

**BOARD OF REGENTS
MINUTES OF THE MEETING
October 2-4, 2018**

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**BOARD OF REGENTS
MINUTES OF THE MEETING
October 2- 4, 2018**

The South Dakota Board of Regents met on October 2-4 at South Dakota School of Mines & Technology in Rapid City, South Dakota, with the following members present:

Kevin Schieffer, President
John Bastian, Vice President
Jim Morgan, Secretary
Lucas Lund, Regent
David Mickelson, Regent
Pam Roberts, Regent
Randy Schaefer, Regent
Jim Thares, Regent

The following member was not present:

Joan Wink, Regent

Also present during all or part of the meeting were Dr. Paul Beran, Executive Director and CEO; Paul Turman, System Vice President for Academic Affairs; Monte Kramer, System Vice President of Finance and Administration; Nathan Lukkes, Board of Regents General Counsel; Michele Anderson, Internal Auditor; Kayla Bastian, Director of Human Resources; Dave Hansen, System Chief Information Officer; Molly Weisgram, Executive Assistant to the CEO and Board; Janelle Toman, Director of Communications; Mary Ellen Garrett, Accounting Manager; Tasha Dannenbring, System Director of Institutional Research; Janice Minder, System Banner Student Implementation Lead; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Tom Jackson Jr., BHSU President; Jim Rankin, SDSM&T President; Tim Downs, NSU President; Sheila Gestring, USD President; Alan LaFave, Joelle Lien, NSU; Stacy Krusemark, DSU; Kim Grieve, USD; Heather Forney, SDSM&T; Michaela Willis, Rob Kohrman, SDSU; Claudean Hluchy, SDSBVI/SDSD; and other members of the regental system and public and media.

TUESDAY, OCTOBER 2, 2018

REGENTS MEET WITH SDSM&T FACULTY SENATE

Members of the Board met with the SDSM&T Faculty Senate.

REGENTS TOUR THE SDSM&T MINERAL INDUSTRIES BUILDING

Members of the Board toured the SDSM&T Mineral Industries Building.

BOARD WORK

Regent Schieffer declared a quorum present and called the meeting to order at 4:15 p.m.

1-B Approval of the Agenda

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

1-C Declaration of Conflicts

There were no declared conflicts.

1-D Approval of the Minutes – Meetings on August 7-9, 2018; August 30, 2018

IT WAS MOVED by Regent Bastian, seconded by Regent Schaefer, to approve the minutes of the meetings on August 7-9, 2018 and August 30, 2018. Motion passed.

1-E Rolling Calendar

IT WAS MOVED by Regent Mickelson, seconded by Regent Bastian, to approve the date and location of next year's Board of Regents meeting to be held on October 1-3, 2019, at SDSM&T in Rapid City. Motion passed.

A copy of the Rolling Calendar can be found on pages **3400** to **3404** of the official minutes.

IT WAS MOVED by Regent Morgan, seconded by Regent Schaefer, that the Board dissolve into executive session at 4:25 p.m. on Tuesday, October 2, 2018, 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; that it recess from executive session at 7:00 p.m. and reconvene in executive session at 8:00 a.m. on Wednesday, October 3, 2018, to continue to discuss the earlier referenced matters; that it rise from executive session at 12:30 p.m. to resume

the regular order of business; and that the Board act in public session on any recommended action it deems prudent as a result of its executive session deliberations. Motion passed.

WEDNESDAY, OCTOBER 3, 2018

The Board reconvened at 1:08 p.m.

CONSENT AGENDA

IT WAS MOVED by Regent Thares, seconded by Regent Mickelson, to approve consent agenda items 3-A through 3-G. Motion passed.

Academic and Student Affairs

3-A Agreements on Academic Cooperation – USD

Approve the agreement on academic cooperation between the University of South Dakota and Pädagogische Hochschule Freiburg.

A copy of the Agreements on Academic Cooperation – USD can be found on pages **3405** to **3411** of the official minutes.

3-B Request to Seek Accreditation – SDSU

Approve SDSU's request to seek accreditation from the Commission on the Accreditation Programs in Applied and Clinical Sociology for its BA/BS in Sociology and its Master of Science in Sociology programs.

A copy of the Request to Seek Accreditation – SDSU can be found on pages **3412** to **3416** of the official minutes.

3-C New Program Request – DSU – Minor in English as a New Language

Authorize DSU to offer the minor in English as a New Language, including authorization to offer the minor online, as presented.

A copy of the New Program Request – DSU – Minor in English as a New Language can be found on pages **3417** to **3425** of the official minutes.

3-D (1) New Specialization Requests – DSU – Cryptography (BS in Mathematics)

Authorize DSU to offer the specialization in Cryptography in the BS in Mathematics program, as presented.

A copy of the New Specialization Requests – DSU – Cryptography (BS in Mathematics) can be found on pages 3426 to 3429 of the official minutes.

3-D (2) New Specialization Requests – DSU – Information Systems (BS in Mathematics)

Authorize DSU to offer the specialization in Information Systems in the BS in Mathematics program, as presented.

A copy of the New Specialization Requests – DSU – Information Systems (BS in Mathematics) can be found on pages 3430 to 3433 of the official minutes.

3-D (3) New Specialization Requests – DSU – Intermediate Education (BS in Mathematics)

Authorize DSU to offer the specialization in Intermediate Education in the BS in Mathematics program, including authorization to offer the program online, as presented.

A copy of the New Specialization Requests – DSU – Intermediate Education (BS in Mathematics) can be found on pages 3434 to 3438 of the official minutes.

3-D (4) New Specialization Requests – DSU – Secondary Education (BS in Mathematics)

Authorize DSU to offer the specialization in Secondary Education in the BS in Mathematics program, as presented.

A copy of the New Specialization Requests – DSU – Secondary Education (BS in Mathematics) can be found on pages 3439 to 3443 of the official minutes.

3-E New Site Request – DSU – BS in Elementary Education (Distance)

Authorize DSU to offer the BSEd in Elementary Education online, as presented.

A copy of the New Site Request – DSU – BS in Elementary Education (Distance) can be found on pages 3444 to 3448 of the official minutes.

3-F Herbicide Injury Study Joint Powers Agreement – SDSU & SD Department of Agriculture

Approve the Joint Powers Agreement set forth in Attachment I.

A copy of the Herbicide Injury Study Joint Powers Agreement – SDSU & SD Department of Agriculture can be found on pages 3449 to 3454 of the official minutes.

3-G Extension Forestry Joint Powers Agreement Addendum – SDSU & SD Department of Agriculture

Approve the FY19 Work Plan to the existing Joint Powers Agreement set forth in Exhibit A.

A copy of the Extension Forestry Joint Powers Agreement Addendum – SDSU & SD Department of Agriculture can be found on pages 3455 to 3458 of the official minutes.

Regent Schieffer recognized new student Regent Lucas Lund. He welcomed Regent Lund to the Board and invited him to provide a brief introduction of himself. Regent Lund explained that he is a senior at USD majoring in Spanish, International Studies, and Political Science. He has also started his accelerated Masters in Public Administration and anticipates to complete that program in 2020.

PLANNING, GOVERNANCE AND RESOURCE DEVELOPMENT

4-A Welcome and Presentation by SDSM&T President Jim Rankin

SDSM&T President Jim Rankin welcomed the audience to SDSM&T and provided information about the institution, touching on graduate degrees and enrollment, a program called EPICS at SD Mines, the Honors program, eSports, internships, strategic planning, and facilities.

4-B Student Organization Awards – SDSM&T

Dr. Pat Mahon, Vice President for Student Affairs, and Corey Headley, Director of Student Activities and Leadership Center, presented the Student Organization Awards for SDSM&T. The Award for Academic Excellence for 2017 was presented to Graduate Student Society (GSS). The Award for Community Service was presented to Lambda Chi Alpha Fraternity. The Award for Organization Leadership was presented to Society of Physics Students (SPS).

A copy of the SDSM&T Student Organization Awards can be found on pages 3459 to 3460 of the official minutes.

4-C Reports on Individual Regent Activities

No reports on individual regent activities.

4-D Reports from Individual Presidents and Superintendents

President Griffiths introduced Mark Millage, DSU's new Vice President of Institutional Advancement. Additionally, she explained that Marcus Garstecki, DSU's Vice President of Student Affairs, is stepping down for a different opportunity in Aberdeen.

President Gestring introduced new members of the USD leadership team, including Kurt Hackemer, Interim Provost/Vice President of Academic Affairs; Adam Rosheim, Interim Vice President of Finance and Administration; and Dr. Carmen Simone, new executive director of the University Center in Sioux Falls.

President Dunn introduced Rob Kohrman, SDSU's new vice president of Finance and Administration.

President Rankin explained that Steve Malott has retired as SDSM&T's Vice President of Finance and Heather Forney has assumed the interim role. Additionally, Jan Puszynski, SDSM&T's Vice President of Research, has announced his upcoming retirement in spring 2019.

President Downs explained that Alan LaFave, NSU's Vice President of Academic Affairs, is stepping down to assume the presidency at Valley City State University and Joelle Lein, NSU's Assistant Vice President of Academic Affairs, will serve as interim provost upon his departure.

4-E Report and Actions of Executive Session

After convening at 4:25 p.m. on Tuesday, October 2, 2018, the Board dissolved into executive session in order 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 recessing at 7:00 p.m. The Board reconvened in Executive Session at 8:00 a.m., on Wednesday, October 3, 2018, to continue discussing the earlier referenced matters before rising from Executive Session at 12:30 p.m. to resume the regular order of business.

Regent Morgan reported that 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 Morgan, seconded by Regent Schieffer, that the Board approve the recommended actions as set forth in the Secretary's Report and that it will 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 **3396** to **3399** of the official minutes.

4-F Report of the Executive Director/Interim Actions

Dr. Paul B. Beran, Board of Regents Executive Director and CEO, stated that he is happy to be at the South Dakota Board of Regents and has spent his first month on the job meeting several individuals throughout the state. Per his observations thus far, the organization is strong, the presidents are excellent at their jobs, and the Board staff provide a lot of value.

He explained that current Board office employee Nathan Lukkes has assumed the general counsel role at the Board office. Further, he said Dr. Paul Turman will step away from his current position as System Vice President of Academic Affairs to assume the chancellor position of Nebraska's state college system.

A copy of the Report of the Executive Director/Interim Actions can be found on pages **3461** to **3463** of the official minutes

4-G SDSM&T Foundation Report

Joel Kincart, President of the SDSM&T Foundation, provided information about the SDSM&T Foundation.

A copy of the SDSM&T Foundation Report can be found on pages **3464** to **3469** of the official minutes.

4-H 2019 Proposed Legislation

Dr. Monte Kramer, System Vice President of Finance and Administration, reminded the Board that each year the institutions are asked to identify any capital projects or legislative requests that potentially could go before the Legislature.

Dr. Kramer explained that NSU may be submitting a facility design plan to the Board in December for a regional sports complex. If approved by the Board, this capital project would need legislative approval. The funding will need to be in hand and guaranteed by the Foundation in order for legislation to move forward.

He explained that SDSU has three legislative requests: (1) to redirect funds from a partnership with Iowa State University veterinary school to the SDSU Vet 2 + 2 program to support scholarships and grants for tuition differentials for students when they attend the University of Minnesota. Legislative ongoing reallocation of this funding from the endo-ecto parasiticide tax along with correlated escalators for tuition increases is required; (2) to allow for the demolition of Scobey Hall that is not currently occupied by SDSU; and (3) to approve moving two parcels of land (Box Elder, Highmore) that are no longer being efficiently used out of the Section 7 trust, authorize their sale, and to designate other real property to be determined and held for the use of SDSU into the trust to ensure the trust is kept whole. SDSU also needs legislative approval to sell its Volga Grassland parcel located northwest of campus with the proceeds of these parcels to be used to purchase Bothe, other previously approved land parcels, and suitable agricultural property.

Lastly, he said the Board office plans to request the Legislature to change SDCL 5-12-23 to allow the savings from BOR bond refinancing through the South Dakota Building Authority be returned to either HEFF or the campus that is responsible for the debt service rather than depositing the savings in the general fund, as stated in the statute.

The Board shared no concerns.

A copy of the 2019 Proposed Legislation can be found on pages **3470** to **3472** of the official minutes.

4-I USD Discovery District Bylaws and Member Changes

Nathan Lukkes, Board of Regents General Counsel, said the Board of Directors of the USD Discovery District met on September 20 and approved the resolution set forth in Attachment I of

the agenda item, requesting the Member (BOR) take certain actions regarding the USD Discovery District.

