series 2023 Bonds or defeasance of any Series 2023 Bonds need not be given under this Agreement any earlier than the notice (if any) of such redemption or defeasance is given to the Bondholders pursuant to the Bond Resolution.

(6) **EMMA.** All documents submitted to the MSRB through EMMA pursuant to this Agreement shall be in electronic format and accompanied by identifying information as prescribed by the MSRB, in accordance with the Rule. All documents submitted to the MSRB through EMMA must be word-searchable PDFs, configured to permit documents to be saved, viewed, printed and electronically retransmitted.

(7) **CONSEQUENCES OF FAILURE OF THE BOARD TO PROVIDE INFORMATION.** The Board shall give notice in a timely manner to EMMA of any failure to provide Annual Financial Information Disclosure when the same is due hereunder.

In the event of a failure of the Board to comply with any provision of this Agreement, the beneficial owner of any Series 2023 Bond may seek mandamus or specific performance by court order to cause the Board to comply with its obligations under this Agreement. A default under this Agreement shall not be deemed a default under the Bond Resolution, and the sole remedy under this Agreement in the event of any failure of the Board to comply with this Agreement shall be an action to compel performance.

(8) **AMENDMENTS; WAIVER.** Notwithstanding any other provision of this Agreement, the Board by a duly enacted order or supplement or amendment to the Bond Resolution, may amend this Agreement, and any provision of this Agreement may be waived, if:

(a) (i) The amendment or waiver is made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Board, or type of business conducted; or

(ii) This Agreement, as amended, or the provision, as waived, would have complied with the requirements of the Rule at the time of the primary offering, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and

- (b) The amendment or waiver does not materially impair the interests of the beneficial owners of the Series 2023 Bonds, as determined by a party unaffiliated with the Board at the time of the amendment.
- (9) **TERMINATION OF OBLIGATIONS.** The obligations of the Board pursuant to this Agreement shall be terminated hereunder if the Board shall no longer have any legal liability for any obligation on or relating to repayment of the Series 2023 Bonds under the Bond Resolution.
- (10) **DISSEMINATION AGENT.** The Board may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Agreement, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent.
- (11) **ADDITIONAL INFORMATION.** Nothing in this Agreement shall be deemed to prevent the Board from disseminating any other information, using the means of dissemination set forth in this Agreement or any other means of communication, or including any other information in any Annual Financial Information Disclosure or notice of occurrence of a Reportable Event, in addition to that which is required by this Agreement. If the Board chooses to include any information from any document or notice of occurrence of a Reportable Event in addition to that which is specifically required by this Agreement, the Board shall have no obligation under this Agreement to update such information or include it in any future disclosure or notice of occurrence of a Reportable Event.
- (12) **BENEFICIARIES.** This Agreement has been executed to assist the Participating Underwriter in complying with the Rule; however, this Agreement shall inure solely to the benefit of the Board, the Dissemination Agent, if any, and the beneficial owners of the Series 2023 Bonds, and shall create no rights in any other person or entity.
- (13) **RECORDKEEPING.** The Board shall maintain records of all Annual Financial Information Disclosure and Reportable Events Disclosure, including the content of such disclosure, the names of the entities with whom such disclosure was filed and the date of filing such disclosure.
- (14) **ASSIGNMENT.** The Board shall not transfer its obligations under the Bond Resolution unless the transferee agrees to assume all obligations of the Board under this Agreement or to execute a similar agreement obligating such transference to comply with the provisions of the Rule.
- (15) **FUTURE CHANGES TO THE RULE.** As set forth in Section 1 of this Agreement, the Board has executed and delivered this Agreement solely and only to assist the Participating Underwriter in complying with the requirements of the Rule. Therefore, notwithstanding anything in this Agreement to the contrary, in the event the Commission, the MSRB or other regulatory authority shall approve or require changes to the requirements of the Rule, the Board shall be permitted, but shall not be required, to unilaterally modify the covenants in this Agreement, without complying with the requirements of Section 8 of this Agreement, in order to comply with, or conform to, such changes. In the event of any such modification of this Agreement, the Board shall file a copy of this Agreement, as revised, on EMMA in a timely manner.

[SIGNATURE PAGE FOLLOWS]

[SIGNATURE PAGE TO CONTINUING DISCLOSURE AGREEMENT]

(15) GOVERNING LAW. This Agreement shall be governed by the laws of the State.

SOUTH DAKOTA BOARD OF REGENTS

By: _____
Executive Director, Board of Regents

Address: South Dakota Board of Regents
306 East Capitol Avenue
Suite 200
Pierre, South Dakota 57501

Dated: _____, 2023

Exhibit I
Annual Financial Information and Timing and Audited
Financial Statements

Annual Financial Information means the financial information and operating data as set forth below. All or a portion of the Annual Financial Information and Audited Financial Statements, if any, as set forth below may be included by reference to other documents, including other official statements (subject to the following sentence), which have been submitted to EMMA. The Board shall clearly identify each such item of information included by reference.

I. Annual Financial Information:

- a. Financial information and operating data (exclusive of Audited Financial Statements), including information of the type contained in the Final Official Statement in the table in the section captioned “Historical and Projected Cash Flows of the System” and in “Appendix E – Financial Statements of the Housing and Auxiliary Facilities System Revenue Bond Funds.” The financial statements of the type contained in Appendix E shall be unaudited and prepared in accordance with the accounting principles set forth in the accountants report included in Appendix E.
- b. Annual Financial Information exclusive of Audited Financial Statements will be provided to EMMA not more than 210 days after the last day of the Board’s Fiscal Year, which is currently June 30.
- c. Audited Financial Statements as described in Part II are not presently prepared by the Board. If the Board ever prepared Additional Financial Statements, they would be expected to be filed at the same time as the Annual Financial Information described in this Part I. If Audited Financial Statements, if prepared, are not available when the Annual Financial Information is filed, Audited Financial Statements will be filed when available.

II. Audited Financial Statements:

- a. The Board may, but is not under any obligation to, prepare Audited Financial Statements. No assurance is or can be provided that the Board will ever prepare Audited Financial Statements.
- b. Audited Financial Statements, if and when prepared by the Board, will be provided within 30 days after availability to the Board.

If any change is made to the Annual Financial Information as permitted by Section 4 of the Agreement, the Board will disseminate a notice of such change as required by Section 4.

Exhibit II
Events with Respect to the Series 2023 Bonds for Which
Reportable Events Disclosure Is Required

1. Principal and interest payment delinquencies
2. Non-payment related defaults, if material
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax-exempt status of the security
7. Modifications to the rights of security holders, if material
8. Bond calls, if material, and tender offers
9. Defeasances
10. Release, substitution or sale of property securing repayment of the securities, if material
11. Rating changes
12. Bankruptcy, insolvency, receivership or similar event of the Board (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer)
13. The consummation of a merger, consolidation, or acquisition involving the Board, or the sale of all or substantially all the assets of the Board, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material
15. (a) The incurrence of a Financial Obligation, if material, or (b) agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Board, any of which affect security holders, if material
16. A default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation, any of which reflect financial difficulties

Exhibit III
CUSIP Numbers

Series 2023 Bonds

YEAR OF MATURITY (APRIL 1)	CUSIP NUMBER ()
2024	
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	
2033	
2034	
2035	
2036	
2037	
2038	
2039	
2040	
2041	
2042	

APPENDIX E

**FINANCIAL STATEMENTS OF THE HOUSING AND AUXILIARY FACILITIES SYSTEM
REVENUE BOND FUNDS
FOR THE FISCAL YEARS ENDED JUNE 30, 2022 AND 2021
(UNAUDITED)**

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BOND PURCHASE AGREEMENT

between

SOUTH DAKOTA BOARD OF REGENTS

and

PIPER SANDLER & CO.

_____, 2023

South Dakota Board of Regents

\$ _____
Housing and Auxiliary Facilities System
Revenue Bonds, Series 2023

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Exhibit A – Legal Opinion of Issuer’s Counsel

Exhibit B – Form of Issue Price Certificate

BOND PURCHASE AGREEMENT

1. Parties and Relevant Dates

Issuer: South Dakota Board of Regents

Underwriter: Piper Sandler & Co.

Securities: \$ _____ Housing and Auxiliary Facilities System Revenue Bonds, Series 2023

Acceptance Deadline: _____, 2023, 5:00 p.m. (Chicago time).

Effective Date and Time of Formal Award: _____, 2023, 5:00 p.m. (Chicago time).

Closing Date: April __, 2023.

2. Defined Terms

All capitalized terms used in this Agreement and not otherwise defined are used as defined in the Bond Resolution or the Official Statement:

Acceptance Deadline: The date set forth in Section 1, being the date and time by which the Issuer must accept this Agreement.

Accountants: State of South Dakota Department of Legislative Audit, the public accountants of the Issuer whose independent accountant's reports on applying agreed-upon procedures are included in the Preliminary Official Statement and the Official Statement.

Act: The Board of Regents Revenue Bond Act of 1971, as amended.

Agreement: This Bond Purchase Agreement, dated the Effective Date, including Schedule I attached hereto.

Bond Counsel: Chapman and Cutler LLP, Chicago, Illinois.

Bond Resolution: The Amended and Restated Bond Resolution of the Issuer adopted on October 21, 2004, as amended and supplemented from time to time thereafter, including a Sixteenth Supplemental System Revenue Bond Resolution adopted by the Board on March 29, 2023.

Closing Date: The date set forth in Section 1 of this Agreement, being the date of the issuance and delivery of the Securities.

Continuing Disclosure Agreement: The continuing disclosure agreement entered into by the Issuer with respect to the Securities in accordance with Rule 15c2-12.

Creditors' Rights Laws: Limitations on enforceability as may result from bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally from time to time in effect and from the application of general principles of equity and from public policy limitations on the exercise of any rights to indemnification and contribution.

DTC: The Depository Trust Company.