These actions include 1) amending the Bylaws as set forth in Exhibit A to Attachment I, and 2) appointing Kim Patrick and Paul TenHaken to the Board of Directors, with their terms expiring in 2021, and appointing Kevin Schieffer to the Board of Directors, with his term expiring in 2019.

Regent Morgan asked if there is a requirement that a regent be on the Board or if Regent Schieffer joins as an individual. General Counsel Lukkes explained that there is no clear requirement that a regent be on the Board but this has been done in practice.

In response to a question by Regent Schieffer, General Counsel Lukkes explained that Bob Sutton will continue to serve on the Board in his Avera capacity.

IT WAS MOVED by Regent Schaefer, seconded by Regent Mickelson, to approve amending the Bylaws as set forth in Exhibit A to Attachment I. Motion passed.

IT WAS MOVED by Regent Schaefer, seconded by Regent Thares, to appoint Kim Patrick and Paul TenHaken to serve on the Board of Directors, with their terms expiring in 2021, and to appoint Kevin Schieffer to serve on the Board of Directors, with his term expiring in 2019. Motion passed.

A copy of the USD Discovery District Bylaws and Member Changes can be found on pages **3473** to **3489** of the official minutes.

ACADEMIC AND STUDENT AFFAIRS

5-A Student Federation Report

Matt Yetter, Student Federation Executive Director, introduced himself to the Board. He explained that the Student Federation met in Pierre on September 21 where they discussed topics of joint interest with the Board staff. He explained that the Student Federation continues to discuss the free speech policy revisions and will submit written comments by November 10.

Dr. Beran, Board of Regents Executive Director and CEO, took a moment to thank all the students who attended the recent Student Federation meeting in Pierre and recognized them for their time and dedication.

5-B (1) BOR Policy Revisions – BOR Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1 – Freedom of Speech Policy Revisions (First Reading)

Nathan Lukkes, Board of Regents General Counsel, stated that since the Free Speech Roundtable during the June 2018 Board meeting, Board of Regents staff has worked with institutional

representatives to make necessary revisions to Board of Regents' policies to address issues/concerns that were raised by various constituent groups.

He explained that changes have been made to seven Board policies to provide greater clarity for institutional leadership as they manage freedom of speech issues on their campuses. The Academic Affairs Council (AAC) was given the opportunity to review the policies during its August 2018 meeting, and subsequent revisions have been made following engagement with Board leadership, campus general counsels, and presidential feedback.

General Counsel Lukkes provided an overview of the proposed changes to each policy.

In regard to a question from Regent Morgan, General Counsel Lukkes explained that the elements of the Chicago Statement incorporated into Board Policy 3:3 keep the meaning substantially the same. Regent Schieffer noted that he made a few revisions to this particular policy before broader distribution, explaining that his changes included language that (1) encourages diversity of thought in faculty and (2) emphasizes that the changes incorporated are not meant to create unfunded mandates.

Regent Roberts recommended that the policies that require format changes such as Board Policy 3:4 be done now. General Counsel Lukkes explained that we did not want it to appear that we were making more changes to these policies than we actually were; however, we can incorporate the formatting changes for the second reading.

Regent Bastian provided a recommendation that the proposed revision to section 3.A in Board Policy 4:21 be revised and stated in a second sentence, which reads, "Using Board information and communication technology systems, Board services and Board property is prohibited unless it is available to the public and paid for at the rate offered to the public." General Counsel Lukkes said we would incorporate this recommendation for the second reading.

Regent Schieffer reiterated that Board Policy 6:13 is being revised to let the institutions address the time, place and manner issues while remaining content neutral. In response to concerns that the process to request space was too burdensome or cumbersome, there have been no examples to show that the current process was difficult to undergo. Additionally, he said we have tried to make the appeals process as lean as possible even though there have not been any related real world problems. It does not eliminate the path to litigation, it just does not start on this expensive path.

Regent Schieffer stated that the Board welcomes additional comments from all parties by November 10, which allows adequate time for review and incorporation before the December Board meeting.

IT WAS MOVED by Regent Morgan, seconded by Regent Bastian, to approve the first reading of the proposed revisions to Board Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1. Motion passed.

A copy of the BOR Policy Revisions – BOR Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1 – Freedom of Speech Policy Revisions (First Reading) can be found on pages **3490** to **3554** of the official minutes.

5-B (2) BOR Policy Revisions – BOR Policy 4:10 – Tenure and Continuing Appointments Revisions (First Reading)

Dr. Paul Turman, System Vice President of Academic Affairs, explained that over the past two years the Academic Affairs Council (AAC) has met with campus representatives involved with the NSF PLAN grant to evaluate barriers to the recruitment and retention of faculty within the Regental system. During the July 2018 meeting, AAC members identified a number of revisions to the proposal being advanced that included: 1) an automatic stop the tenure clock process that allowed for an opt-out moment right before tenure review; and 2) making clear reference to various family types outlined in BOR Policy 4:15 – Leave.

He noted that AAC members also raised concerns about recruiting tenured faculty members under the current policy framework. Currently individuals who enter the Regental system having earned tenure at their previous institution have the ability to request prior service credit to move up the tenure clock within one year of being employed. However, this practice has made it difficult for institutions to recruit new faculty at the associate or full professor level. Draft language is captured in Section 1.3 to allow faculty previously granted tenure the capacity to go up for review by the campus promotion and tenure committee prior to their appointment. The recommendation would be advanced through the president to the Board of Regents for final approval.

Regent Schaefer explained that he liked this change and appreciated the process outlined. He acknowledged the competition for faculty and agreed that any hindrance to recruiting good people should be addressed.

In response to a question, Dr. Turman said he anticipates two or three of these requests per year. Regent Morgan asked if this was something that needed to come to the Board or if could be delegated to the executive director. Dr. Turman recommended that this continue to be addressed by the Board as the Board should have overarching authority over tenure.

IT WAS MOVED by Regent Morgan, seconded by Regent Schaefer, to approve the first reading of the proposed revisions to BOR Policy 4:10 as presented. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 4:10 – Tenure and Continuing Appointments Revisions (First Reading) can be found on pages **3555** to **3566** of the official minutes.

5-B (3) BOR Policy Revisions – BOR Policy 2:23 – Program and Curriculum Approval Revisions (First Reading)

Dr. Paul Turman, System Vice President of Academic Affairs, explained that the revisions proposed for Board Policy 2:23 include adding language related to institutional program review and program productivity. He said by placing the requirements for institutional program review and program productivity in Board Policy formalizes the expectations of the Board. Consistent program review helps ensure the quality of academic programs, an issue the Board has cited as a priority through Goal 2 of the 2014-2020 Strategic Plan. Monitoring program productivity is integral in demonstrating efficiency and maintaining a relevant catalog of programs. He noted that detailed processes implementing changes to Policy 2:23 will remain in AAC Guidelines.

IT WAS MOVED by Regent Morgan, seconded by Regent Bastian, to approve the first reading of the proposed revisions to BOR Policy 2:23 as presented. Motion passed.

A copy of the BOR Policy Revisions – BOR Policy 2:23 – Program and Curriculum Approval Revisions (First Reading) can be found on pages 3567 to 3571 of the official minutes.

5-B (4) BOR Policy Revisions – BOR Policy 2:3 – System Undergraduate Admissions (First Reading)

Dr. Paul Turman, System Vice President of Academic Affairs, noted that the Board discussed the possibility of changing the requirements of the Regents Scholar diploma during the May 2018 Board meeting to more closely align with the South Dakota Opportunity Scholarship. During this discussion there was general support by the Board for making this change. The formal revisions to Board Policy 2:3 System Undergraduate Admissions would give students the option of taking two units of Career and Technical Education (CTE) courses as an alternative to the two units of modern or classical language, or a combination of language and CTE. This change would then ensure that students earning the Advanced Postsecondary Preparation endorsement under the new South Dakota High School Graduation Requirements also may earn the South Dakota Opportunity Scholarship and the Regents Scholar diploma. This will help eliminate confusion at the high schools and make requirements more consistent across.

IT WAS MOVED by Regent Morgan, seconded by Regent Thares, to approve the first reading of the proposed revisions to Board Policy 2:3 as presented. Motion passed.

A copy of the BOR Policy 2:3 – System Undergraduate Admissions (First Reading) can be found on pages 3572 to 3582 of the official minutes.

5-C Naming Request – SDSM&T – Creation of a New Department of Computer Science & Engineering

SDSM&T President Rankin and Dr. Paul Turman, System Vice President of Academic Affairs, explained that the South Dakota School of Mines & Technology (SDSM&T) currently has a Department of Math and Computer Science, and a Department of Electrical and Computer Engineering. The university is reorganizing the departments to provide more visibility to the computational science part of the curriculum to increase the recruitment of students and to increase the amount of funded research. The new organization will have a new Department of Computer Science & Engineering (CSE), a Department of Math, and a Department of Electrical Engineering (EE).

Regent Schaefer asked for clarification that this proposal moves from two departments to three. President Rankin confirmed that this is the case. Additionally, he commented on why he felt this was the best model for the institution.

Regent Bastian asked about the estimated costs. President Rankin explained that the creation of the new department will have financial implications for SDSM&T resulting from additional administrative costs associated with: 1) converting a 9-month faculty position to a 12-month

administrator position with reduced teaching expectations which will be shifted to adjunct faculty; and 2) the creation of a new administrative assistant position to assist with managing the department. Estimated costs are expected to be just under \$100,000 for these two FTE related adjustments. He confirmed that the institution is not requesting new funds.

IT WAS MOVED by Regent Morgan, seconded by Regent Bastian, to approve SDSM&T's request to reorganize their current Department of Math and Computer Science and Department of Electrical and Computer Engineering to allow for the creation of a Department of Computer Science & Engineering (CSE), a Department of Math, and a Department of Electrical Engineering (EE). Motion passed.

A copy of the Naming Request – SDSMT – Creation of a New Department of Computer Science & Engineering can be found on pages 3583 to 3585 of the official minutes.

5-D Banner Implementation Update

Dr. Janice Minder, Banner Student Project Leader, provided an informational update on the status of the Student Banner Project. She explained that to create a more managed go-live schedule, the South Dakota teams have developed and worked to implement a phased approach to the implementation, and the first of these phases includes financial aid in November. This schedule assists each team to stay focused on the go-live dates as they approach a manageable implementation. She said South Dakota is leaning on this strategy to be on time, within budget, and to mitigate additional costs.

Regent Morgan asked what security precautions are in place to protect names and personal information throughout the integration. Dr. Minder said there are Banner security protocols in place as well as other ways to mask personally identifiable information such as social security numbers. Dave Hansen, System CIO, shared additional information, including information about many layers of security that are applied depending on the users. He said we have a protocol in place to manage risk versus access.

Regent Schieffer asked if the project is on stable ground. Dr. Minder said that although five months ago she might have answered otherwise, she believes the project is in a good position to go forward.

Regent Morgan stated his appreciation for all the work that has gone into this project and said it is critically important that the project stay on track.

A copy of the Banner Implementation Update can be found on pages 3586 to 3589 of the official minutes.

5-E FY18 Research and Development Report

Nathan Lukkes, Board of Regents General Counsel, provided an overview of the report provided in the agenda item noting that while it is apparent that reaching \$150 million in research expenditures by 2020 is not feasible as outlined in the strategic plan goals, it is important that we

continue to make incremental steps to advance and grow the system's research enterprise. He noted that in FY18 the system surpassed \$97 million in annual research expenditures for the first time since the expiration of ARRA funds in FY12, and obtained over \$107.5 million in awards, an increase of 4.9% over FY17.

He commended the campuses for a joint proposal from the Regental institutions that contributed to the solution of finding a way to support the REED Network, which was funded at \$500,000 over two years.

A copy of the FY18 Research and Development Report can be found on pages **3590** to **3608** of the official minutes.

BUDGET AND FINANCE

6-A Public Service Activity Report

Shelly Anderson, System Internal Auditor, advised that each year the Board receives a report from the universities to determine whether institutions have complied with Board Policy 1:22 – Self-Support Public Service Activities. She advised that SDSM&T was originally not in compliance upon her review; however, an A/R balance of \$51,600 existed as of 6/30/18, which made the cash balance a positive \$43,721, thus bringing SDSM&T into compliance.

A copy of the Public Service Activity Report can be found on pages **3609** to **3620** of the official minutes.

6-B BOR Policy 4:49 Revisions – Multi-Year Employment Contracts (Second Reading)

Kayla Bastian, System Director of Human Resources, recommended changes to Board Policy 4:49 that changes the language to allow for a contract term of more than one (1) year, but not more than five (5) years, except to extend by the minimum amount of time required to align with the end of the fiscal year. Definitions were added as well as language that clarifies the funding information required by the Board when a new contract is requested.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve the second and final reading of the proposed revisions to Board Policy 4:49 – Multi-Year Employment Contracts as presented. Motion passed.

A copy of the Board Policy 4:49 Revisions – Multi-Year Employment Contracts (Second Reading) can be found on pages **3621** to **3624** of the official minutes.

6-C Student Accounts Receivable Report

Mary Ellen Garrett, System Accounting Director, presented the annual report of outstanding student receivables. She said the receivables represent less than 1% of the total student revenues for years FY15 through FY18. According to a NACUBO 2010 survey, the benchmark for bad debt

collections runs at 3.5% nationally. The overall outstanding receivables rate for the four-year period is 0.51% of total receivables.

Regent Bastian recognized a slightly increasing trend of overall receivables and asked if this was a concern. Dr. Kramer agreed that if you look at the FY18 percentage there is definitely an upwards trend. This could be due to the fact that we are hanging onto more students that do not have their finances in place and that is resulting in more receivable. Further, he stated that he is not concerned as we are doing about 200% better than the average for post-secondary institutions. He also stated that the system has been in a transition period with the use of the state's debt recovery center (ORC) so this additional work may be having an impact that is temporary.

A copy of the Student Accounts Receivable Report can be found on pages **3625** to **3628** of the official minutes.

6-D HEFF Cash Flow Statement

Dr. Monte Kramer, System Vice President of Finance and Administration, reviewed the FY18 HEFF cash flow statement that shows HEFF revenues were \$127,628 lower than the projection due to growth in dual credit hours which generate less HEFF per credit, and a slight decline in overall credit hours. Interest earnings were up \$69,753 over the projection, resulting in a total revenue shortfall of \$57,875 or a difference of 0.2%. Based on current assumptions and revenues, \$10.5 million of projects can be bonded in FY22 and \$12.5 million in FY27. He said if this happens, it will have taken 15 years to complete the projects that we thought we had the cash flow to complete in 10 years.

Regent Thares provided a few suggestions for how to adjust the report in order to make it less confusing. Dr. Kramer noted the report has not been changed in over 25 years but he was certainly open to the changes.

A copy of the HEFF Cash Flow Statement can be found on pages **3629** to **3632** of the official minutes.

6-E DSU Housing Acquisition

Stacy Krusemark, DSU Vice President of Finance, explained DSU's request to acquire property located at 321 N. Van Eps Avenue, Madison, SD from St. Thomas Aquinas Catholic Church at a purchase price of \$189,000. He said DSU plans to renovate the building to provide additional student housing for the fall 2019 semester. The preliminary estimate is 18 beds with a combination of single and double rooms. He confirmed that DSU has met the elements required in Board Policy 6:2 and SDCL 13-51A.2 for the acquisition of real property.

IT WAS MOVED by Regent Roberts, seconded by Regent Schaefer, to authorize DSU to acquire the property located at 321 N. Van Eps, Madison, from the St. Thomas Aquinas Catholic Church using housing and auxiliary revenue funds and to place it into the revenue system. Motion passed.

A copy of the DSU Housing Acquisition can be found on pages **3633** to **3635** of the official minutes.

6-F Iowa Reduced Tuition Program Results

Dr. Monte Kramer, System Vice President of Finance and Administration, updated the Board on the impact of the Iowa reduced tuition program. He said in the first year the system experienced a revenue loss of \$465,591, in part due to the approval in early April, which meant campuses did not have time to market the program for FY17. In the second year, all institutions showed a tuition and fee revenue gain. The system revenue gain in FY18 was \$494,910, not including room and board revenues or other miscellaneous revenues generated from the new students.

He said this reduced tuition program has exceeded expectations and unless requested we would not be tracking the revenues in the future. He said what this confirms is that students are price sensitive.

A copy of the Iowa Reduced Tuition Program Results can be found on pages **3636** to **3638** of the official minutes.

6-G Year-end Center Operating Statements

Dr. Monte Kramer, System Vice President of Finance and Administration, summarized the operating statements for the university centers as of June 30 for the last five years. He said this is the same information that was provided to the Government Audit and Operations Committee in July 2018.

In short, he said UC-SF had a slight increase in credit hours, about 2.4%, due to growth in the associate degree programs, but the revenue declined because the credits are being discounted by \$64.65 per credit. Additionally, the credit hours at BHSU-RC declined for the fifth year in a row. The decline for FY18 is estimated to be 8.6%. Lastly, the CUC operation is being taken over by its Foundation, and USD will continue to offer nursing at the location. CUC is really no longer a Center operated by the institutions, and instead is a rented facility where the campuses offer courses. Starting in FY19, the cost to deliver courses, any administrative costs, rental costs, and the revenues generated will be the only items tracked.

A copy of the Year-end Center Operating Statements can be found on pages **3639** to **3648** of the official minutes.

6-H SDSU Football Stadium Pro-Forma

Dr. Monte Kramer, System Vice President of Finance and Administration, explained that the SDSU Football Stadium is currently operating in its third fiscal year. At the request of SDSU, Dr. Kramer said he supported replacing SDSU's original pro forma with more accurate revenue and expense data based on actuals from the last two fiscal years. Further, he recommended the following three things: (1) that the annual report go to the Audit Committee instead of the Board;

- (2) the basis for the M&R calculation be based on the construction cost of the roofed facility; and
- (3) that the debt service reserve requirement be changed.

Regent Schieffer asked clarifying questions about the pro-forma, including information about the coverage ratios.

Dr. Kramer said there was no legally required coverage ratio for the stadium, but the Board at the time of the stadium's approval felt that the 1.20 ratio was an appropriate goal with appropriate risk coverage. Regent Morgan provided additional insight considering this topic was discussed at length during the Board's Athletic Committee meeting and although 1.20 would still be strived for, it did not seem that it was necessary to hold as much in reserve considering the stadium is doing well. SDSU would like to achieve 1.20 and then get rid of the reserve.

Regent Thares asked additional questions about the value of the stadium, which was cut in half in the revised pro-forma. He asked if other buildings in the system are being handled similarly. Dr. Kramer said the only reason this project is being revisited is because we now know the actual value of the stadium. Additionally, it is now being handled similarly to other stadiums in the system, where only stadium buildings are included in the 2% calculation and the outdoor portions are excluded.

Regent Roberts discussed the effect of revising the draft motion to only advance subsection 2. All members agreed that this item should come back to the full Board next year rather than going to the Audit Committee.

After a question from SDSU about the M&R obligation going forward, the regents said adjusting an M&R evaluation and revising a pro-forma are different topics. Therefore, it was decided that this topic be deferred to the December meeting with a commitment to find a resolution that worked for all.

A copy of the SDSU Football Stadium Pro-Forma can be found on pages 3649 to 3657 of the official minutes.

6-I USD Dakota Dome Facility Design Plan

Dr. Monte Kramer, System Vice President of Finance and Administration, explained USD's request to approve the Facility Design Plan for the design and construction of the Dakota Dome Renovation (Phase II – Interior Renovations) with a total budget of approximately \$26,320,000. Funding for the project will be Debt Financed (to be repaid with private funds from the Foundation) in the amount of \$14,500,000, USD local funds of \$6,419,602, and HEFF M&R Proceeds of \$5,400,398.

IT WAS MOVED by Regent Roberts, seconded by Regent Mickelson, to approve USD's Dakota Dome Facility Design Plan for Phase II, Interior Renovations, with a total estimated price of \$24,205,000. Motion passed.

A copy of the USD Dakota Dome Facility Design Plan can be found on pages **3658** to **3668** of the official minutes.

6-J (1) BOR Policy Revisions – BOR Policy 5:3 – Agreements and Contracts (First & Final Reading)

Dr. Monte Kramer, System Vice President of Finance and Administration, said Board Policy 5:3 has been put in the new format that includes the purpose of the policy and definitions. There were no substantial changes to the policy.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of Board Policy 5:3 – Agreements and Contracts as shown in Attachment I. Motion passed.

A copy of the Board Policy Revisions – Board Policy 5:3 – Agreements and Contracts (First & Final Reading) can be found on pages **3669** to **3673** of the official minutes.

6-J (2) BOR Policy Revisions – BOR Policy 5:6 – Student FICA Exemption (First & Final Reading)

Dr. Monte Kramer, System Vice President of Finance and Administration, said Board Policy 5:6 been put in the new format that includes the purpose of the policy and definitions. There were no substantial changes to the policy.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of Board Policy 5:6 – Student FICA Exemption as shown in Attachment I. Motion passed.

A copy of the Board Policy Revisions – Board Policy 5:6 – Student FICA Exemption (First & Final Reading) can be found on pages **3674** to **3677** of the official minutes.

6-J (3) BOR Policy Revisions – BOR Policy 5:10 – Identity Theft Prevention (First & Final Reading)

Dr. Monte Kramer, System Vice President of Finance and Administration, said Board Policy 5:10 has been put in the new format that includes the purpose of the policy and definitions. There were no substantial changes to the policy.

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of Board Policy 5:10 – Identity Theft Prevention as shown in Attachment I. Motion passed.

A copy of the Board Policy Revisions – Board Policy 5:10 – Identity Theft Prevention (First & Final Reading) can be found on pages **3678** to **3682** of the official minutes.

6-J (4) BOR Policy Revisions – BOR Policy 5:19 – System Funding (First & Final Reading)

Dr. Monte Kramer, System Vice President of Finance and Administration, said Board Policy 5:19 has been put in the new format that includes the purpose of the policy and definitions. There were no substantial changes to the policy.

IT WAS MOVED by Regent Roberts, seconded by Regent Bastian, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of Board Policy 5:19 – System Funding as shown in Attachment I. Motion passed.

A copy of the Board Policy Revisions – Board Policy 5:19 – System Funding (First & Final Reading) can be found on pages **3683** to **3685** of the official minutes.

6-K USD Discovery District: City of Sioux Falls Easement Resolution

Nathan Lukkes, Board of Regents General Counsel, stated that the USD Research Park, Inc. (dba the USD Discovery District) requests that the Board of Regents adopt the Resolution set forth in Attachment I of the agenda item requesting the grant of easements to the City of Sioux Falls for street/highway right-of-way, water, sanitary and storm sewers, drainage, other utilities or structures associated with the operation and maintenance of the street/highway, as directed by the Executive Director of the Board of Regents.

He further explained that the immediate need for this resolution is to facilitate the City of Sioux Falls financing, constructing and taking responsibility for the operation and maintenance of those portions of W. Haines Street and N. Pell Avenue shown in Attachment II of the agenda item, to include the water, sanitary and storm sewers, drainage, other utilities or structures associated with the operation and maintenance of the street. The “blanket easement” resolution approach detailed in Attachment I will serve to expedite the processing of such requests, while maintaining sufficient checks and balances in the process.

IT WAS MOVED by Regent Roberts, seconded by Regent Morgan, to approve and adopt the Resolution set forth in Attachment I of the agenda item, requesting the Commissioner of School and Public Lands to proceed with the easements as stated therein. Motion passed.

A copy of the USD Discovery District: City of Sioux Falls Easement Resolution can be found on pages **3686** to **3697** of the official minutes.

6-L (1) Routine Information Items – Building Committee Report

Dr. Monte Kramer, System Vice President of Finance and Administration, shared the actions taken by the building committees.

A copy of the Routine Information Items – Building Committee can be found on pages **3698** of the official minutes.

6-L (2) Routine Information Items – Capital Project List

Dr. Monte Kramer, System Vice President of Finance and Administration, shared the October Capital Project List.

A copy of the Routine Information Items – Capital Project List can be found on pages **3699** to **3703** of the official minutes.

IT WAS MOVED by Regent Morgan, seconded by Regent Mickelson, to reconvene in executive session at or around 9:00 a.m. on Thursday, October 4, 2018, to continue consulting with legal counsel and discussing personnel matters, pending and prospective litigation, contractual matters, and marketing or pricing strategies by a board or business owned by the State when public discussion may be harmful to the competitive position of the business; and that the Board rise from executive session at the conclusion of its discussions and act in public session on any recommended actions it deems prudent as a result of its executive session deliberations.

Campus Community Forum

The Board responded to questions from the campus community.

THURSDAY, OCTOBER 4, 2018

The Board reconvened at 7:30 a.m.

Breakfast Meeting with Area Legislators

Representative Chip Campbell (District 35), Representative Scyller Borglum (District 32), and Representative David Johnson (District 33) met with board members to informally discuss priorities in the public university system. Topics included online education, cultivation of corporate donor support, efficiencies, and Board outreach to legislators.