Effective Date and Time or Effective Date: The date and time that this Agreement is effective, as set forth in Section 1 of this Agreement.

End of the Underwriting Period: The later of (i) the Closing Date or (ii) when the Underwriter no longer retains an unsold balance of the Securities.

Exchange Act: The Securities Exchange Act of 1934, as amended.

Excluded Sections: For purposes of the representations and warranties of the Issuer set forth in Section 9(a)(viii) the “Excluded Sections” of the Preliminary Official Statement and the Official Statement shall be: (i) the section describing DTC and its book-entry-only procedures, (ii) the section captioned “Tax Matters,” and (iii) the section captioned “Underwriting” if provided in writing by the Underwriter. “Excluded Sections” of the Preliminary Official Statement shall also include the information permitted to be excluded from a preliminary official statement pursuant to Rule 15c2-12.

Good Faith Deposit: The amount to be provided as a good faith deposit by the Underwriter to the Issuer, if and to the extent set forth in this Agreement under Section 7.

Issuer: The Issuer of the Securities, identified in Section 1.

Issuer Documents: All financing documents to which the Issuer is a party relating to the issuance of and security for the Securities, as such documents are amended and supplemented to the Closing Date, including, but not limited to:

- (i) this Agreement,
- (ii) the Bond Resolution;
- (iii) the Continuing Disclosure Agreement; and
- (iv) the Tax Exemption Certificate and Agreement.

Issuer’s Counsel: Nathan D. Lukkes, Counsel to the Board.

MSRB: Municipal Securities Rulemaking Board.

Official Statement: Official Statement dated the Effective Date, relating to the Securities, together with all appendices or exhibits, any materials incorporated by reference therein and any amendments or supplements thereto.

Paying Agent: First Bank & Trust, Brookings, South Dakota, acting as paying agent for the Securities.

Pledged Revenues and Income: The revenues and/or other funds pledged or otherwise identified by the Issuer as security or the source of payment for the Securities as set forth in the Bond Resolution.

Preliminary Official Statement: Preliminary Official Statement dated March __, 2023, relating to the Securities, together with all appendices or exhibits, any materials incorporated by reference therein

and any amendments or supplements thereto.

Primary Offering Disclosure Period: The period commencing with the first submission to an Underwriter of an order for the purchase of the Securities or the purchase of such Securities from the Issuer, whichever first occurs, and ending 25 days after the final delivery by the Issuer or its agent of all Securities to or through the underwriting syndicate or sole underwriter.

Purchase Price: The amount specified in Section 5 as the Purchase Price to be paid by the Underwriter at the Closing for the purchase of the Securities on the Closing Date.

Registrar: First Bank & Trust, Brookings, South Dakota, acting as paying agent for the Securities.

Rule 15c2-12: Rule 15c2-12 promulgated by the SEC under the Exchange Act.

Rule G-32: Rule G-32 of the MSRB.

SEC: Securities and Exchange Commission of the United States.

Securities or Series 2023 Bonds: The Securities identified in Section 1 on the first page of this Agreement, as more specifically described in Schedule I.

Securities Act: The Securities Act of 1933, as amended.

State: South Dakota.

Trust Indenture Act: Trust Indenture Act of 1939, as amended.

Underwriter: The firm identified as such in Section I of this Agreement.

Underwriter's Counsel: SJ Gray Law, LLC, Chicago, Illinois.

3. Offer to Purchase the Securities; Execution of Terms and Acceptance

The Issuer and the Underwriter are entering into this Agreement to provide for the purchase and sale of the Securities. The Securities are further described in Schedule I.

The Underwriter hereby offers to purchase all (but not less than all) of the Securities from, and to enter into this Agreement with, the Issuer. This offer is subject to acceptance by the Issuer by the Acceptance Deadline and, if not so accepted, will be subject to withdrawal by the Underwriter by written notice delivered to the Issuer at any time prior to acceptance. The Issuer shall accept this Agreement by its execution hereof upon such execution, the Agreement will be binding upon the Underwriter and the Issuer. This Agreement is effective as of the Effective Date and Time.

4. Purchase of the Securities

The Underwriter shall purchase from the Issuer, and the Issuer shall sell to the Underwriter, all (but not less than all) of the Securities on the Closing Date at the aggregate Purchase Price set forth below, plus accrued interest, if any. The Securities shall bear interest at the rates per annum, mature on the dates, be sold to the public at the prices and be subject to optional and mandatory sinking fund redemption, if applicable, prior to maturity and to such other terms and provisions, all as set forth in

Schedule I. The Securities otherwise shall be as described in the Official Statement, the Bond Resolution and the other Issuer Documents. The Underwriter's agreement to purchase the Securities from the Issuer is made in reliance upon the Issuer's representations, covenants and warranties and on the terms and conditions set forth in this Agreement.

The Issuer acknowledges and agrees that: (i) the primary role of the Underwriter, as underwriter, is to purchase securities for resale to investors in an arms-length commercial transaction between the Issuer and the Underwriter and that the Underwriter has financial and other interests that differ from those of the Issuer; (ii) the Underwriter is not acting as a municipal advisor, financial advisor or fiduciary to the Issuer or any other person or entity and has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and proceedings leading thereto (irrespective of whether the Underwriter has provided other services or are currently providing other services to the Issuer on other matters); (iii) the only obligations the Underwriter has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this Agreement; and (iv) the Issuer has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate in connection with the transaction contemplated herein.

5. Purchase Price

The Purchase Price of the Securities is \$_____ (representing the principal amount of the Securities of \$_____, less an Underwriter's discount of \$_____, plus [net] original issue [premium/discount] of \$_____), plus accrued interest, if any, to the Closing Date. The Purchase Price shall be payable on the Closing Date by the Underwriter to or as directed by the Issuer by wire transfer in immediately available funds. In accordance with Section 18, the Underwriter also will be reimbursed for those out-of-pocket expenses described therein.

6. Public Offering

The Underwriter agrees to make a bona fide initial public offering of all the Securities in compliance with federal and state securities laws, at a price not in excess of the initial offering price set forth in Schedule I; *provided, however*, that, subject to the limits set forth in Section 14(c) hereof with respect to the hold-the-offering price rule (as defined in such section), the Underwriter may subsequently change such offering price or prices. The Underwriter agrees to notify the Issuer of such changes upon request from the Issuer if such changes occur prior to the Closing, but failure to so notify shall not invalidate such changes. The Underwriter may offer and sell the Securities to certain dealers (including dealers depositing the Securities into investment trusts) at prices lower than the public offering prices. The Underwriter also reserves the right to (i) over-allot or effect transactions which stabilize or maintain the market price or prices of the Securities at levels above those which might otherwise prevail in the open market and (ii) discontinue such stabilizing, if commenced, at any time without prior notice.

7. Good Faith Deposit

No Good Faith Deposit will be delivered.

8. Official Statement

The Issuer hereby consents to and ratifies the use and distribution by the Underwriter of the Preliminary Official Statement in connection with the public offering of the Securities by the Underwriter, and further confirms the authority of the Underwriter to use, and consents to the use of, the final Official Statement with respect to the Securities in connection with the public offering and sale of

the Securities. The Issuer hereby represents and warrants that the Preliminary Official Statement previously furnished to the Underwriter was “deemed final” by the Issuer as of its date for purposes of Rule 15c2-12, except for permitted omissions.

- (a) The Issuer, at its cost, shall provide, or cause to be provided, to the Underwriter within seven business days after the date of this Agreement (or within such shorter period as may be approved by the Underwriter or required by applicable rule) such number of copies of a final Official Statement as reasonably requested by the Underwriter, but in sufficient quantity to permit the Underwriter to comply with paragraph (b)(4) of Rule 15c2-12 and Rule G-32 and any other applicable rules of the SEC and the MSRB.
- (b) The Issuer authorizes the Underwriter to file, to the extent required by any applicable SEC or MSRB rule, and the Underwriter agrees to so file, the Official Statement with the MSRB or its designee. If an amended Official Statement is prepared during the “primary offering disclosure period,” and if required by any applicable SEC or MSRB rule, the Underwriter also shall make the required filings of the amended Official Statement. The Issuer shall provide the Underwriter with the information necessary to complete MSRB Form G-32 for all filings to be made under this Section 8.
- (c) The Preliminary Official Statement and the Official Statement may be delivered in printed and a “designated electronic format” as defined in Rule G-32 and as may be agreed by the Issuer and the Underwriter. If the Official Statement has been prepared in electronic form, the Issuer hereby confirms that it does not object to distribution of the Official Statement in electronic form.
- (d) The Issuer shall not supplement or amend the Official Statement or cause the Official Statement to be supplemented or amended without the prior written consent of the Underwriter. The Issuer covenants to notify the Underwriter promptly if, on or prior to the 25th day after the End of the Underwriting Period, (or such other period as may be agreed to by the Issuer and the Underwriter) any event shall occur, or information comes to the attention of the Issuer, that is reasonably likely to cause the Official Statement (whether or not previously supplemented or amended) to contain any untrue statement of a material fact or to omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, and if in the reasonable opinion of the Underwriter such event requires the preparation and distribution of a supplement or amendment to the Official Statement, to prepare and furnish to the Underwriter, at the Issuer’s expense, such number of copies of the supplement or amendment to the Official Statement, in (i) a “designated electronic format” consistent with the requirements of Rule G-32 and (ii) a printed format form in substance mutually agreed upon by the Issuer and the Underwriter, as the Underwriter may reasonably request. If such notification shall be given subsequent to the Closing Date, the Issuer also shall furnish, or cause to be furnished, such additional legal opinions, certificates, instruments and other documents as the Underwriter may reasonably deem necessary to evidence the truth and accuracy of any such supplement or amendment to the Official Statement.