The Board reconvened in Executive Session at 9:15 a.m.

The Board reconvened in public session at 12:50 p.m. with five regents in attendance, including Regents Roberts, Mickelson, Bastian, Schieffer, and Lund.

Report and Action of Executive Session

Regent Roberts reported that the Board dissolved into Executive Session at 9:15 a.m. on Thursday, October 4, 2018, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or price strategies of a board of a business owned by the State when public discussion may be harmful to the competitive position of the business. She said the Board came out of executive session at 12:50 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 the law.

IT WAS MOVED by Regent Roberts, seconded by Regent Mickelson, 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.

ADJOURMENT

IT WAS MOVED by Regent Bastian, seconded by Regent Lund, to adjourn the meeting. Motion passed.

Meeting adjourned at 12:55 p.m.

Secretary's Executive Session Report

The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Tuesday, October 2, 2018, and then again on Wednesday, October 3, 2018, and Thursday, October 4, 2018, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.

Recommended Actions:

2-A.1 – Approve the salary adjustments, appointments and clinical faculty rank requests as outlined in Attachment I.

2-A.2 – Award two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion for Quintin Owens (BHSU) and Bridget Diamond-Welch (USD).

2-A.3 – Award an honorary posthumous Bachelor of Science in Chemical Engineering to Mr. Benjamin Authier (SDSMT).

2-C.1 – Authorize settlement as to the named defendants in the case referenced in Item 2-C.1 within the parameters discussed therein upon review of General Counsel and concurrence of the Executive Director.

2-C.2 – Authorize settlement as to the named defendants in the case referenced in Item 2-C.2 within the parameters discussed therein upon review of General Counsel and concurrence of the Executive Director.

2-F – Authorize proceeding with the lease and purchase options related to the SDSD within the parameters discussed.

PERMANENT SALARY ADJUSTMENTS 5% OR GREATER

Dakota State University

Name	Title	Effective Date	Job Change Reason	Rate	Salary	Previous Rate	Previous Salary	% Increase
Suraj Mahat	Software Systems Engineer	22-Jun-18	Reclassification	\$31.25	\$65,000.00	\$21.40	\$44,511.14	46%

South Dakota State University

Name	Title	Effective Date	Job Change Reason	Rate	Salary	Previous Rate	Previous Salary	% Increase
Cody Caldwell	Assistant Coach-Wrestling	22-Jun-18	Change Salary Rate/Pay Grade	\$24.04	\$50,000.00	\$21.15	\$44,000.00	14%
Jenna Cowan	Project Lead	22-Jul-18	Reclassification	\$25.24	\$52,500.00	\$24.03	\$50,000.00	5%
Camila Diel	Licensing Coordinator	22-Jul-18	Reclassification	\$26.44	\$55,000.00	\$23.11	\$48,068.00	14%
Kathleen Fitzgerald-Ellis	Asst Dir Nursing Student Serv	22-Jul-18	Reclassification	\$25.98	\$54,043.00	\$23.62	\$49,130.00	10%
Amber Healy	Associate Director	22-Jun-18	PermanentAdditional Duties	\$29.81	\$62,000.00	\$27.31	\$56,797.00	9%
Samuel Jennings	Dean of Students	22-Jun-18	FY Salary Increase	\$49.25	\$102,443.00	\$44.25	\$92,030.00	11%
Jennifer Kerkvliet	Pop Health Eval Ctr Director	22-Jul-18	Reclassification	\$33.46	\$69,595.00	\$30.42	\$63,268.00	10%
Linda Lemme	Coordinator-Cont Nurs Ed Svc	22-Jun-18	Change in Appointment Type	\$18.62	\$42,864.00	\$18.40	\$38,271.26	12%
Jody Owen	Director	22-Jun-18	Permanent Additional Duties	\$35.10	\$73,000.00	\$30.86	\$64,191.00	14%
Jessica Rients	Manager-Parking & Transportati	22-Jun-18	FY Salary Increase	\$24.04	\$50,000.00	\$21.64	\$45,000.00	11%
Jody Own	Director	22-Jun-18	Permanent Additional Duties	\$35.10	\$73,000.00	\$30.86	\$64,191.00	14%
Carissa Thielbar	Assistant Coach - Women's BB	15-Jun-18	Promotion	\$30.80	\$64,000.00	\$24.04	\$50,000.00	28%

University of South Dakota

Name	Title	Effective Date	Job Change Reason	Rate	Salary	Previous Rate	Previous Salary	% Increase
Alex Antonen	Director of WBB Operations	22-Jul-18	FY Salary Increase	\$19.23	\$40,000.00	\$17.31	\$36,000.00	11%
Sherrie Bosse	Senior Lecturer	22-Jun-18	FY Salary Increase	\$36.97	\$76,889.67	\$36.62	\$69,825.13	10%
Paul Formisano	Director of Writing	22-Jul-18	FY Salary Increase	\$39.70	\$6,879.85	\$36.48	\$6,321.60	9%
Dana Hansen	Teaching Lab Assistant	22-Jun-18	Permanent Additional Duties	\$15.61	\$32,458.10	\$15.45	\$24,102.55	35%
Shannon Hirsch	Teaching Lab Manager	22-Jul-18	Reclassification	\$25.96	\$54,000.00	\$23.44	\$48,758.75	11%
Aaron Horn	Assistant Coach - WBB	22-Jul-18	FY Salary Increase	\$26.44	\$55,000.00	\$22.12	\$46,000.00	20%
Andrew Prevost	Assistant Coach - Football	22-Jun-18	FY Salary Increase	\$27.12	\$56,400.00	\$23.08	\$48,000.00	18%

Deborah Reeves	Curator	22-Jun-18 FY Salary Increase	\$35.12	\$41,633.90	\$31.87	\$37,849.00	10%
Alexa Rudeen	Arena-Equipment Room Manager	22-Jun-18 Sal Adj-Unusual Circumstance	\$17.07	\$35,500.00	\$14.42	\$30,000.00	18%
Monica Sathyanesan	Research Associate III	22-Jul-18 Reclassification	\$23.08	\$48,000.00	\$17.99	\$37,416.50	28%
Theodore Schlafke	FB Asst Coach/Co-Offense Coord	22-Jun-18 FY Salary Increase	\$42.79	\$89,000.00	\$38.46	\$80,000.00	11%
Raluca Simons	Associate Professor	22-Jul-18 FY Salary Increase	\$48.37	\$83,840.20	\$47.42	\$73,978.19	13%
Elizabeth Taggart	Dir of Law School Admissions	22-Jul-18 Change Salary Rate/Pay Grade	\$29.09	\$60,500.00	\$25.72	\$53,500.00	13%
Mark Watson	FB Assistant Coach/Def Backs	22-Jun-18 FY Salary Increase	\$29.09	\$60,500.00	\$26.44	\$55,000.00	10%

APPOINTMENTS REPORTING TO THE PRESIDENT,SUPERINTENDENT or EXECUTIVE DIRECTOR							
		Effective					
Name	Title	Date	Salary	Institution			
Mark Millage	VP for Inst Adv/Mark/Comm	22-Aug-18	\$130,000.00	DSU			
Nathan Lukkes	General Counsel	22-Aug-18	\$166,580.00	BOR			

SSOM CLINICAL FACULTY RANK APPROVALS		
Name	Academic Rank	Department
David Condon	Assistant Professor	Internal Medicine
Frederick Severs	Associate Professor	Internal Medicine
Maria Del Pilar Dela Puente Garcia	Assistant Professor	Surgery
G. David Potter	Instructor	Surgery
Nathan Bockholt	Instructor	Surgery
Seri Carney	Assistant Professor	Surgery
Barbara Merriman	Assistant Professor	Neurosciences
Nessim Amin	Instructor	Neurosciences
Jason Wurth	Associate Professor	Family Medicine
Jason Wurth	Associate Professor	Family Medicine
David Condon	Assistant Professor	Internal Medicine
Frederick Severs	Associate Professor	Internal Medicine
Barbara Merriman	Assistant Professor	Neurosciences
Nessim Amin	Instructor	Neurosciences
Maria Del Pilar Dela Puente	Assistant Professor	Surgery
G. David Potter	Instructor	Surgery
Nathan Bockholt	Instructor	Surgery

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Seri Carney	Assistant Professor	Surgery
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SOUTH DAKOTA BOARD OF REGENTS

Board Work

AGENDA ITEM: 1 – E
DATE: October 2-4, 2018

SUBJECT

Rolling Calendar

CONTROLLING STATUTE, RULE, OR POLICY

[Board of Regents' By-Laws, Section 5.0](#)

BACKGROUND / DISCUSSION

The Board of Regents schedules its Board meetings using a rolling calendar. Therefore, at each regularly scheduled business meeting, the Board approves the dates and location of the meeting that will take place the following year. This allows the Board to have a year's worth of regularly scheduled meetings on the calendar at all times.

IMPACT AND RECOMMENDATIONS

This will establish the October 2019 Board of Regents' meeting dates and location as October 1-3, 2019 in Rapid City.

ATTACHMENTS

Attachment I – Proposed calendar of 2019 dates and locations

Attachment II – Important dates to avoid

Attachment III – 2019 calendar

Attachment IV – Dates and locations for BOR meetings over the previous 10 years

DRAFT MOTION 20181002_1-E:

I move to approve October 1-3 as the dates and Rapid City as the location for the October 2019 Board of Regents' meeting.

2019 Calendar

BOR ITEMS DUE (from campus)	BOR MAILOUT	BOR MEETINGS	BOR MEETING LOCATION	BOR APPROVAL DATE	COPS TOPICS DUE (from COPS)	COPS MAILOUT	COPS MEETING
March 8	March 26	April 2-4, 2019 (Tues-Thurs)	BHSU, Spearfish	3/28/18	April 11	April 16	April 23
April 19	May 7	May 14-16, 2019 (Tues-Thurs)	SDSU, Brookings	5/9/18	May 23	May 28	June 4
May 31	June 18	June 25-27, 2019 (Tues-Thurs)	DSU, Madison	6/27/18	July 3	July 9	July 16
July 12	July 30	August 6-8, 2019 (Tues-Thurs)	Pierre	8/7/18	Aug. 15	Aug. 20	Aug.27
Sept. 6	Sept. 24	Oct. 1-3, 2019 (Tues-Thurs)	SDSM&T, Rapid City		Oct. 10	Oct. 15	Oct. 22
Nov. 7	Nov. 26	Dec. 3-5, 2019 (Tues-Thurs)	USD, Vermillion		Dec.12	Dec.13	Dec.17

DATES TO KEEP IN MIND 2019

January 1, Tuesday

January 8, Tuesday

January 21, Monday**February 18, Monday**

March 4-8, Mon-Fri

March 13, Wednesday

March 17, Sunday

March 29, Friday

April 19, Friday

April 21, Sunday

April 14-16, Sun-Tues

April 29-May 3, Mon-Fri

May 4, Saturday

May 20-21, Mon-Tues

May 27, Monday

June 23-26, Sun-Wed

July 4, Thursday

July 15-19, Mon-Friday

August 5-11, Mon-Sun

August 5-9, Mon-Thurs

September 2, Monday

September 26-28, Thurs-Sat

October 14, Monday

October 19, Saturday

October 26-27, Sat-Sun

November 11, Monday**November 28, Thursday**

December 12-18, Thurs-Wed

December 14, Saturday

December 21, Saturday

December 25, Wednesday**New Year Holiday Observed**

Session Begins

Martin Luther King Jr. Day**President's Day**

Spring Break

Last day of main run of session

St. Patrick's Day

Veto Day

Good Friday

Easter

National Conference on Trusteeship (AGB) (Orlando, FL)

Finals Week at Campuses

Commencements

WICHE (TBD)

Memorial Day

NACUA Annual Conference (Denver, CO)

Independence Day

SHEEO Annual Meeting (Little Rock, AR)