9. Representations and Warranties

- (a) Representations and Warranties of the Issuer. The Issuer hereby agrees with, and makes the following representations and warranties to, the Underwriter, as of the date

hereof and as of the Closing Date, which representations and warranties shall survive the Closing:

- (i) The Issuer is duly created and existing under the constitution and laws of the State and has full legal right, power and authority under the constitution and laws of the State, including the Act, to adopt the Bond Resolution, to execute and deliver the Issuer Documents and the Official Statement, to issue, sell and deliver the Securities as provided herein, and to carry out and to consummate the transactions contemplated by the Bond Resolution, the other Issuer Documents and the Official Statement.
- (ii) By all necessary official action of the Issuer prior to or concurrently with the acceptance hereof, the Issuer has duly authorized and approved (A) the distribution of the Preliminary Official Statement and the execution, delivery and distribution of the Official Statement for use by the Underwriter in connection with the public offering of the Securities, (B) the issuance and sale of the Securities upon the terms set forth herein and as contemplated by the Bond Resolution, the other Issuer Documents and the Official Statement and (C) the execution and delivery of, and the performance by the Issuer of the obligations on its part contained in, the Securities, the Bond Resolution and the other Issuer Documents.
- (iii) The Securities will be issued in conformity with and entitled to the benefit and security of the Bond Resolution, including the pledge or application thereunder of the Pledged Revenues and Income.
- (iv) This Agreement constitutes a legal, valid and binding obligation of the Issuer enforceable in accordance with its terms; the other Issuer Documents, when duly executed and delivered, will constitute the legal, valid and binding obligations of the Issuer enforceable in accordance with their respective terms; and the Securities, when issued, authenticated and delivered in accordance with the Bond Resolution and sold to the Underwriter as provided herein, will be the legal, valid and binding obligations of the Issuer enforceable in accordance with their terms; in all cases, except as the enforceability of this Agreement, the other Issuer Documents and the Securities may be limited by application of Creditors' Rights Laws.
- (v) Except as may be described in the Preliminary Official Statement or the Official Statement, the Issuer is not in breach of or default in any material respect under (if applicable) its charter documents, its articles of incorporation or its bylaws or under any applicable constitutional provision, law or administrative regulation of the State or the United States or any applicable judgment or decree or any loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the Issuer is a party or to which the Issuer is or any of its property or assets are otherwise subject, and no event has occurred and is continuing which constitutes or with the passage of time or the giving of notice, or both, would constitute a material default or event of default by the Issuer under any of the foregoing.
- (vi) The adoption, execution and delivery of the Securities, the Bond Resolution and the other Issuer Documents, and compliance with the provisions on the Issuer's

part contained therein, will not, in any material respect, conflict with or constitute a breach of or default under any constitutional provision, existing law, administrative regulation, judgment, decree, loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the Issuer is a party or to which the Issuer or any of its property or assets are otherwise subject, and such adoption, execution, delivery or compliance will not result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature upon the Pledged Revenues and Income, if any, of the Issuer to be pledged to secure the Securities or under the terms of any such law, regulation or instrument, except as provided by the Securities, the Bond Resolution and the Issuer Documents; *provided* no such representation is made with respect to federal or State securities laws, rules or regulations.

- (vii) All authorizations, approvals, consents and orders of any governmental authority, legislative body, board, agency or commission having jurisdiction which are required for the due authorization of, which would constitute a condition precedent to, or the absence of which would materially adversely affect, the issuance of the Securities or the due performance by the Issuer of its obligations under the Bond Resolution, the other Issuer Documents and the Securities have been duly obtained or will be obtained prior to the Closing.
- (viii) The Preliminary Official Statement as of its date did not, and the Official Statement as of its date does not and as of the Closing Date will not, contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading; provided that, the Issuer makes no statement as to the Excluded Sections of the Preliminary Official Statement or the Official Statement.
- (ix) The historical financial information included in the Official Statement under the captions “HISTORICAL AND PROJECTED CASH FLOWS” and in Appendix E - “FINANCIAL STATEMENTS OF THE HOUSING AND AUXILIARY FACILITIES SYSTEM REVENUE BOND FUNDS FOR THE FISCAL YEARS ENDED June 30, 2022 and 2021 (Unaudited)” present fairly the financial condition and results of operations for the System at the dates and for the periods specified. For the period June 30, 2022, to the date hereof, there has been no material adverse change in the financial position of the Board, any Institution or the System, (ii) no increase in the long-term debt of the Board or any Institution with respect to the System, (iii) no material loss or interference with the operation of the System from fire, explosion, flood or other calamity, whether or not covered by insurance, or from any labor dispute or court or governmental action, order or decree, and (iv) no development involving a prospective material adverse change, in or affecting the general affairs, management, financial position or results of operations of any Institution and the System, except in all cases as the Official Statement discloses has occurred or may occur.
- (x) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, agency, public board or body, pending or, to the knowledge of the Issuer, threatened against the Issuer: (A) affecting the existence of the Issuer or the titles of its officers to their respective offices, (B) seeking to

prohibit, restrain or enjoin the issuance, sale or delivery of the Securities or the pledge or collection by the Issuer of the Pledged Revenues and Income or the making of any other required deposits with respect to the Securities, (C) in any way contesting or affecting the validity or enforceability of, or the power or authority of the Issuer to issue, adopt or to enter into (as applicable), the Securities, the Bond Resolution or the other Issuer Documents, (D) contesting in any way the completeness or accuracy of the Preliminary Official Statement or the Official Statement, or any amendment or supplement thereto, (E) except as disclosed in the Official Statement, wherein an unfavorable decision, ruling or finding would materially adversely affect the financial position or condition of the Issuer or would result in any material adverse change in the ability of the Issuer to pledge or apply the Pledged Revenues and Income or to pay debt service on the Securities, or (F) contesting the status of the interest on the Securities as excludable from gross income for federal income tax purposes, in each case as described in the Official Statement.

- (xi) The Issuer has received all licenses, permits or other regulatory approvals required, if any, for the pledge, collection and/or application by the Issuer of the Pledged Revenues and Income and the Issuer is not in material default, and no event has occurred which would constitute or result in a material default, under any such licenses, permits or approvals.
- (xii) The Issuer will enter into the Continuing Disclosure Agreement and, unless otherwise described in the Official Statement or set forth below, the Issuer has not failed during the previous five years to comply in all material respects with any previous undertakings in a written continuing disclosure contract or agreement under Rule 15c2-12.
- (xiii) The Bond Resolution, the other Issuer Documents and the Securities conform to the description thereof contained in the Official Statement.
- (xiv) The Issuer has the legal authority to apply proceeds of the Securities for the purposes contemplated by the Bond Resolution and the other Issuer Documents, including for the payment or reimbursement of incidental expenses in connection with the marketing, issuance and delivery of the Securities to the extent required by this Agreement and in compliance with applicable law.

(b) Covenants of the Issuer.

The Issuer hereby covenants with the Underwriter that:

- (i) Prior to the Closing Date, except as otherwise contemplated by the Official Statement, the Issuer shall not create, assume or guarantee any indebtedness payable from, or pledge or otherwise encumber, the Pledged Revenues and Income or other assets, properties, funds or interests that will be pledged as security for the Securities pursuant to the Bond Resolution.
- (ii) The Issuer shall cooperate with the Underwriter in the qualification of the Securities for offering and sale and the determination of their eligibility for investment under the laws of such jurisdictions, to the extent applicable, as the Underwriter may request; provided that the Issuer shall not be required to qualify

as a foreign corporation in, or submit to the general jurisdiction of, any other state or to file any general or special consents to service of process under the laws of any jurisdiction.

- (iii) The Issuer shall not knowingly take or omit to take any action that, under existing law, may adversely affect the exclusion from gross income for federal income tax purposes, of the interest on the Securities.
- (c) Representations and Warranties of the Underwriter. The Underwriter hereby agrees with, and makes the following representations and warranties to, the Issuer, as of the date hereof and as of the Closing Date, which representations and warranties shall survive the Closing:
 - (i) The Underwriter is an entity duly organized, validly existing and in good standing under the laws of the jurisdiction of its organization.
 - (ii) This Agreement has been duly authorized, executed and delivered by the Underwriter and, assuming the due authorization, execution and delivery by the Issuer, is the legal, valid and binding obligation of the Underwriter enforceable in accordance with its terms, except as the enforceability of this Agreement may be limited by application of Creditors' Rights Laws.
 - (iii) The Underwriter is licensed by and registered with the Financial Industry Regulatory Authority as a broker-dealer and the MSRB as a municipal securities dealer.
 - (iv) The Securities will be offered in accordance with all applicable State and federal laws.

10. [Reserved]

11. Rating

The following rating on the Securities shall be in effect on the Closing Date: Moody's: "Aa3".

12. Closing

- (a) The delivery of and payment for the Securities shall be the "Closing" for the Securities and shall occur at or prior to 1:00 p.m., New York City time, on the Closing Date, or at such other time or on such other date as may be mutually agreed by the Underwriter and the Issuer. The Closing shall be held virtually. At the Closing, the Issuer shall deliver or cause to be delivered the Securities to DTC on behalf of the Underwriter, as further described in paragraph (b) below. The Securities shall be delivered in definitive form, duly executed by the Issuer and authenticated by the Registrar or Paying Agent, together with the other documents identified in Section 13. Subject to satisfaction of the conditions contained in this Agreement, the Underwriter will accept delivery of the Securities as described above and pay the Purchase Price, plus accrued interest, if any, on the Securities from their dated date to, but not including, the Closing Date, in immediately available funds, payable to the order of the Issuer.

- (b) Delivery of the definitive Securities shall be made through the facilities of DTC's book-entry-only system in New York, New York, or at such other location as may be designated by the Underwriter prior to the Closing. The Securities will be delivered as fully-registered bonds, bearing CUSIP numbers, with a single bond for each maturity of each series of the Securities (or, if so provided in Schedule I, for each separate interest rate within a maturity), and registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Securities.

13. Closing Conditions

The Underwriter shall receive on the Closing Date, in form and substance satisfactory to Bond Counsel and to the Underwriter, each item specified below, unless waived by the Underwriter:

- (i) The approving opinion of Bond Counsel, addressed to the Issuer, dated the Closing Date, and in substantially the form included as an appendix to the Official Statement, along with a reliance letter addressed to the Underwriter.
- (ii) The supplemental opinion of Bond Counsel, addressed to the Underwriter and the Issuer, dated the Closing Date, to the effect that:
 - (A) this Agreement has been duly authorized, executed and delivered by the Issuer and constitutes the legal, valid and binding agreement of the Issuer, enforceable against the Issuer in accordance with its terms, except as such enforceability may be limited by Creditors' Rights Laws; and
 - (B) the Securities are exempt from registration pursuant to the Securities Act and the Bond Resolution is exempt from qualification as an indenture pursuant to the Trust Indenture Act.
- (iii) A negative assurances letter of Bond Counsel to the effect that the statements and information contained in the Official Statement, as of its date and as of the date of such opinion, relating to the Securities, the security and sources of payment for the Securities and the tax status of the Securities fairly and accurately summarize the provisions of the documents or matters of law indicated therein, as of such dates, and the statements describing the Bond Resolution and the other Issuer Documents contained in the Official Statement, as of its date and as of the date of such opinion, fairly and accurately summarize the provisions of such documents purported to be summarized as of such dates;
- (iv) The opinion of Issuer's Counsel addressed to the Underwriter, the Issuer and Bond Counsel, dated the Closing Date, in the form attached hereto as Exhibit A.
- (v) The opinion of Underwriter's Counsel, addressed to the Underwriter, dated the Closing Date, to the effect that: (A) the Securities are exempt from registration under the Securities Act and the Bond Resolution is exempt from qualification under the Trust Indenture Act and (B) the Continuing Disclosure Agreement meets the requirements of Rule 15c2-1 2. In addition, such counsel shall state in its letter containing the foregoing opinion or in a separate letter addressed to the Underwriter to the effect that, without having undertaken to determine independently, or to assume responsibility for, the accuracy, completeness or fairness thereof, and based solely on their participation in meetings and telephone

conferences at which representatives of the Issuer, Bond Counsel and the Underwriter were at various times present, nothing has come to the attention of such counsel that would lead them to believe that the information and statements in the Preliminary Official Statement as of its date and the Official Statement, as of its date and as of the date of such letter, contained or contain any untrue statement of a material fact or omitted or omit to state a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading; provided that, no view need be expressed as to the financial statements of the Issuer, any other financial, forecast, technical or statistical data, and any information in the Preliminary Official Statement as of its date and the Official Statement respecting DTC.

- (vi) A certificate dated the Closing Date of an authorized officer of the Issuer to the effect that:
 - (A) the representations and warranties of the Issuer contained in this Agreement are true and correct in all material respects on and as of the Closing Date with the same effect as if made on the Closing Date;
 - (B) the Issuer has complied with all of the agreements and satisfied all of the conditions on its part to be performed or satisfied at or prior to the Closing; no event affecting the Issuer has occurred since the date of the Official Statement which either makes untrue or incorrect in any material respect as of the Closing Date any statement or information contained in the Preliminary Official Statement or the Official Statement or is not reflected in the Official Statement but should be reflected therein in order to make the statements and information therein not misleading in any material respect; and
 - (C) there is no action, suit, proceeding or investigation before or by any court or public board or body pending or threatened against the Issuer to restrain or enjoin the issuance, execution or delivery of the Securities or in any manner questioning the proceedings or authority for the issuance of the Securities or affecting directly or indirectly the validity of the Securities or of any provisions made or authorized for their payment or contesting the existence of the Issuer or the title of any of its officers to their respective offices.
- (vii) Written evidence that the rating(s) on the Securities by the applicable rating services, as set forth in Section 11, are in effect as of the Closing Date.
- (viii) A tax certificate or tax regulatory agreement, executed by a duly authorized officer of the Issuer, in form and substance satisfactory to Bond Counsel, setting forth, among other things, in the manner permitted by the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder, the reasonable expectations of the Issuer as of the Closing Date as to the use of proceeds of the Securities and of any other funds of the Issuer expected to be used to pay debt service on the Securities and the facts and estimates on which such expectations are based, and stating that, to the best of knowledge and belief of such certifying officer, the expectations set forth therein are reasonable.

- (ix) An Information Return for Tax-Exempt Bond Issues (Internal Revenue Service Form 8038-G), in a form satisfactory to Bond Counsel for filing, executed by a duly authorized officer of the Issuer.
- (x) A copy of the Blanket Letter of Representations to DTC from the Board.
- (xi) True and complete copies of the Bond Resolution and the other Issuer Documents, and all opinions, certificates and other documents delivered under the Bond Resolution and the other Issuer Documents.
- (xii) [Reserved].
- (xiii) Such additional legal opinions, certificates, instruments and other documents as the Underwriter or Bond Counsel reasonably may request, in form and substance satisfactory to the Underwriter or Bond Counsel, as the case may be, to evidence (A) compliance by the Issuer with legal requirements reasonably relating to the transactions contemplated by the Official Statement and this Agreement, (B) the truth and completeness, as of the date thereof, of the statements and information contained in the Preliminary Official Statement, (C) the truth and completeness, as of the date thereof and as of the time of the Closing, of the statements and information contained in the Official Statement, (D) the truth and completeness, as of the time of the Closing, of the representations and warranties of the Issuer contained in this Agreement and the certificates and other documents referred to in this Agreement, and (E) the due performance or satisfaction by the Issuer at or prior to the Closing of all agreements then to be satisfied.

14. Establishment of Issue Price

(A) The Underwriter agrees to assist the Issuer in establishing the issue price of the Securities and shall execute and deliver to the Issuer at Closing an “issue price” or similar certificate, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit B, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Underwriter, the Issuer and Bond Counsel, to accurately reflect, as applicable, the sales price or prices or the initial offering price or prices to the public of the Securities.

(B) Except as otherwise set forth in Schedule I attached hereto, the Issuer will treat the first price at which 10% of each maturity of the Securities (the “10% test”) is sold to the public as the issue price of that maturity. At or promptly after the execution of this Agreement, the Underwriter shall report to the Issuer the price or prices at which it has sold to the public each maturity of Securities. If at that time the 10% test has not been satisfied as to any maturity of the Securities, the Underwriter agrees to promptly report to the Issuer the prices at which it sells the unsold Securities of that maturity to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) the Underwriter has sold all Securities of that maturity or (ii) the 10% test has been satisfied as to the Securities of that maturity, provided that, the Underwriter’s reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Issuer or Bond Counsel. For purposes of this Section, if Securities mature on the same date but have different interest rates, each separate CUSIP number within that maturity will be treated as a separate maturity of the Securities.

(C) The Underwriter confirms that it has offered the Securities to the public on or

before the date of this Agreement at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in Schedule I attached hereto, except as otherwise set forth therein. Schedule I also sets forth, as of the date of this Agreement, the maturities, if any, of the Securities for which the 10% test has not been satisfied and for which the Issuer and the Underwriter agree that the restrictions set forth in the next sentence shall apply, which will allow the Issuer to treat the initial offering price to the public of each such maturity as of the sale date as the issue price of that maturity (the “hold-the-offering-price rule”). So long as the hold-the-offering-price rule remains applicable to any maturity of the Securities, the Underwriter will neither offer nor sell unsold Securities of that maturity to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the Underwriter has sold at least 10% of that maturity of the Securities to the public at a price that is no higher than the initial offering price to the public.

The Underwriter will advise the Issuer promptly after the close of the fifth (5th) business day after the sale date whether it has sold 10% of that maturity of the Securities to the public at a price that is no higher than the initial offering price to the public.

(D) The Underwriter confirms that:

- (i) any selling group agreement and any third-party distribution agreement (to which the Underwriter is a party) relating to the initial sale of the Securities to the public, together with the related pricing wires, contains or will contain language obligating each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A)(i) to report the prices at which it sells to the public the unsold Securities of each maturity allocated to it, whether or not the closing date has occurred, until either all Securities of that maturity allocated to it have been sold or it is notified by the Underwriter that the 10% test has been satisfied as to the Securities of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the Underwriter and (ii) to comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the Underwriter, (B) to promptly notify the Underwriter of any sales of Securities that, to its knowledge, are made to an underwriter who is a related party to an underwriter participating in the initial sale of the Securities to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the dealer or broker-dealer, the Underwriter shall assume that each order submitted by the dealer or broker-dealer is a sale to the public.
- (ii) any selling group agreement relating to the initial sale of the Securities to the public, together with the related pricing wires, contains or will contain language obligating each dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Securities to the public to require each broker-dealer that is a party to such third-party distribution agreement to (A) report the prices at which it sells

to the public the unsold Securities of each maturity allocated to it, whether or not the closing date has occurred, until either all Securities of that maturity allocated to it have been sold or it is notified by the Underwriter or the dealer that the 10% test has been satisfied as to the Securities of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the Underwriter or the dealer, and (B) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the Underwriter or the dealer and as set forth in the related pricing wires.

(E) The Issuer acknowledges that, in making the representations set forth in this section, the Underwriter will rely on (i) in the event a selling group has been created in connection with the initial sale of the Securities to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Securities, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Securities, as set forth in a selling group agreement and the related pricing wires, and (ii) in the event that a third-party distribution agreement was employed in connection with the initial sale of the Securities to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the Securities, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Securities, as set forth in the third-party distribution agreement and the related pricing wires. The Issuer further acknowledges that the Underwriter shall not be liable for the failure of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement, to comply with its corresponding agreement to comply with the requirements for establishing the issue price of the Securities, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Securities.

(F) The Underwriter acknowledges that sales of any Securities to any person that is a related party to an underwriter participating in the initial sale of the Securities to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this section. Further, for purposes of this section:

- (i) “public” means any person other than an underwriter or a related party,
- (ii) “underwriter” means (A) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Securities to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Securities to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Securities to the public),
- (iii) an underwriter of any of the Securities is a “related party” to an underwriter if the underwriter and the Underwriter are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the

outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

- (iv) “sale date” means the date of execution of this Agreement by all parties.