Sturgis Rally

SHEEO Higher Education Policy Conference
(Boston, MA)**Labor Day**

Buffalo Roundup

Native American Day

First day of Pheasant Hunting Season

Governor's Hunt

Veterans Day**Thanksgiving**

Finals Week at Campuses

Commencement at SDSM&T

Commencement at DSU, BHSU, NSU

Christmas

HOLIDAYS IN 2019

2019

NEW YEAR'S DAY
Tuesday, January 1

M.L. KING JR. DAY
Monday, January 21

PRESIDENT'S DAY
Monday, February 18

ASH WEDNESDAY
Wednesday, March 6

ST. PATRICK'S DAY
Sunday, March 17

GOOD FRIDAY
Friday, April 19

PASSOVER
Sundown, April 19 through April 27

EASTER
Sunday, April 21

MOTHER'S DAY
Sunday, May 12

MEMORIAL DAY
Monday, May 27

FATHER'S DAY
Sunday, June 16

INDEPENDENCE DAY
Thursday, July 4

LABOR DAY
Monday, September 2

ROSH HASHANAH
Sundown, Sept. 29 through Sept. 30

YOM KIPPUR
Sundown, Oct. 8 through Oct. 9

COLUMBUS DAY
Monday, October 14

ELECTION DAY
Tuesday, November 5

VETERANS DAY
Monday, November 11

THANKSGIVING DAY
Thursday, November 28

HANUKKAH
Sundown, Dec. 22 through Dec. 30

CHRISTMAS
Wednesday, December 25

JANUARY
SMTWTFS
1 2 3 4 5
6 7 8 9 10 11 12
13 14 15 16 17 18 19
20 21 22 23 24 25 26
27 28 29 30 31

FEBRUARY
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28

MARCH
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30
31

APRIL
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30

MAY
1 2 3 4
5 6 7 8 9 10 11
12 13 14 15 16 17 18
19 20 21 22 23 24 25
26 27 28 29 30 31

JUNE
1
2 3 4 5 6 7 8
9 10 11 12 13 14 15
16 17 18 19 20 21 22
23 24 25 26 27 28 29
30

JULY
SMTWTFS
1 2 3 4 5 6
7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30 31

AUGUST
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31

SEPTEMBER
1 2 3 4 5 6 7
8 9 10 11 12 13 14
15 16 17 18 19 20 21
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OCTOBER
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NOVEMBER
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DECEMBER
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YEAR	January	March/April	May	June	August	October	December
2019		4/2-4, BHSU	14-16, SDSU	25-27, DSU	6-8, Pierre		
2018		3/27-29, BHSU	8-10, USD	26-28, SDSU	7-9, Pierre	2-4, SDSMT	4-6, NSU
2017		3/28-30, BHSU	9-11, SDSU	27-29, NSU	8-10, Pierre	3-5, DSU	5-7, SDSD
2016		3/30-4/1, SDSM&T	10-12, SDSU	28-30, DSU	2-4, Pierre	4-6, NSU	6-8, USD
2015		3/31-4/2, USD	12, Phone	9-11, DSU	10-12, Pierre	6-8, NSU	1-3, BHSU
2014		4/1-3, DSU	13, Phone	10-12, USD	12-14, Pierre	7-9, NSU	2-4, SDSMT
2013		4/3-4, NSU	15-16, SDSU	19-20, USD	14-15, SF	9-10, BHSU	4-5, SDSMT
2012	25 – Pierre	3/28-29, NSU/SDSBVI	16-17, SDSU	28-29, DSU	8-9, Pierre	10-11, USD	12-13, BHSU
2011		3/31-4/1, SDSU	19-20, NSU	29-30, DSU	9-11, BHSU	12-13, USD	15-16 SDSMT
2010		3/31-4/1, NSU	13-14, USD	24-25, SDSU	11-13, BHSU	13-14, SDSMT	16-17 Pierre
2009	28 – Pierre	4/2-3, NSU	21-22, USD	25-26, Pierre	5-7, BHSU	14-15, SDSMT	17-18 DSU
2008	21 – Pierre	3/27-28, Pierre	29-30, NSU	26-27, SDSU	6-8, BHSU	22-23, SDSMT	18-19 DSU
2007	23 – Pierre	4/12-13 USD/SDSD - SF	17-18, NSU	28-29 SDSU	8-10 BHSU	18-19, SDSMT	13-14 DSU
2006	16 – Pierre	3/23-24 USD/ Med Sch. SF	8-9, NSU	22-23, SDSU	9-11 BHSU	19-20 DSU	13-14 SDSMT

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs **Consent**

AGENDA ITEM: 3 – A
DATE: October 2-4, 2018

SUBJECT

Agreements on Academic Cooperation – USD

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

Board of Regents 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, the University of South Dakota seeks approval to enter into an agreement on academic cooperation with Pädagogische Hochschule Freiburg (PH Freiburg).

IMPACT AND RECOMMENDATION

The agreement with PH Freiburg would result in the opportunity for joint research, faculty collaboration/exchange, and student exchange. Regarding student exchange, students will only be accepted on a non-degree basis and will pay tuition to their home institution, with the following stipulations:

- Students from PH Freiburg studying at USD will pay all applicable special discipline and course fees, incidental fees, the International Student Fee, and appropriate room and board fees.
- Students from PH Freiburg that enroll in a self-support course (i.e. online or distance education and remedial courses, such as Math 095 and English 032) at USD will pay all self-support tuition and delivery fees associated with the course.
- Students from USD studying at PH Freiburg will pay German health insurance fees and appropriate room and board fees.

Students will also be responsible for paying for their own housing, meals, travel and any other incidental costs (which includes administrative charges that cannot be waived due to legal requirements). The agreement would be valid for a period of five years.

Board staff recommends approval.

ATTACHMENTS

Attachment I – Agreement on Academic Cooperation: Pädagogische Hochschule Freiburg

DRAFT MOTION 20181002_3-A:

I move to approve the agreement on academic cooperation between the University of South Dakota and Pädagogische Hochschule Freiburg.

**AGREEMENT ON ACADEMIC COOPERATION
BETWEEN
THE UNIVERSITY OF SOUTH DAKOTA
AND
PÄDAGOGISCHE HOCHSCHULE FREIBURG**

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, The University of South Dakota (USD) and Pädagogische Hochschule Freiburg (PH Freiburg) 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.
- Article 2. The institutions agree to exchange research papers, teaching materials, syllabi, curricula, as well as exhibitions and other materials, as appropriate, illustrating the activities and achievements of both institutions.
- Article 3. The institutions agree to exchange students and faculty members.
- Article 4. The institutions agree, as appropriate, to help faculty member of both parties conduct joint research projects.
- Article 5. The area of exchange shall cover academic disciplines to be determined and negotiated by both parties.
- Article 6. The area of exchange, to the extent feasible, shall include the exchange of students for internship programs.

II. Exchange of Students.

- Article 7. Participants remain students of the home institution throughout the period of the exchange.
- Article 8. The total number of students exchanged per year will be determined by mutual agreement of the two institutions. It is expected that efforts will be made to have equal numbers of students exchanged from each institution over the period this agreement is valid.
- Article 9. Students will only be accepted on a non-degree basis.
- Article 10. Each institution shall be responsible for the selection of students participating in the exchange with academic excellence being the primary criterion for the

selection. A further criterion is the student's perceived ability to deal effectively with the challenges of the exchange situation. Exchange candidates will be nominated by their home institution and approved by the host institution.

Article 11. Exchange students will pay the tuition to the home institution.

Section A. Students from PH Freiburg studying at USD will pay all applicable special discipline and course fees, incidental fees, the International Student Fee, and appropriate room and board fees. A list of these fees may be found at: <http://www.usd.edu/financial-affairs/business-office/tuition-and-fees>

Section B. Students from PH Freiburg that enroll in a self-support course (i.e. online or distance education and remedial courses, such as Math 095 and English 032) at USD will pay all self-support tuition and delivery fees associated with the course.

Section C. Students from USD studying at PH Freiburg will pay German health insurance fees and appropriate room and board fees.

Article 12. Exchange students are responsible for paying their own housing accommodations and meals throughout the exchange.

Article 13. Exchange students are responsible for all travel costs and any incidental costs/fees at the host institution. This also involves administrative charges that cannot be waived due to legal requirements (e.g. social fee "Studierendenwerksbeitrag").

Article 14. All exchange students are required to carry adequate health insurance during the period of exchange, and show proof thereof. All students studying at USD will be required to purchase the Board of Regents mandated insurance for the entire term of study upon arrival. Students studying at PH Freiburg are required to purchase German health insurance; public insurance if they are under 30 years. Otherwise, they will purchase private insurance. It is recommended that international students also purchase worldwide travel insurance to cover extra costs, e.g., for repatriation, if not included in the mandated health insurance policy.

Article 15. Exchange students are responsible for purchasing books and other academic supplies.

Article 16. Academic credits received by the students will be recognized by each university. Academic transcripts will be provided to the home institution upon completion of the students' period of study at the host institution in accordance with the home institution's policies and guidelines.

Article 17. Exchange students will pre-register for courses at the host university with the guidance and advice of their academic advisors. Each institution undertakes to provide information on courses, including course descriptions and syllabi/course handbooks.

Article 18. Exchange students will be free to choose courses from the full range of courses available at the host institution, provided that they satisfy the individual course prerequisites, and that space is available.

Article 19. Participants in the exchange must have their proposed program of studies at the host institution approved by their home institution prior to the exchange.

Section A. Students participating in the exchange must maintain full-time enrollment for the duration of the exchange. The host institution agrees to stay in contact with the students for the duration of the exchange. Monitoring the participation of students in their course of study is incumbent upon the course instructors and not the International Office, and enrollment and participation is ultimately the responsibility of the student. However, if the International Office of the host institution finds out that a student drops below full-time enrollment, withdraws from the program or otherwise fails to make satisfactory progress toward completion of course work, or when a student is in danger of being dismissed from the program, the International Office of the host institution will inform the home institution immediately. For these purposes, USD considers full-time enrollment as 12 U.S. credits, which may include both on-campus and distance delivery courses.

Article 20. Students will be assigned an advisor for academic, social and practical matters by the host institution. Academic and/or attendance problems will be dealt with by the host institution for the duration of the exchange.

Article 21. Exchange students will abide by the rules and regulations formally documented by the host institution and be subject to all due processes in the enforcement of said rules and regulations.

III. Exchange of Faculty.

Article 22. Both institutions shall encourage the exchange of faculty members who may conduct research, teach classes, deliver lectures, or give special programs such as workshops. Activities will be negotiated prior to the exchange.

Article 23. Both institutions shall provide, as appropriate, a list of members of the faculty interested in and qualified for the exchange. The number of exchange faculty members shall be determined by the two institutions. A final decision on accepting a visiting faculty member rests with the host institution. The term of the exchange shall be negotiated and determined by the needs of the two institutions.

- Article 24. The cost of salaries and other fringe benefits shall be the responsibility of the home institution.
- Article 25. Housing costs, cost of traveling, health insurance and other incidental costs are the responsibility of the individual faculty member.
- Article 26. Both institutions shall assist the exchange faculty members in locating funds from various international scholar programs or such individual granting agencies as are available.
- Article 27. Each institution shall provide support to exchange faculty members to locate suitable housing.
- Article 28. Participation of exchange faculty members in conferences shall be the responsibility of the host institution to the same extent as its own faculty.
- Article 29. Host institutions shall offer opportunities for visiting faculty to integrate fully into the life of the community, including invitations to campus-based professional development opportunities.
- Article 30. Faculty members and administrators of both institutions are welcome to make professional visits to their sister campus for familiarization with their counterparts and possible development of mutually beneficial programs.
- Article 31. Exchange faculty will abide by the rules and regulations formally documented by the host institution for all faculty members.

IV. Joint Research Activities, Publications and Other

- Article 32. The two institutions agree to undertake joint academic research, deploying their faculty members and facilities and drawing upon the strength of respective experiences in overseas programs.
- Article 33. Both institutions agree to discuss other proposals relating to future collaborations and exchange, including the possibility of brief exchange visits, joint publication of research, and other similar projects as appropriate.

V. Appointment of Coordinators

- Article 34. Each institution shall designate an individual who will serve as coordinator for this agreement. The coordinator will be responsible for coordinating the specific aspects of the program as well as advising and assisting students.

The following individuals at each institution will be responsible for coordinating this exchange:

The University of South Dakota	PH Freiburg
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<p>OUTGOING STUDENTS Name: Virginija Wilcox Title: Assistant Director for Study Abroad & NSE Office: Center for Academic & Global Engagement Email: Virginija.Wilcox@usd.edu Telephone: 605-677-3970 Fax: 605-677-8848</p> <p>INCOMING STUDENTS Name: Patrick Morrison Title: Assistant Director of International Student Services Office: International Office Email: Patrick.Morrison@usd.edu Telephone: 605-677-6219 Fax: 605-677-6323</p>	<p>Name: Dr. Verena Bodenbender Title: Director International Office Office: Kunzenweg 21 79117 Freiburg Email: bodenbender@ph-freiburg.de Telephone: +49-761-682 565 Fax: +49-761-682-98565</p> <p>Name: Dr. Verena Bodenbender Title: Director International Office Office: Kunzenweg 21 79117 Freiburg Email: bodenbender@ph-freiburg.de Telephone: +49-761-682 565 Fax: +49-761-682-98565</p>
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VI. Terms of Agreement

- Article 35. The individuals in the positions listed above agree to respond to inquiries and correspondence from the partner institution in a timely and efficient manner.
- Article 36. 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 an exchange under its provisions.
- Article 37. Matters not provided in this agreement shall be decided by mutual agreement between the two institutions.
- Article 38. Modifications of this agreement shall be made in the form of a written addendum signed by both parties.
- Article 39. Nothing in the above agreement shall be construed as being legally binding.
- Article 40. 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 USD. Termination for any of these reasons is not a default by USD nor does it give rise to a claim against USD.