15. Accountants’ Letter

No Accountants’ letters will be delivered in connection with issuance of the Securities.

16. No Indemnification; Limitation of Liability

It is understood and agreed that the Issuer is a constituent agency of the State and that it has not been authorized to enter into a contract of indemnity for the benefit of a third party or parties. It is understood and agreed further that no member of the Issuer and no officer, agent or employee thereof, shall be charged personally by the Underwriter with any liability, or held liable to the Underwriter under any term or provision of this Agreement, or because of its execution or attempted execution, or because of any breach, or attempted or alleged breach, thereof.

17. Termination

The Underwriter shall have the right to cancel its obligation to purchase the Securities and to terminate this Agreement by written notice to the Issuer if, between the Effective Date to and including the Closing Date, in the Underwriter’s sole and reasonable judgment any of the following events shall occur (each a “Termination Event”):

- (a) the market price or marketability of the Securities, or the ability of the Underwriter to enforce contracts for the sale of the Securities, shall be materially adversely affected by any of the following events:
 - (i) any legislative, executive or regulatory action or any court decision which, in the judgment of the Underwriter, casts sufficient doubt on the legality of, or the exclusion from gross income for federal income tax purposes of interest on obligations such as, the Securities, so as to materially impair the marketability or lower the market price of such obligations or otherwise make it impracticable or inadvisable to proceed with the offering or delivery of the Securities on the terms and in the manner contemplated in this Agreement and the Official Statement; or
 - (ii) (1) An outbreak or escalation of hostilities or the declaration by the United States of a national emergency or war or (2) any other calamity or crisis in the financial markets of the United States or elsewhere; or
 - (iii) a general suspension of trading on the New York Stock Exchange or other major exchange shall be in force, or minimum or maximum prices for trading shall have been fixed and be in force, or maximum ranges for prices for securities shall have been required and be in force on any such exchange, whether by virtue of determination by that exchange or by order of the SEC or any other governmental authority having jurisdiction; or

- (iv) legislative action shall have been taken by the Congress of the United States, or a decision by a court of the United States shall be rendered, or a ruling, regulation, proposed regulation or statement by or on behalf of the SEC or other governmental agency having jurisdiction of the subject matter shall be made, which in the judgment of the Underwriter, results in any obligations of the general character of the Securities, the Bond Resolution or the other Issuer Documents, or any comparable securities of the Issuer, not being exempt from the registration, qualification or other requirements of the Securities Act or the Trust Indenture Act or otherwise, or would be in violation of any provision of the federal securities laws; or
- (v) except as disclosed in or contemplated by the Official Statement, any material adverse change in the affairs of the Issuer shall have occurred; or
- (vi) any rating on securities of the Issuer which are secured by a pledge or application of the Pledged Revenues and Income on a parity with the Securities is reduced or withdrawn or placed on credit watch with negative outlook by any major credit rating agency: or
- (vii) any event or circumstance shall exist that either makes untrue or incorrect in any material respect any statement or information in the Official Statement (other than any statement provided by the Underwriter) or is not reflected in the Official Statement but should be reflected therein in order to make the statements therein, in the light of the circumstances under which they were made, not misleading and, in either such event, the Issuer refuses to permit the Official Statement to be supplemented to supply such statement or information or the effect of the Official Statement as so supplemented is to materially adversely affect the market price or marketability of the Securities or the ability of the Underwriter to enforce contracts for the sale of the Securities; or
- (b) a general banking moratorium shall have been declared by federal or State authorities having jurisdiction and be in force; or
- (c) a material disruption in securities settlement, payment or clearance services affecting the Securities shall have occurred; or
- (d) any new restriction on transactions in securities materially affecting the market for securities (including the imposition of any limitation on interest rates) or the extension of credit by, or a charge to the net capital requirements of, underwriters shall have been established by the New York Stock Exchange, the SEC, any other federal or State agency or the Congress of the United States, or by Executive Order; or
- (e) a decision by a court of the United States shall be rendered, or a stop order, release, regulation or no-action letter by or on behalf of the SEC or any other governmental agency having jurisdiction of the subject matter shall have been issued or made, to the effect that the issuance, offering or sale of the Securities, including the underlying obligations as contemplated by this Agreement or by the Official Statement, or any document relating to the issuance, offering or sale of the Securities, is or would be in violation of any provision of the federal securities laws at the Closing Date, including the Securities Act, the Exchange Act and the Trust Indenture Act.

Upon the occurrence of a Termination Event and the termination of this Agreement by the Underwriter, all obligations of the Issuer and the Underwriter under this Agreement shall terminate, without further liability except that the Issuer and the Underwriter shall pay their respective expenses as set forth in Section 18.

18. Payment of Expenses

- (a) The Underwriter shall be under no obligation to pay, and the Issuer shall pay from available funds or direct the Registrar under the Bond Resolution and the other Issuer Documents to pay from the proceeds of the Securities (to the extent permitted under applicable law) or from other funds of the Issuer, all expenses that are incidental to the performance of the Issuer's obligations under this Agreement, including but not limited to: all expenses in connection with the printing of the Preliminary Official Statement, the Official Statement and any amendment or supplement to either; all expenses in connection with the printing, issuance and delivery of the Securities; the fees and expenses of Bond Counsel and Underwriter's Counsel; the fees and expenses of the Issuer's financial advisors, accountants, and all other consultants; the fees and disbursements of any Bond Registrar or Paying Agent and their respective counsel; all expenses in connection with obtaining a rating or ratings for the Securities; all expenses of the Issuer in connection with the preparation, printing, execution and delivery, and any recording or filing, of the Bond Resolution, any other Issuer Document or any other instrument; the Issuer's administrative fees;; and all other expenses and costs of the Issuer incident to its obligations in connection with the authorization, issuance, sale and distribution of the Securities. Unless the Issuer and the Underwriter otherwise agree, the Issuer shall pay for all incidental costs (including, but not limited to, transportation, lodging, meals and entertainment of Issuer personnel) incurred by or on behalf of the Issuer in connection with the marketing, issuance and delivery of the Securities.
- (b) The Underwriter shall pay the costs of qualifying the Securities for sale in the various states chosen by the Underwriter, all advertising expenses in connection with the public offering of the Securities, and all other expenses incurred by the Underwriter in connection with the public offering and distribution of the Securities.

19. Notices

Any notice or other communication to be given to the Issuer under this Agreement may be given by certified mail or by delivering the same in writing to the Issuer at South Dakota Board of Regents, 306 East Capitol Avenue, Suite 200, Pierre, South Dakota 57501, Attention: Heather Forney, Vice President of Finance and Administration, and any notice or other communication to be given to the Underwriter under this Purchase Agreement may be given by delivering the same in writing to the Underwriter at Piper Sandler & Co., 444 West Lake Street, Suite 3300, Chicago, IL 60606, Attention: Neil Pritz, or to such other addresses as one party shall furnish the other in writing for receipt of notice.

20. Governing Law

This Agreement shall be governed by the laws of the State.

21. Miscellaneous

This Agreement is made solely for the benefit of the signatories hereto (including the Underwriter and its successors or assigns) and no other person shall acquire or have any right hereunder

or by virtue hereof. Neither the Issuer nor the Underwriter may assign this Agreement. The term “successor” shall not include any holder of any Securities merely by virtue of such holding. All representations, warranties, agreements and indemnities contained in this Agreement shall remain operative and in full force and effect, regardless of any investigation made by or on behalf of the Underwriter and shall survive the delivery of and payment for the Securities and any termination of this Agreement. Section headings have been included in this Agreement as a matter of convenience of reference only and are not to be used in the interpretation of any provisions of this Agreement. If any provision of this Agreement is, or is held or deemed to be, invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions, because it conflicts with any provisions of any constitution, statute, rule of public policy or for any other reason, such circumstances shall not make the provision in question invalid, inoperative or unenforceable in any other case or circumstance, or make any other provision or provisions of this Agreement invalid, inoperative or unenforceable to any extent whatever.

22. Counterparts

This Agreement may be executed in one or more counterparts with the same force and effect as if all signatures appeared on a single instrument.

23. Signatures

Upon execution by the Issuer and the Underwriter, this Agreement shall be binding upon the Issuer and the Underwriter as of the Effective Date and Time.

ACCEPTED AND AGREED:

ISSUER:

SOUTH DAKOTA BOARD OF REGENTS

By: _____

Name: _____

Title: _____

*EXECUTION PAGE TO BOND PURCHASE
AGREEMENT*

UNDERWRITER:

PIPER SANDLER & CO.

By: _____

Name: _____

Title: _____

*EXECUTION PAGE TO BOND PURCHASE
AGREEMENT*

Schedule I

Terms of the Securities**Maturities, Principal Amounts, Interest Rates, Prices and CUSIPs****South Dakota Board of Regents**

\$ _____
Housing and Auxiliary Facilities System
Revenue Bonds, Series 2023

Maturity (April 1)	Principal Amount	Interest Rate	Price	CUSIP
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				
2038				
2039				
2040				
2041				
2042				
	\$ _____			

C: Price to call date.

Optional Redemption of Series 2023 Bonds

The Series 2023 Bonds maturing on or after April 1, 20__, are subject to redemption prior to maturity at the option of the Board in whole or in part (in integral multiples of \$5,000), in any order of maturity as determined by the Board, on any date occurring on or after April 1, 20__, at a price equal to the principal amount of Series 2023 Bonds to be redeemed plus accrued interest to the date of redemption.