In the spirit of international friendship and cooperation, we hereby set our signatures:

for the University of South Dakota

for Pädagogische Hochschule Freiburg

Sheila Gestring, President

Ulrich Druwe, Rektor

Date:

Date:

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – B
DATE: October 2-4, 2018

SUBJECT

Request to Seek Accreditation – SDSU

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 Commission on the Accreditation Programs in Applied and Clinical Sociology for their BA/BS in Sociology (Attachment I) and their Master of Science in Sociology (Attachment II).

The Higher Learning Commission (HLC), a regional accrediting agency recognized by the US 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 academic Reports and Accountability [webpage](#) of the BOR website.

- [Special Analysis: Accreditation in Higher Education](#)

IMPACT AND RECOMMENDATION

Accreditation will offer students interested in research, policy, and advocacy work a stronger more rigorous training experience, as well as give SDSU a competitive advantage in attracting high performing students.

Board staff recommends approval.

ATTACHMENTS

Attachment I – Request to Seek Accreditation Form: SDSU – BA/BS in Sociology
Attachment II – Request to Seek Accreditation Form: SDSU – MS in Sociology

DRAFT MOTION 20181002_3-B:

I move to approve SDSU’s request to seek accreditation from the Commission on the Accreditation Programs in Applied and Clinical Sociology for their BA/BS in Sociology and their Master of Science in Sociology programs.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

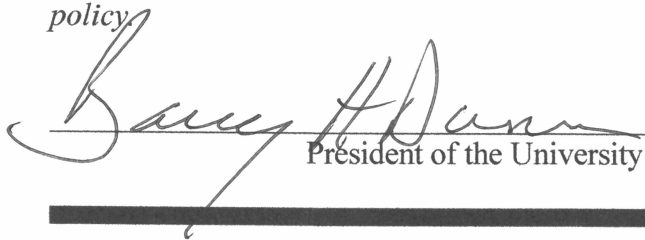
Request to Seek Accreditation

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:	BA/BS in Sociology
CIP CODE:	45.1101
UNIVERSITY DEPARTMENT:	Sociology and Rural Studies
UNIVERSITY DIVISION:	College of Arts, Humanities and Social 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: 08-15-18
Date

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 the Accreditation of Programs in Applied and Clinical Sociology

3. What are the advantages of accreditation?

Accreditation provides three distinct advantages for our program. Accreditation with the Commission on Applied and Clinical Sociology will offer students interested in research, policy, and advocacy work a stronger and more rigorous training experience. Students may work on applied research and practice projects with faculty or intern with other units on campus. We have expanded our partnerships with outside entities, so that students may also choose to complete the practice experience by interning with those organizations leading to potential job offers. These emerging relationships also provide us with the opportunity to recruit existing employees who need an advanced applied degree to pursue their career at that organization. Accreditation will also give us a competitive advantage in attracting high performing students. Finally, accreditation as an

applied BA/BS will assist students in getting the jobs or entering the Master's Programs that best fit their career goals.

4. What are the anticipated costs involved in accreditation, including:

A. Costs involved in undergoing self-study and preparing the application for accreditation:

19,500.00

B. Out-of-pocket costs related to dues or site visits:

Application for accreditation: \$100

Accreditation review: \$2000 plus transportation and per diem costs for the site visit Commission members.

Membership in Association of Applied and Clinical Sociology: \$500 yearly

C. Base budget implications including incremental costs and minimum base resources required (dollars and FTE):

Based on the results of the accreditation visit, we will identify the investments needed to meet the accreditation standards.

5. What is the source of the revenue needed?

Fishback funding

6. What is the estimated date for submission of accreditation application?

January 30, 2019.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

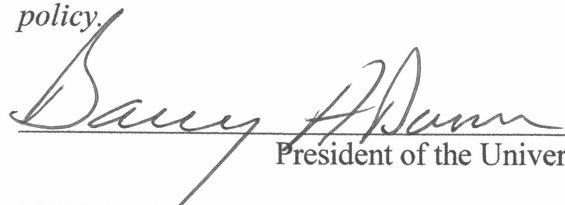
Request to Seek Accreditation

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:	Master's of Science in Sociology
CIP CODE:	45.1101
UNIVERSITY DEPARTMENT:	Sociology and Rural Studies
UNIVERSITY DIVISION:	College of Arts, Humanities and Social 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.
08/15/18
Date

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 the Accreditation of Programs in Applied and Clinical Sociology

3. What are the advantages of accreditation?

Accreditation provides three distinct advantages for our program. Accreditation with the Commission on Applied and Clinical Sociology will offer students interested in research, policy, and advocacy work a stronger and more rigorous training experience. Students may work on applied research and practice projects with faculty or intern with other unit on campus. We have expanded our partnerships with outside entities, so that students may choose to complete the practice experience by interning with those organizations leading to potential job offers. These emerging relationships also provide us with the opportunity to recruit existing employees who need an advanced applied degree to pursue their career at that organization. Accreditation will also give us a competitive advantage in attracting high performing students.

4. What are the anticipated costs involved in accreditation, including:

A) Costs involved in undergoing self-study and preparing the application for accreditation.

Existing resources to support self-study: \$7,500

B) Out-of-pocket costs related to dues or site visits.

Application for accreditation: \$100

Accreditation review: \$2000 plus transportation and per diem costs for the site visit Commission members.

Membership in Association of Applied and Clinical Sociology: \$500 yearly

C) Base budget implications including incremental costs and minimum base resources required (dollars and FTE).

Based on the results of the accreditation visit, we will identify the investments needed to meet the accreditation standards.

5. What is the source of the revenue needed?

Fishback funding

6. What is the estimated date for submission of accreditation application?

September 30, 2018.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – C
DATE: October 2-4, 2018

SUBJECT

New Minor: DSU Minor in English as a New Language

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests authorization to offer a minor in English as a New Language. The minor complements teacher education programs and responds to significant growth in the state's K-12 enrollment by students whose first language is not English, primarily in Sioux Falls, but with a growing need in smaller and rural school districts. The minor consists of eighteen credits; the curriculum meets SD Department of Education certification requirements in English as a New Language. Graduates of the program will develop skills in working with English language learners, language acquisition, cultural understanding, and technology integration in the classroom.

IMPACT AND RECOMMENDATION

DSU requests authorization to offer the minor on the Madison campus and online. A similar minor in K-12 English as a New Minor currently exists at the University of South Dakota (USD). USD is currently working on a proposal to place their program online. DSU and USD have proposed a collaborative process of alternating online delivery of overlapping courses. DSU estimates graduating ten students per year after full implementation. The new minor requires the creation of two new courses. DSU is not asking for additional resources to offer the program.

Board office staff recommends approval of the minor.

ATTACHMENTS

Attachment I – New Program Request Form: DSU – Minor in English as a New Language

DRAFT MOTION 20181002_3-C:

I move to authorize DSU to offer the minor in English as a New Language, including authorization to offer the minor online, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Baccalaureate Degree Minor

UNIVERSITY:	Dakota State University
TITLE OF PROPOSED MINOR:	English as a New Language
DEGREE(S) IN WHICH MINOR MAY BE EARNED:	Elementary Education, Elementary Education/Special Education and Secondary Education Degrees
EXISTING RELATED MAJORS OR MINORS:	None at DSU
INTENDED DATE OF IMPLEMENTATION:	Fall 2018
PROPOSED CIP CODE:	13.1401
UNIVERSITY DEPARTMENT:	College of Education
UNIVERSITY DIVISION:	College 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.

J. M. Gussile

President of the University

03/23/2018

Date

1. Do you have a major in this field (place an "X" in the appropriate box)?

☐ Yes ☒ No

DSU does not have a major in this field. The minor would complement each teacher education degree program including elementary education, elementary education/special education, biology, English, math, computer, business, and physical education.

2. If you do not have a major in this field, explain how the proposed minor relates to your university mission.

DSU began preparing teachers in 1881 as the first teacher preparation program in what was then Dakota Territory. Since that time, the mission of the university has changed to include

infusing technology into all majors; the primary focus of the College of Education remains preparing teachers for the state and region. (Approximately 85% of DSU education graduates remain in South Dakota after graduation.) Part of preparing effective classroom teachers is to ensure they have the knowledge, skills, and professional dispositions to reach and teach all learners in their care. Making the English as a New Language (ENL) minor available to teacher candidates will increase their knowledge and skills when working with children for whom English is not their first language. This minor will have technology embedded in each course and teach students to use effective technology tools and strategies to increase achievement in ENL students.

3. What is the nature/purpose of the proposed minor?

The purpose of the English as a New Language (ENL) minor is to provide opportunities for teacher candidates to further their knowledge and skills to work with students for whom English is not their first language. The minor will enhance teacher candidate skills in the areas of language acquisition, strategies for teaching content to English learners, technology integration, and cultural understanding. Teaching English Students of Other Languages (TESOL), which is the largest professional organization for teachers of English as a second or foreign language, recommends training all classroom teachers in strategies enabling them to plan for language objectives in tandem with content objectives.

The South Dakota Department of Education certifies teachers in the area of English as a New Language. A K-12 English as a New Language endorsement requires 18 semester hours of coursework to include linguistics, development of curriculum and instruction for new language acquisition, language and culture, program assessment, reading for students with limited English proficiency, and an English as a New Language methodology course. The endorsement also requires study in the developmental characteristics of K-12 learners. The proposed curriculum in this document was developed to address the requirements set forth by the SD Department of Education.

4. How will the proposed minor benefit students?

As noted above, the minor will enhance our teacher candidate skills in the areas of language acquisition, strategies for teaching content to ENL learners, and understanding the cultures of students who are learning English as their second language, while infusing technology to increase K-12 student skills in English language acquisition. It is worth noting that while this minor will prepare our graduates to work with ENL learners, the strategies and skills are highly effective tools to use with all learners.

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.

South Dakota, like the rest of the country, is experiencing a teacher shortage; the more flexible the teacher is, the easier it is on the district to move them around as needed to meet the needs of the district and its learners. As of the 2012-13 school year, South Dakota's schools were home to more than 5,000 English language learners (ELLs), which marks a 16% increase from

the 2002-2003 school year (Migration Policy Institute, 2015). South Dakota is seeing a mobility trend of those identified learners moving into smaller districts creating a statewide need for highly qualified teachers in the rural areas of South Dakota. (South Dakota Department of Education) *Note, ELL is the language used in these references; the new title used in districts is ENL. Both reference the same populations.

South Dakota's population of English Language Learners has grown from around 3,500 to approximately 5,000 students in the past five to seven years. That number could grow another 20 percent in the next five years, according to Shannon Malone, Title I Director for the South Dakota Department of Education.

https://doe.sd.gov/pressroom/educationonline/2014/Feb/art_HotTopic2.aspx)

In Sioux Falls for example, students in the Sioux Falls School District currently speak over 90 languages. Ten percent of the students are not native English speakers and roughly 600 new students have participated in the district's English language learning program in each of the last two years.¹

In the 2014-15 school year, more than 4.8 million English learners were enrolled in U.S. schools in grades K-12. English learners comprise nearly 10 percent of the student population nationwide, a figure that has more than doubled in the past few decades, and in many schools, districts and states, English learners are an even higher percentage of the student population. Estimates suggest that this number may be even higher for learners under the age of six. There is also a growing body of research that makes clear that students who are bilingual have advantages, not only in their literacy development, but in the development of problem-solving skills and other areas of cognition in addition to a potential for greater earnings over their lifetimes. (<https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-english-learners>)

The U.S. Department of Education recently released non-regulatory guidance to help states, districts and schools provide effective services to improve the English language proficiency and academic achievement of English learners (ELs) through Title III of the Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA). The guidance is an effort to ensure that students who are English learners receive the high-quality services they need to be college and career ready. (<https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-english-learners>)

Through Office for Civil Rights' and the Department of Justice's enforcement work, the Departments have identified several areas that frequently result in noncompliance by school districts and that SEAs (state educational agencies) at times encounter while attempting to meet their Federal obligations to EL students. A January 2015 "Dear Colleague" letter offers guidance on these issues and explains how the Departments would evaluate whether SEAs

¹ Sammi Bjelland, *Keloland Media Group*, "State ELL Student Population Growing" (November 14, 2017), available from <http://www.keloland.com/news/article/education/english-language-learners-growing-in-sioux-falls>; Megan Raposa, *Argus Leader*, "Sioux Falls Schools See Increase in English Language Learners" (November 13, 2017), available from <https://www.argusleader.com/story/news/education/2017/11/13/sioux-falls-schools-see-increase-english-language-learners/858403001/>.

and school districts met their shared obligations to:

- B. Provide EL students with a language assistance program that is educationally sound and proven successful;
- C. Sufficiently staff and support the language assistance programs for EL students;
- H. Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- I. Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time;
- J. Ensure meaningful communication with LEP parents.
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

The proposed minor will help districts meet the above points by providing not only the course requirements deemed necessary by the SD Department of Education, but also provide practical field experiences in which candidates work with teachers and students. Point by point:

- B. Provide EL students with a language assistance program that is educationally sound and proven successful; The SD Department of Education (DOE) has established a set of requirements deemed necessary to provide EL students with appropriate programming. By meeting the DOE standards, by requiring students to receive a grade of "C" or better in the coursework (as is consistent with courses in the major), and through the completion of a practicum field experience within the K-12 setting, candidates will be prepared to deliver sound and successful programming.
- C. Sufficiently staff and support the language assistance programs for EL students: Candidates will have the state-approved and granted endorsement for English as a New Language on their teaching certificate, thus helping the growing need for ENL teachers in the state.
- H. Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied: EDER 415 will address best practices in individual and program assessment. Those with this minor will be able to follow the district and state guidelines to assess student progress and determine the need for additional services and monitor for program exit. Further, the practicum will give candidates opportunities to view

current practices, practice assessment skills, and be part of teams that make determinations for additional programming or exit of program.

- I. Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time: Same as above, EDER 415 and the practicum will give students the knowledge and experience to determine the points noted. Additionally, the other courses in the minor, specifically ELED 462, will incorporate further assessment opportunities and discussions on effective programming for children with English as a new language.
- J. Ensure meaningful communication with LEP parents: Students in the education program at DSU take SPED 460 Family Systems and Professional Collaboration. Other teacher education programs have a similar course. This course ensures candidates are well-versed in working with parents, including parents of children with special needs and those for whom English is a second language. Additionally, the practicum experience will afford candidates opportunities to work with parents in conjunction with the cooperating teacher.

School systems and educators have a legal responsibility to provide for the needs of English Learners. They also have the educational responsibility of ensuring that every child can achieve the level of knowledge and skills they need to be productive citizens, who participate in all areas of our society. (<http://doe.sd.gov/ofm/enrollment.aspx>)

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*).

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 18	FY 19	FY 20	FY 21
Students enrolled in the minor (fall)	5	10	15	25
Completions by graduates			5	10

*Do not include current fiscal year.

In 2005, the College of Education began delivering a PK-12 reading minor. Students were drawn to it to increase their skills in teaching reading. It is anticipated with the increase in ENL learners in our K-12 schools in South Dakota and the region, this minor will be of interest to a wide-range of teacher candidates. The anticipated numbers for the minor were derived from the numbers declared for the reading minor, over the first four years of the program. Completion by graduates was also derived from those figures. It is anticipated students will not choose the ENL minor over the PK-12 reading minor. The two will complement each other and those interested in one are likely to be interested in the other. This minor will also be attractive to graduates who asked for more ENL classes in the past; it is anticipated some of

the numbers in the minor will come from practicing teachers who want to add this endorsement to their teaching certificate.

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

The rationale for the curriculum is based on the South Dakota Department of Education requirements for an endorsement in English as a New Language, as well as on the National Board of Professional Teaching Standards and TESOL national standards.

SD DOE Requirements:

<http://doe.sd.gov/certification/documents/ELEM-EL.pdf> and
<http://doe.sd.gov/certification/documents/SEC-EL.pdf>

National Board of Professional Teaching Standards:

<http://www.nbpts.org/wp-content/uploads/ECYA-ENL.pdf>

TESOL Standards: [http://www.tesol.org/docs/default-source/advocacy/the-revised-tesol-nate-standards-for-the-recognition-of-initial-tesol-programs-in-p-12-esl-teacher-education-\(2010-pdf\).pdf?sfvrsn=4](http://www.tesol.org/docs/default-source/advocacy/the-revised-tesol-nate-standards-for-the-recognition-of-initial-tesol-programs-in-p-12-esl-teacher-education-(2010-pdf).pdf?sfvrsn=4)

This minor would help ensure that teachers are prepared to work with ENL students in whatever capacity they find themselves (SPED, general education classroom, ENL teacher, etc.). National guidelines state that school districts must provide ENL students with staff to help teach, monitor, and evaluate the effectiveness of the district's language assistant programs.

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

A. Distribution of Credit Hours

English as a New Language Minor	Credit Hours	Percent
Requirements in minor		100%
Electives in minor		0%
Total		100%

B. Required Courses in the Minor

Prefix	Number	Course Title	Credits	New
ELED	462	Teaching English: New Language	2	no
EDFN	460	Applied Linguistic for Teaching English as a Second Language	3	yes
EDER	415	Educational Assessment	2	no
EPSY	210	Lifespan Development	3	no
ELED	466	P-12 ELL Curriculum, Instruction, & Assessment	3	yes

EDFN	475	Human Relations	3	no
ED	495	Practicum	2	no
Subtotal			18	

Permission to offer EDFN 460 was requested from SDSU and they sent their approval for us to offer on April 23rd. Permission to offer ELED 466 was requested from USD and it was agreed that DSU would offer the course during the fall or spring semester while USD will offer the course in the summer term.

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

No electives in the minor.

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

This program will lay the foundation for future teachers to effectively move students along in their journey of learning English, as well as the grade level academics, in whatever capacity they find themselves in. They will learn the structure of English language, best practices for teaching and learning a language, and how to effectively monitor and remediate both their English and academic achievement. Students will be prepared to take the Praxis exam, (5362) English to Speakers of Other Languages, upon completion of the minor.

11. 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.*

Instructors will use a hybrid approach of utilizing online, on-campus, and field experiences in K-12 classrooms. The instructional practices will utilize class discussions, observations of best practice in teaching and learning. Technology will be utilized to provide classroom observations, and observations of best practice in teaching, that may not otherwise be available as a practicum in the K-12 setting.

12. Delivery Location²

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 program through distance technology (e.g., as an online program)?

Type of Delivery	Yes/No	Intended Start Date
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² The accreditation requirements of the Higher Learning Commission (HLC) require Board approval for a university to offer programs off-campus and through distance delivery.

On-Campus	Yes	Spring 2019
Off-Campus	No	N/A
Online*	Yes	Spring 2019

* All courses in this program will be offered beginning Spring 2019 except for ELED 466 and EDFN 460. Those two courses will begin Summer 2019 or Fall 2019, depending on faculty workloads for summer and fall. DSU has the current capacity to teach both on-campus and online sections of the courses on a rotating basis. If necessary, a qualified adjunct has been identified to teach.

13. 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

14. 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.

Courses will be covered by the reallocation of existing faculty teaching assignments and making use of adjunct faculty identified as having the expertise to deliver coursework. Placement of practicum and field experiences will be the responsibility of the Director of Field Services and faculty and the Director of Field Services will supervise the clinical experiences.

15. 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" in the appropriate box).

☐

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: 3 – D (1)

DATE: October 2-4, 2018

SUBJECT

New Specialization: DSU Specialization in Cryptography in BS in Mathematics

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests authorization to offer a specialization in Cryptography within the BS in Mathematics. The proposal is part of DSU's combining their existing majors in Mathematics for Information Systems and Mathematics Education into a single major in Mathematics with four specializations: Information Systems, Intermediate Education, Secondary Education, and Cryptography. According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%. The specialization in Cryptography will provide students with mathematical training and tools to understand and apply cryptographic methods (how to encode and decode private messages).

IMPACT AND RECOMMENDATION

DSU requests authorization to offer the specialization on the Madison campus. The specialization requires the creation of two new courses. DSU is not asking for additional resources to offer the program.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: DSU – Cryptography within the BS in Mathematics

DRAFT MOTION 20181002_3-D(1):

I move to authorize DSU to offer the specialization in Cryptography in the BS in Mathematics program, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	DSU
TITLE OF PROPOSED SPECIALIZATION:	Cryptography Specialization
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	B.S. in Mathematics
INTENDED DATE OF IMPLEMENTATION:	8/3/2018
PROPOSED CIP CODE:	27.0101
UNIVERSITY DEPARTMENT:	College of Arts and Sciences
UNIVERSITY DIVISION:	Mathematics

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

5/2/2018

Date

1. Level of the Specialization (*place an "X" in the appropriate box*):

Baccalaureate ☒ Master's ☐ Doctoral ☐

2. What is the nature/purpose of the proposed specialization?

Students that complete the Mathematics program with a Cryptography specialization will have the mathematical training and tools to understand and apply cryptographic methods (how to encode and decode private messages). All mathematics majors complete a technology minor and students that complete the Cryptography specialization receive both a Computer Science Minor and a Cyber Operations Minor. Students that wish to earn a double major in Mathematics with a specialization in Cryptography will only need to complete the mathematics component of the specialization (as it is currently in the University Catalog).

3. Provide a justification for the specialization, including the potential benefits to students and potential workforce demand for those who graduate with the credential.¹

The American Mathematical Society has shown that the “Intensity of math competencies in its purest form over time is increasing” (<http://www.ams.org/about-us/governance/committees/Jaco.pdf>). The mathematics specializations are designed to provide the mathematics training to prepare students for the mathematical career path of their choice; career paths in education (intermediate level or secondary level) and technology (information systems or cryptography).

According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%.² The Cryptography Specialization is an intensive mathematics program paired with Computer Science and Cyber Operations minors to provide students the analytics background to increase their employability in the competitive Cyber Security and Cryptography job market. According to *Forbes*, the cybersecurity market is expected to grow from \$75 billion in 2015 to \$170 billion by 2020.³

4. List the proposed curriculum for the specialization (including the requirements for completing the major – *highlight courses in the specialization*):

Pref.	Num.	Title	Cr. Hrs.	New (yes, no)
System Wide General Education Requirement (All students are required to take MATH 123 as part of the general education requirements)			30	
Mathematics Core Requirements			12	
MATH	201	Introduction to Discrete Math	3	No
MATH	281	Introduction to Statistics	3	No
MATH	315	Linear Algebra	3	No
MATH	316	Discrete Mathematics	3	No
Cryptography Specialization				
Mathematics Component			25	
MATH	125	Calculus II	4	No
MATH	381	Intro to Probability and Stats	3-4	No
MATH	413	Abstract Algebra I	3	No
MATH	436	Number Theory and Cryptography	3	Yes
MATH	437	Cryptography and Codes	3	Yes
Choose 9 credits from the following			9	
MATH	225	Calculus III	4	No
MATH	318	Adv. Discrete Mathematics	3	No
MATH	321	Differential Equations	3-4	
MATH	418	Mathematical Modeling	3	No

¹ For workforce related information, please 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.

² Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Mathematicians and Statisticians, on the Internet at <https://www.bls.gov/ooh/math/mathematicians-and-statisticians.htm> (visited June 6, 2018).

³ Steve Morgan, “Cybersecurity Market Reaches \$75 Billion in 2015; Expected to Reach \$170 Billion by 2020,” *Forbes* (December 20, 2015), on the Internet at <https://www.forbes.com/sites/stevemorgan/2015/12/20/cybersecurity%E2%80%8B-%E2%80%8Bmarket-reaches-75-billion-in-2015%E2%80%8B%E2%80%8B-%E2%80%8Bexpected-to-reach-170-billion-by-2020/#434234fd30d6> (visited June 6, 2018).

MATH	471	Numerical Analysis I	3	No
MATH	475	Operations Research	3	No
MATH	492	Topics	1-6*	No
MATH	498	Undergrad Research/Scholarship	1-6	No
*May be repeated provided student does not enroll in the same topics course.				
Computer Science Minor			18	
Cyber Operations Minor			18	
Electives			17	
Total number of hours required for completion of specialization			25	
Total number of hours required for completion of major			73	
Total number of hours required for completion of degree			120	

Students obtaining a degree in Computer Science or Cyber Operations need only complete the Mathematics Core (12 cr.) and the Mathematics Component (25 cr.) of the Cryptography Specialization to earn math as a second major.