Exhibit A**[Opinion remains subject to review by SDBOR counsel]**

Legal Opinion of Issuer's Counsel

April __, 2023

Chapman and Cutler LLP
 320 South Canal Street
 Chicago, Illinois 60606

South Dakota Board of Regents
 306 East Capitol Avenue
 Pierre, South Dakota 57501

Piper Sandler & Co.
 444 West Lake Street, Suite 3300
 Chicago, Illinois 60606

Ladies and Gentlemen:

I am counsel for the South Dakota Board of Regents (the "Board"). As such, I am familiar with the proceedings of the Board in connection with the issuance by the Board of its \$_____ Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the "Bonds"), and in connection with the issuance of the Bonds, I have examined (i) an Amended and Restated Bond Resolution adopted on October 21, 2004, as supplemented and amended by the First Supplemental Revenue Bond Resolution adopted by the Board on December 6, 2005 (as amended), a Second Supplemental System Revenue Bond Resolution adopted by the Board on November 22, 2006 (as amended), a Third Supplemental System Revenue Bond Resolution adopted by the Board on December 13, 2007 (as amended), a Fourth Supplemental System Revenue Bond Resolution adopted by the Board on March 29, 2008 (as amended), a Fifth Supplemental System Revenue Bond Resolution adopted by the Board on October 22, 2008 (as amended), a Sixth Supplemental System Revenue Bond Resolution adopted by the Board on May 21, 2009 (as amended), a Seventh Supplemental System Revenue Bond Resolution adopted by the Board on October 12, 2011 (as amended), an Eighth Supplemental System Revenue Bond Resolution adopted by the Board on December 12, 2012, an Amended and Restated Ninth Supplemental System Revenue Bond Resolution adopted by the Board on December 4, 2013 (as amended), a Tenth Supplemental System Revenue Bond Resolution adopted by the Board on August 14, 2014, an Eleventh Supplemental System Revenue Bond Resolution adopted by the Board on December 2, 2015, a Twelfth Supplemental System Revenue Bond Resolution adopted by the Board on December 7, 2016, a Thirteenth Supplemental System Bond Resolution adopted by the Board on December 6, 2017, a Fourteenth Supplemental System Bond Resolution adopted by the Board on December 11, 2019, a Fifteenth Supplemental System Bond Resolution adopted by the Board on December 9, 2020, a Sixteenth Supplemental System adopted by the Board on March 29, 2023, and as hereafter supplemented and amended (collectively, the "Bond Resolution"), (ii) the Bond Purchase Agreement dated _____, 2023 (the "Bond Purchase Agreement"), between the Board and Piper Sandler & Co. (the "Underwriter"), (iii) the Preliminary Official Statement of the Board relating to the Bonds dated March __, 2023 (the "Preliminary Official Statement"), (iv) the Final Official Statement of the Board relating to the Bonds dated _____, 2023 (the "Final Official Statement"), and (v) the Continuing Disclosure Agreement dated April __, 2023 (the "Continuing Disclosure Agreement"). Capitalized terms used herein and not defined shall have the meanings set forth in the Bond Resolution.

Based on the foregoing and such other investigations, as I have deemed necessary, it is my opinion that:

1. The Board is a duly organized and validly existing body corporate and politic under the laws of the State of South Dakota (the "State").

2. The Bond Resolution has been duly adopted by the Board, has not been amended, modified, supplemented or repealed, and remains in full force and effect. The Board has duly authorized the execution, delivery and due performance of the Bond Purchase Agreement, the Continuing Disclosure Agreement and the Final Official Statement and the Bonds and the taking of any action as may be required on the part of the Board to consummate the transactions contemplated therein. Except as may be required under the securities laws of any state, there is no consent, approval, authorization or other order of, filing with, registration with, or certification by, any regulatory authority having jurisdiction over the Board and no election or referendum of or by any person, organization or public body whatsoever required in connection with any of the foregoing actions. There are no provisions of South Dakota law which would allow, as of the date hereof or any date subsequent hereto, any public vote or referendum, the results of which could invalidate the Bond Resolution, or invalidate, limit or condition the obligations of the Board undertaken in the Bond Purchase Agreement or in connection with the transactions contemplated thereby.

3. The Board has full legal right, power and authority pursuant to the Constitution and laws of the State of South Dakota, and particularly the Board of Regents Revenue Bond Act of 1971, as amended, (the "Act"), to: (1) enter into the Bond Purchase Agreement, (2) adopt the Bond Resolution; (3) prepare the Preliminary Official Statement and the Final Official Statement and authorize their distribution by the Underwriter; (4) execute the Final Official Statement, (5) execute the Continuing Disclosure Agreement; (6) issue, sell and deliver the Bonds as provided in the Bond Purchase Agreement; (7) perform its obligations under and as contemplated in the Bond Purchase Agreement, the Continuing Disclosure Agreement, the Bond Resolution and the Bonds; and (8) carry out and consummate all the transactions contemplated by the foregoing documents.

4. The Bond Purchase Agreement has been duly authorized, executed and delivered by the Board, and constitutes the legal, valid and binding obligation of the Board, enforceable in accordance with its terms except that the enforcement of the provisions thereof may be limited by any applicable law relative to bankruptcy, reorganization, insolvency, or other similar laws now or hereafter in effect, affecting the enforcement of creditors' rights generally.

5. The Continuing Disclosure Agreement has been duly authorized, executed and delivered by the Board, and constitutes the legal, valid and binding obligation of the Board, enforceable in accordance with its terms except that the enforcement of the provisions thereof may be limited by any applicable law relative to bankruptcy, reorganization, insolvency, or other similar laws now or hereafter in effect, affecting the enforcement of creditors' rights generally.

6. The execution and delivery of the Final Official Statement, the Continuing Disclosure Agreement, the Bond Purchase Agreement and the Bonds, the adoption of the Bond Resolution, and compliance with the provisions thereof, and the consummation by the Board of the transactions contemplated by the aforesaid documents, do not and will not conflict with or result in a violation of the Constitution of the State or the Act or any other laws of the State or the United States of America, including, without limitation, any debt limitations or other restrictions or conditions on debt-issuing power of the Board, and will not conflict with or result in any violation of, or breach of, or constitute a default under, any law or administrative regulation or any of the terms, conditions or provisions of any judgment, decree, loan agreement, note, resolution, indenture, mortgage, deed of trust or other agreement or instrument to which the Board is a party or by which it is bound.

7. No action, suit, inquiry, investigation or proceeding, at law or in equity, to which the

Board is a party is pending and, to the best of my knowledge no action, suit, inquiry, investigation or proceeding is threatened, in or before any court, governmental agency, authority, body or arbitrator, in any way affecting:

(a) the existence of the Board or the title of any official of the Board to such person's office, or seeking to restrain or enjoin the issuance, sale or delivery of the Bonds or the execution and delivery of the Bond Purchase Agreement or the Continuing Disclosure Agreement; or

(b) the pledge of and lien on the Net Revenues of the USD Institutional System, as to the Series 2023 USD Proportion, the Net Revenues of the BHSU Institutional System, as to the Series 2023 BHSU Proportion, and the Net Revenues of the SDSMT Institutional System, as to the Series 2023 SDSMT Proportion; (2) uncommitted funds of the Repair and Replacement Reserve Accounts of USD, BHSU and SDSMT; (3) Net Revenues of the other Institutions, but only after provision for payment of interest due on the next interest payment date and one-half of the principal due on the Bonds issued on behalf of such Institutions within the succeeding 12 months; (4) uncommitted funds in the Repair and Replacement Reserve Accounts of the other Institutions, in an amount and from such Institutions as determined by the Executive Director; and (5) such other funds which may be pledged or used as authorized by the Act, or

(c) in any way contesting or affecting the validity or enforceability of the Bond Purchase Agreement, the Continuing Disclosure Agreement, the Bond Resolution or the Bonds and related documents, or any agreement or instrument relating to the foregoing, or

(d) contesting in any way the completeness or accuracy of the Final Official Statement, or

(e) the power or authority of the Board with respect to the Bond Purchase Agreement, the Continuing Disclosure Agreement, the Bond Resolution or the Bonds, or

(f) with respect to the establishing of rents, fees, charges and admissions for the System (as defined in the Bond Resolution), or

(g) the exclusion of interest on the Bonds from the gross income of the owners thereof for federal income tax purposes.

8. There is no litigation pending against the Board or relating to the System, or to my knowledge threatened, which in any way questions or affects the validity of the Bonds or any proceedings or transactions relating to their issuance, sale and delivery or affecting the validity of the establishment of the System or any transaction incidental thereto.

9. Based upon my participation in the preparation of the Preliminary Official Statement and the Final Official Statement and without having undertaken to determine independently the accuracy, completeness or fairness of the statements contained therein, nothing has come to my attention which would lead me to believe that the material contained in the Final Official Statement contains any untrue statement of material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; provided, however, I express no belief or opinion as to (i) any financial, forecast, technical or statistical information or data; (ii) any information relating to the description of DTC or the book-entry system; (iii) information under the captions "UNDERWRITING" or "TAX STATUS" or otherwise pertaining to the tax status of the Bonds; or (iv) Appendices B, C, or E.

Very truly yours,

Exhibit B

Form of Issue Price Certificate

CERTIFICATE OF PURCHASER

The undersigned, on behalf of Piper Sandler & Co. (the “*Purchaser*”), hereby certifies as set forth below with respect to the sale and issuance of the \$_____ Housing and Auxiliary Facilities System Revenue Bonds, Series 2023 (the “*Bonds*”), issued by the South Dakota Board of Regents (the “*Issuer*”).

I. General

The Purchaser, as underwriter of the Bonds, and the Issuer have executed a bond purchase agreement in connection with the Bonds on the Sale Date (the “*Agreement*”). The Purchaser has not modified the Agreement since its execution on the Sale Date.

II. Price

General Rule Only, All Maturities Sold by Closing

As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public is the respective price listed in *Schedule A*.

General Rule Only, Not all Maturities Sold

1. As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public is the respective price listed in *Schedule A* (the “*First Sale Price*”).

2. Expected First Sale Price.

With respect to each of the Maturities of the Bonds other than the General Rule Maturities:

(a) As of the date of this certificate, the Purchaser has not sold at least 10% of the Bonds of this Maturity at any price.

(b) As of the date of this certificate, the Purchaser reasonably expects that the first sale to the Public of an amount of Bonds of this Maturity equal to 10% or more of this Maturity will be at or below the Expected Sale Price listed on the attached *Schedule A* (the “*Expected First Sale Price*”).

All Maturities use Hold the Offer Price

1. The Purchaser offered the Bonds to the Public for purchase at the respective initial offering prices listed in *Schedule A* (the “*Initial Offering Prices*”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as *Schedule B*.

2. As set forth in the Agreement, the Purchaser agreed in writing that, (i) for each Maturity, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the “*Hold-the-Offering-Price Rule*”), and (ii) any selling group agreement would contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement would contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the Hold-the-Offering-Price Rule.

3. No Underwriter (as defined below) has offered or sold any Bonds of any Maturity at a price that is higher than the respective Initial Offering Price for that Maturity during the Holding Period.

Some Maturities Use Hold the Offer Price

1. As of the date of this certificate, for each Maturity of the General Rule Maturities, the first price at which at least 10% of such Maturity of the Bonds was sold to the Public is the respective price listed in *Schedule A*.

2. A. The Purchaser offered the Hold-the-Offering-Price Maturities to the Public for purchase at the respective initial offering prices listed in *Schedule A* (the “*Initial Offering Prices*”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as *Schedule B*.

B. As set forth in the Agreement, the Purchaser has agreed in writing that, (i) for each Maturity of the Hold-the-Offering-Price Maturities, it would neither offer nor sell any of the Bonds of such Maturity to any person at a price that is higher than the Initial Offering Price for such Maturity during the Holding Period for such Maturity (the “*Hold-the-Offering-Price Rule*”), and (ii) any selling group agreement would contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement would contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the Hold-the-Offering-Price Rule.

C. No Underwriter (as defined below) has offered or sold any Bonds of any Maturity of the Hold-the-Offering-Price Maturities at a price that is higher than the respective Initial Offering Price for that Maturity during the Holding Period.

III. Defined Terms

[1. *General Rule Maturities* means those Maturities of the Bonds not listed in *Schedule A* hereto as the “Hold-the-Offering-Price Maturities.”]

[2. *Hold-the-Offering-Price Maturities* means those Maturities of the Bonds listed in *Schedule A* hereto as the “Hold-the-Offering-Price Maturities.”]

[3. *Holding Period* means, with respect to a Hold-the-Offering-Price Maturity, the period starting on the Sale Date and ending on the earlier of (i) the close of the fifth business day after the Sale Date (said fifth business day being December 17, 2020), or (ii) the date on which the Purchaser has sold at

least 10% of such Hold-the-Offering-Price Maturity to the Public at prices that are no higher than the Initial Offering Price for such Hold-the-Offering-Price Maturity.]

4. *Maturity* means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

5. *Public* means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a Related Party to an Underwriter.

6. A person is a “*Related Party*” to an Underwriter if the Underwriter and the person are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other).

7. *Sale Date* means the first day on which there is a binding contract in writing for the sale of a Maturity of the Bonds. The Sale Date of the Bonds is _____, 2023.

8. *Underwriter* means (i) any person that agrees pursuant to a written contract with the Issuer (or with the Underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, including, specifically, the Purchaser, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

IV. Representations

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents the Purchaser’s interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in its documents and with respect to compliance with the federal income tax rules affecting the Bonds, and by Chapman and Cutler LLP in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of Internal Revenue Service Form 8038-G, and other federal income tax advice it may give to the Issuer from time to time relating to the Bonds.

IN WITNESS WHEREOF, I hereunto affix my signature, this ____ day of April, 2023.

PIPER SANDLER & CO.

By: _____

Title: _____

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 7 – P
DATE: March 29-30, 2023

SUBJECT

HR Transformation Update

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

Following the adoption of the HR Transformation (HRT) project charge at the October 2022 Board meeting, the HR Transformation Steering Committee (HRSC) and subcommittees have been working toward the goals as outlined in the project charge. Below you will find updates related to each of the project's goals and expected deliverables.

GOAL 1: Implement an organizational structure for HR that supports dual reporting lines, with campus HR staff responsible to both the System HR Officer and the appropriate campus administrator.

The HRSC has drafted an authority matrix that establishes expectations to support the new reporting structure and clearly articulates where decision making authority lies in human resources related decisions. A draft of the authority matrix is attached for Board review and feedback, this document will continue to evolve as decisions are made regarding centers of excellence and the organizational structure is finalized.

GOAL 2: Establish a strategic vision for human resources that includes a system HR vision statement, defines the role of human resources departments, establishes a project timeline, and sets the goals for the sub-committees.

The Board approved the [project charge and timeline](#) at its October meeting and the strategic [Vision, Mission, and Objectives](#) document for human resources at its December meeting. All five subcommittees were provided project charges and timelines charges that outline the goals and expected outcomes in alignment with the overall project charge.

(Continued)

DRAFT MOTION 20230329_7-P:

I move the Board adopt the recommendations as outlined in this item to include, 1) develop and implement the Classification and Compensation Center of Excellence, 2) centralize payroll functions and expand shared services, and 3) implement recommended best practices.

The HRSC has been focusing on a few key expectations from Goal 2:

1. Evaluate the human resources services and propose changes to the HR delivery model to support integrated human resources services and systems across the Regental system, including evaluation of centralization, shared “centers of excellence” or on-site delivery of services, and;
2. Evaluate current human resources staffing levels across the system and conduct a competency assessment to identify skills gaps.

All human resources staff across the system completed an activities assessment that provides the HRSC with the appropriate data to understand the time spent on specific human resources functions to inform decisions related to staffing levels for centers of excellence, identify skills gaps, and to establish metrics and set goals.

The subcommittees tasked with evaluation of shared services and classification and compensation finished their committee work in accordance with the project timeline and made recommendations to the advisory and steering committee. The HRSC recommendations related to development and expansion of centers of excellence are outlined in Goals 3 and 7.

GOAL 3: Evaluate & provide recommendations to develop and implement a ‘Center of Excellence’ (shared service model) for classification and compensation management across all employee types.

The subcommittee on Classification and Compensation completed a holistic review of current state of processes and practices related to compensation and classification across the system and developed recommendations that support a center of excellence model for classification and compensation management for the system including The HRSC evaluated and supported the recommendations of the advisory committee, a list subcommittee and advisory committee recommendations can be found in Attachment II.

Steering Committee Recommendations

The steering committee supported the recommendations from the classification and compensation subcommittee and advisory committee. Below is a summary of the steering committee recommendations:

1. The development of system policies, practices and guidelines related to compensation and classification is necessary and should ensure that the most critical components are addressed first. The steering committee also recommends that a small advisory committee with council representatives should be formed to facilitate the development of guidelines. HR should be empowered to develop these policies and guidelines with input from stakeholders, but not seeking approval from the various system councils.
2. The Classification and Compensation Center of Excellence (CCCE) staff should report directly through the system CHRO and be staffed to support the system needs,

with the system CHRO coordinating with the steering committee on development of position description(s) as needed.

3. Compensation management should fall under the purview of the CCCE, including establishment of ranges for position postings, assignment of paygrades to new positions, development of guidelines for permanent and temporary compensation adjustments, approval for compensation adjustments, management of the salary structures and market analysis and research.
4. CCCE staff should complete all classification audits and evaluation of new positions to determine appropriate classification and pay grade as necessary. CCCE staff will be the liaison between the Bureau of Human Resources (BHR) and SDBOR on classification, compensation and manage all system updates related to classification, compensation and annual reporting requirements.

Goal 7: Evaluate the existing functions and responsibilities of the Shared Payroll Center and Shared International Employment Services Center to identify opportunities for expansion of services.

The subcommittee tasked with evaluating the existing Shared Payroll Center (SPC) and Shared International Employment Services Center (SIES) also completed a holistic review of the services currently provided and opportunities to expand services, and to eliminate redundancies and duplication of services and effort across the system.

Steering Committee Recommendations

1. Shifting reporting of all payroll staff to the SPC Manager and centralization of payroll function and full implementation of EPAFs to support the centralized payroll functions.
2. Centralization of the following services and processes, including but not limited to: benefits orientation, tracking of affordable care act eligibility, coordination of benefits fairs, benefits billings and worker's compensation, third-party vendor payments, termination payroll processes and paperwork, deferred pay, and management of annual system processes.
3. Development of a system expert related to Banner HR reporting and metric development.
4. Due to turnover of leadership at SIES, evaluation of that center will continue in coordination with the recommended restructure of SPC.

Goal 6: Conduct an efficiency review to evaluate key human resources processes in order to identify inefficiencies and develop and document system standards where appropriate. This will include evaluation of current technology solutions to ensure full utilization of existing resources and identify technology needs.

Lastly, the subcommittee tasked with establishment of system processes and best practices. This subcommittee work will continue throughout the remainder of the overall project.

Steering Committee Recommendations

1. Development of system templates for contracts and offer letters for all employee types.
2. Implement DocuSign for all new hire paperwork processes and eliminate a contract with another vendor for those services, at a reduction of approximately \$30,000 annually in subscription and service fees.
3. Development of a human resources knowledge center that can be shared across the system to assist employees in finding information they need.
4. Development of a process to expedite IT and security setup as part of a LEAN evaluation of existing HR and IT processes.

IMPACT AND RECOMMENDATION

The steering committee is requesting that the Board adopt the recommendations as outlined in this item, including:

1. The development of the CCCE and authorize staff to develop positions and a budget model to support the center.
2. Centralization of payroll functions across the system, and expansion of services at the existing centers.
3. Implementation of best practices and uniform processes as outlined above.

ATTACHMENTS

Attachment I – Draft Delegation of Authority Matrix

Attachment II – Summary of Advisory Committee Recommendations

DELEGATION OF AUTHORITY MATRIX

V1.2

INSTITUTIONAL HR TASK OR DECISION	AUTHORITY/DECISION MAKING	
	INSTITUTION	SYSTEM CHRO
COMPENSATION, CLASSIFICATION & POSITION MANAGEMENT		
Mid-Year Compensation Adjustments (no reclassification) CSA, NFE, Faculty	First level approval	Final Approval - BOR approval for exceptions
Classification Changes - NFE	First level approval after class review completed by Center of Excellence	Notify.
CSA Classification Changes	First level approval after class review completed by Center of Excellence	Final Approval by BOR HR designee.
New hire compensation setting	Approve after starting range established at system level (unless BOR Policy/guidelines require system approval)	Approve for exceptions and final approval of salary guidelines.
Development of new positions (CSA, faculty, NFE)	First level approval after classification review completed by Center of Excellence	Final Approval - BOR approval for exceptions
Human resources department staffing - Filling positions, new positions, FTE changes	First level approval	Final Approval
Department/College/Institutional Reorganizations	Approve	Notify UNLESS it results in new positions or RIF then requires Approval
Fiscal Year Salary Policy Application	Approve.	Approve exceptions.
EMPLOYEE DISCIPLINE & SEPARATION - Will be driven by the new review panel process starting in CY2023.		
Corrective Actions (verbal and written warnings)	Approve - campus level	Nothing required.
Disciplinary Action - Resulting in demotion or termination	First level approval	Notice prior to action.
CSA Termination - Probationary	Approve	Notify
CSA Termination	First level approval	Notice prior to action.
CSA Reduction in Force	First level approval	Notice prior to action.
NFE Termination for Cause	First level approval	Notice prior to action.
NFE Non-Renewal	Approve	Notify

DELEGATION OF AUTHORITY MATRIX

V1.0

NFE Reduction in Force	First level approval	Notice prior to action.
Faculty Non-Renewal	Approval	Notify. BOR approval required for TT faculty.
Faculty Reduction in Force	First level approval	Notice prior to action.
Faculty Termination for Cause	First level approval	Notice prior to action.
INSTITUTIONAL HR DEPARTMENT POLICIES, PROCESSES AND PROCEDURES		
HR institutional policies & guidelines.	First level approval	Final Approval
Changes to HR services/programs (for example, orientation, onboarding)	Approve	Notify
HR Technology Change/New Technology Requests	First level approval	Final Approval
Institutional HR led training programs	First level approval	Final Approval.
Performance evaluation approvals (if university HR does final approval)	Approve	No action required.
RECRUITMENT, RETENTION & TRAINING		
Requisition and recruitment of approved or existing positions	Approve	Notify for positions reporting to the president.
Contracting with a search firm.	First level approval	Exceptions approved by BOR.
		Final Approval
EMPLOYEE RELATIONS		
Engage with outside legal counsel for employee related issues.	First level approval	Final Approval
Work/Performance Improvement Plans	Approve	Notify
Employment Contract Language - NFE & Faculty	First level approval	Final Approval.
LEAVE APPROVALS		
Advanced Sick Leave Requests	First level approval	Final Approval
Leave without Pay Requests - Greater than 3 Months	First level approval	Final Approval
Donated Sick or Annual Leave Requests	First level approval	Final Approval
Repayment from Leave	First level approval	Final Approval
HUMAN RESOURCE DEPARTMENTS		
Recruitment of institutional HR leadership position	Approve	Approve

DELEGATION OF AUTHORITY MATRIX

V1.2

Termination/Disciplinary Decisions for institutional HR leadership	Approve	Approve
Performance Evaluation of institutional HR leadership	Approve	Approve
Compensation for institutional HR leadership	Approve	Approve
Leave and Time Reporting	Approve	Notify (extended leave)

Delegation of Authority Matrix

V1.2

3/14/2023

Classification and Compensation

A summary of the recommendations is summarized below:

Development of Guidelines, Policies and Best Practices

1. Develop and enforce policies on frequency and practice for compensation requests that occur off the fiscal year cycle.
2. Establishing criteria to determine when positions should be compensated versus volunteer status and independent contractor or employee status.
3. Evaluate FLSA exemption status and work with campuses to determine overtime eligibility for positions.
4. Develop incentive or bonus practice guidelines.
5. Standardize practices shift differentials, overload payments, supplemental pay, permanent and temporary additional duty pay, out-of-class-pay and discretionary and/or market adjustments.
6. Develop student employee and intern compensation practices and establish guidance for graduate assistant pay practices.

System Compensation & Classification Management – Center of Excellence

Responsibilities

1. Manage and submit all salary survey and reporting requirements for the system.
2. Complete market research to determine movement of salary structure on an annual basis.
3. Evaluate market trends, conduct compensation analysis, and make recommendations on salary policy pool distribution per approved breakout of market, performance, and institutional performance components.
4. Develop uniform approach to salary policy application that includes the performance ratings and market benchmarking.
5. Develop communication and training materials related to compensation and total rewards.
6. Develop metrics to identify and report issues with compression, inequities, and complete periodic salary regression analysis in coordination with system institutional research staff.
7. Develop processes to upload performance ratings data and provides campuses with accurate data sets to conduct salary policy processes.
8. Update Banner tables with CUPA and CIP codes and ensure that positions are updated.
9. Create knowledge center resources relating to classification and compensation.
10. Review and act on temporary and permanent additional duty pay requests, or other compensation adjustments that occur mid-year across all position types.
11. Establish approved starting salary ranges for new hires at time of recruitment.
12. Complete market analysis for reclassification, market adjustment requests, multi-year contracts, retention increases, and so forth.
13. Develop policy on appropriate intervals in which market analysis and increases will occur outside of the fiscal year salary policy processes.
14. Evaluate and make recommendations on compensation policies.

15. Complete classification audits or reviews with the employee, supervisor and consulting with institutional HR prior to making a recommendation on classification.
16. Act as the liaison between BHR and BOR on CSA classification, requesting new classifications when appropriate or necessary.
17. Manage classification and compensation related systems and update as appropriate.
18. Determine classification for new positions (CSA and NFE), research comparable positions and make determination on classification and FLSA status, determine salary range for new NFE positions and classification for CSA.
19. Coordinate classification appeals processes.
20. Develop system guidance on working titles versus classification codes.

Evaluation of Existing Shared Services

A summary of the recommendations is outlined below:

Institutional Payroll Functions and Organizational Structure.

1. Payroll employees across the system shift to a reporting line to SPC to ensure consistency, this would require centralizing payroll functions from NSU, SDSMT & SDSBVI into a model similar to DSU and BHSU.
 - a. USD payroll functions housed at USD reporting directly to SPC.
 - b. SDSU payroll functions housed at SDSU reporting directly to SPC.
2. Labor redistribution functions will be shifted from payroll into the more appropriate budget office.
3. Complete Electronic Personnel Action Forms (EPAF) implementation to support the centralized payroll operations.
 - a. Evaluation of workload and capacity in existing positions will be evaluated to determine if ID generation and employee biographic data entry can be centralized for specific institutions that do not have department based EPAF originators, employee entry, move creation of Person records into a centralized function:
1. Web Timekeeping Troubleshooting should be handled by designated payroll staff that provide payroll services for each institution with assistance from the campus during peak times.
2. Aligning the Shared International Employment Services and Shared Payroll Center together.

Expansion of Services

1. Establish benefits experts within SPC, identifying payroll staff to serve as benefits resources and experts:
 - a. Offer benefit (health, SDRS, leave) orientation sessions for all institutions.
 - b. Track Affordable Care Act eligibility for all institutions and navigate files with BHR.
 - c. Answer basic/general questions from employees or human resources offices and assist with enrollment.

- d. Coordinate benefit fairs at all institutions, investigate options for “virtual” fairs at institutions who do not get attendees.
 - e. Centralize benefit billings, collection reconciliations, and manage payroll entries related to worker’s compensation.
- 2. Leave and Time Reporting Specialists
 - a. Designate specialist(s) that can assist with troubleshooting, establish a ticketing system with SPC, as the first line of review for leave request for leave so RIS does not get direct emails.
- 3. Manage annual Banner system processes and table updates.
- 4. Management of campus vendor payments for all campuses(Foundation, parking, YMCA memberships, United Way)
- 5. Act as the single point of contact for duplicate IDs for human resources and payroll.
- 6. Improve efficiency and reduce errors through centralization of the following tasks:
 - a. Deceased employee payroll entry.
 - b. Sabbatical payroll entry/sabbatical re-payments.
 - c. Reemployment verification of wages.
 - d. State and federal agency required payroll reporting.
 - e. Management of employee overpayments including communication with employees, documentation, and development of repayment schedules.
 - f. Termination processes including leave payouts, prorated longevity, Special Pay Plan and SDRS forms.
 - g. Banner entry of state to BOR transfers for benefit purposes.
 - h. Banner entry of mid-year salary changes or mid-year hires for those on deferred pay.

Reporting and Metrics

- 1. Develop centralized Banner HR and reporting expertise within the system for HR and payroll, including report and metrics development and EPAF expertise.
- 2. Development of HR metrics to provide leadership data to drive decision making.

Best Practices Subcommittee

A summary of recommendations is outlined below:

- 1. Develop and implement consistent templates for contracts and offer letters for all employee types.
- 2. Consistent use of PeopleAdmin Hiring Proposals for routing approvals for new hires and elimination of shadow systems.
- 1. Development of a knowledge center in Team Dynamix that can be shared across the system.
- 2. Policy updates to BOR Policy 4:47 – Background Verifications, to provide clarification for on background check requirements and establish consistent practices.

3. Determination of temporary vs regular employment and develop guidelines for eligibility for benefits and/or leave, primarily an issue with temporary faculty appointments and when we determine they are ongoing or temporary.
4. Development of automated processes to establish new hire IT setup and baseline security access.