5. Delivery Location⁴

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 program through distance technology (e.g., as an on-line program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2018

	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 ⁵	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

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)?⁶

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

⁴ The Higher Learning Commission (HLC) and Board of Regents policy requires approval for a university to offer programs off-campus and through distance delivery.

⁵ Delivery methods are defined in [AAC Guideline 5.5](#).

⁶ This question responds to HLC definitions for distance delivery.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – D (2)

DATE: October 2-4, 2018

SUBJECT

New Specialization: DSU Specialization in Information Systems in BS in Mathematics

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests authorization to offer a specialization in Information Systems within the BS in Mathematics. The proposal is part of DSU's combining their existing majors in Mathematics for Information Systems and Mathematics Education into a single major in Mathematics with four specializations: Information Systems, Intermediate Education, Secondary Education, and Cryptography. According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%. The specialization will prepare students in mathematical training and the ability to analyze information technology problems from a mathematical perspective.

IMPACT AND RECOMMENDATION

DSU requests authorization to offer the specialization on the Madison campus. The specialization requires the creation of two new elective courses that are part of another specialization's requirements. DSU is not asking for additional resources to offer the program.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: DSU – Information Systems within the BS in Mathematics

DRAFT MOTION 20181002_3-D(2):

I move to authorize DSU to offer the specialization in Information Systems in the BS in Mathematics program, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	DSU
TITLE OF PROPOSED SPECIALIZATION:	Information Systems Specialization
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	B.S. in Mathematics
INTENDED DATE OF IMPLEMENTATION:	8/3/2018
PROPOSED CIP CODE:	27.0101
UNIVERSITY DEPARTMENT:	College of Arts and Sciences
UNIVERSITY DIVISION:	Mathematics

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

5/2/2018

Date

1. Level of the Specialization (place an "X" in the appropriate box):

Baccalaureate ☒ Master's ☐ Doctoral ☐

2. What is the nature/purpose of the proposed specialization?

Students that complete the Mathematics program with an Information Systems specialization will have the mathematical training and tools to analyze problems from a mathematical perspective. All mathematics majors complete a technology minor and students that complete the Information Systems specialization earn an Information Systems Minor. Students that wish to earn a double major in Mathematics with a specialization in Information Systems will only need to complete the mathematics component of the specialization (as it is currently in the University Catalog).

3. Provide a justification for the specialization, including the potential benefits to students and potential workforce demand for those who graduate with the credential.¹

¹ For workforce related information, please 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.

The American Mathematical Society has shown that the “Intensity of math competencies in its purest form over time is increasing” (<http://www.ams.org/about-us/governance/committees/Jaco.pdf>). The mathematics specializations are designed to provide the mathematics training to prepare students for the mathematical career path of their choice. Career paths in education (intermediate level or secondary level) and technology (information systems or cryptography).

According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%.² This specialization is the current Math for Information Systems program delivered by DSU. Most students completing this major are computer science double majors and must only complete the additional math coursework to earn the double major (support coursework is not required of double majors). These students seek the additional mathematics credential to increase their employability in a competitive job market.

4. List the proposed curriculum for the specialization (including the requirements for completing the major – *highlight courses in the specialization*):

Pref.	Num.	Title	Cr. Hrs.	New (yes, no)
System Wide General Education Requirement (All students are required to take MATH 123 as part of the general education requirements)			30	
Mathematics Core Requirements			12	
MATH	201	Introduction to Discrete Math	3	No
MATH	281	Introduction to Statistics	3	No
MATH	315	Linear Algebra	3	No
MATH	316	Discrete Mathematics	3	No
Information Systems Specialization				
Mathematics Component			16	
MATH	125	Calculus II	4	No
Choose 12 credits from the following			12	
MATH	225	Calculus III	4	No
MATH	282	Mathematics of Games	3	No
MATH	318	Adv. Discrete Mathematics	3	No
MATH	321	Differential Equations	3-4	No
MATH	361	Modern Geometry	3	No
MATH	381	Intro to Probability and Stats	3-4	No
MATH	413	Abstract Algebra I	3	No
MATH	418	Mathematical Modeling	3	No
MATH	436	Number Theory and Cryptography	3	Yes
MATH	437	Cryptography and Codes	3	Yes
MATH	471	Numerical Analysis I	3	No
MATH	475	Operations Research	3	No
MATH	492	Topics	1-6*	No
MATH	498	Undergrad Research/Scholarship	1-6	No
*May be repeated provided student does not enroll in the same topics course.				
Computer Information Systems Minor			24	
Minor (Biology, Business Administration, Chemistry, Computer Forensics, Cyber Operations, Computer Science, Physics) (Non-teaching majors must choose one of the above minors)			18-21	

² Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Mathematicians and Statisticians, on the Internet at <https://www.bls.gov/ooh/math/mathematicians-and-statisticians.htm> (visited June 6, 2018).

	Electives	17-20
Total number of hours required for completion of specialization		16
Total number of hours required for completion of major		70
Total number of hours required for completion of degree		120

Students obtaining a degree in Computer Science, Computer Game Design, Cyber Operations, Physical Science, or Biology need only complete the Mathematics Core (12 cr.) and the Mathematics Component (16 cr.) in the Information Systems Specialization to earn this as a second major.

5. Delivery Location³

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 program through distance technology (e.g., as an on-line program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2018

	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 ⁴	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

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)? ⁵

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

³ The Higher Learning Commission (HLC) and Board of Regents policy requires approval for a university to offer programs off-campus and through distance delivery.

⁴ Delivery methods are defined in [AAC Guideline 5.5](#).

⁵ This question responds to HLC definitions for distance delivery.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – D (3)

DATE: October 2-4, 2018

SUBJECT

New Specialization: DSU Specialization in Intermediate Education in BS in Mathematics

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests authorization to offer a specialization in Intermediate Education within the BS in Mathematics. The proposal is part of DSU's combining their existing majors in Mathematics for Information Systems and Mathematics Education into a single major in Mathematics with four specializations: Information Systems, Intermediate Education, Secondary Education, and Cryptography. According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%. The specialization will prepare students to teach middle school and lower secondary mathematics. Program completers will meet the state of SD Department of Education criteria for the secondary education endorsement.

IMPACT AND RECOMMENDATION

DSU requests authorization to offer the specialization on the Madison campus and online. The specialization does not require the creation of any new courses. DSU is not asking for additional resources to offer the program.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: DSU – Intermediate Education within the BS in Mathematics

DRAFT MOTION 20181002_3-D(3):

I move to authorize DSU to offer the specialization in Intermediate Education in the BS in Mathematics program, including authorization to offer the program online, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	DSU
TITLE OF PROPOSED SPECIALIZATION:	Intermediate Education Specialization
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	B.S. in Mathematics
INTENDED DATE OF IMPLEMENTATION:	8/3/2018
PROPOSED CIP CODE:	27.0101
UNIVERSITY DEPARTMENT:	College of Arts and Sciences
UNIVERSITY DIVISION:	Mathematics

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

5/2/2018

Date

1. Level of the Specialization (*place an "X" in the appropriate box*):

Baccalaureate ☒ Master's ☐ Doctoral ☐

2. What is the nature/purpose of the proposed specialization?

Students that complete the Mathematics program with an Intermediate Education specialization will be prepared to be middle school mathematics teachers as well as lower level secondary math teachers. Program completers will meet the state of SD Department of Education criteria for the secondary education endorsement. As an education program, there is an education component that is required for this specialization and students are required to complete the K-12 Educational Technology Minor (each of the math specializations has a technology minor requirement).

3. Provide a justification for the specialization, including the potential benefits to students and potential workforce demand for those who graduate with the credential.¹

¹ For workforce related information, please 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.

The American Mathematical Society has shown that the “Intensity of math competencies in its purest form over time is increasing” (<http://www.ams.org/about-us/governance/committees/Jaco.pdf>). The mathematics specializations are designed to provide mathematics training to prepare students for the mathematical career path of their choice; career paths in education (intermediate level or secondary level) and technology (information systems or cryptography).

According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%.² Graduates with the specialization in Intermediate Education will aid in filling math teaching positions within the state. For the 2014-2015 School Year, the Associated School Boards of South Dakota posted the following South Dakota Teaching Vacancies for Math³.

Month	Number of Vacancies
January	6
February	15
March	21
April	28
May	19
June	12
July	11
August	5
September	2
October	6
November	7
December	6

In an August 1, 2014 blog of the Association of School Boards of South Dakota titled “Plenty of Concern over Teacher Shortages” it was reported that 29 of the 62 spring mathematics teaching jobs in the state were still vacant on May 28th.⁴ The June 18, 2014, blog post reported that “75 percent of superintendents responding to the survey believed the **teaching applicant pool was inadequate**.”⁵

The Bureau of Labor Statistics projects a 15.7% increase in demand for math teachers in the state of South Dakota by 2024 and nationally an increase in demand by 16.4%.⁶

Math Education is a critical teaching need in the state of South Dakota. There is a scholarship called the “South Dakota Critical Teaching Needs Scholarship” administered by the Board of Regents to support students majoring in math education (as well as other critical need programs) in the last two years of their programs.⁷

Students that begin their college career in math education and want to teach mathematics, but struggle in the abstract upper-level courses, will now have a program that still contains classes to develop their math skills in preparation of being a middle school or lower-level high school mathematics teacher. Currently, students that struggle in upper-level math courses after completing the lower-level math courses that want to be math teachers move to elementary

² Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Mathematicians and Statisticians, on the Internet at <https://www.bls.gov/ooh/math/mathematicians-and-statisticians.htm> (visited May 14, 2018).

³ <http://teacher.asbsd.org/dl/JumpStartingYourJobSearch20152016.pdf>

⁴ <http://asbsd.org/index.php/plenty-of-concern/>

⁵ <http://asbsd.org/index.php/positions-tough-to-fill/>

⁶ <http://www.projectionscentral.com/Projections/LongTerm>

⁷ <https://www.sdbor.edu/teachers-counselors/Documents/Scholarship-Opportunities.pdf>

education and then take the middle school math exam to become endorsed in mathematics (lower-level endorsement – no math content coursework requirements). The new program will allow students the option of taking a few additional lower-level math courses and earning a degree in intermediate math education instead of switching to elementary education or general studies which will result in a graduate endorsed to teach high school mathematics.

4. List the proposed curriculum for the specialization (including the requirements for completing the major – *highlight courses in the specialization*):

Pref.	Num.	Title	Cr. Hrs.	New (Yes or No)
System Wide General Education Requirement (All students are required to take MATH 123 as part of the general education requirements)			30	
Mathematics Core Requirements			12	
MATH	201	Introduction to Discrete Math	3	No
MATH	281	Introduction to Statistics	3	No
MATH	315	Linear Algebra	3	No
MATH	316	Discrete Mathematics	3	No
Intermediate Education Specialization (Student must take EPSY 210 & INED 211 as part of the general education requirements)				
Mathematics Component			16	
SEED	301	Technology for Math Teachers	3	No
MATH	341	MATH Concepts for Teachers I	3	No
MATH	342	Math Concepts for Teachers II	3	No
MATH	361	Modern Geometry	3	No
ELED	422	K-8 Science and Math Technology	3	No
MATH	488	Capstone	1	No
K-12 Educational Technology Minor			18	
CSC	105	Introduction to Computers	3	No
EDER	415	Educational Assessment	2	No
CIS	350	Computer Hardware, Data Communications and Networking	3	No
EDFN	365	Computer-Based Technology & Learning	3	No
SEED	401	Methods of Educational Technology	1	No
Choose one of the following courses			3	
CIS	123	Problem Solving and Programming		No
CIS	130	Visual Basic Programming		No
CSC	150	Computer Science I		No
Choose three of the following courses			3	
CIS	206	Advanced Applications:		No
CIS	207	Advanced Applications Spreadsheet		No
CIS	208	Advanced Applications: Database		No
CIS	209	Advanced Applications: SAS		No
CIS	210	Quickbooks		No
Education Component			28	
SPED	100	Introduction to Persons with Exceptionalities	3	No
EDFN	338	Foundations of American Ed	2	No
EDFN	475	Human Relations	3	No
EPSY	300	Survey of Middle Level Education	1	No
EPSY	302	Educational Psychology	3	No
SEED	295	Practicum	1	No
SEED	302	Secondary/Middle/Content Area Major	2	No
SEED	440	Classroom Management	2	No
SEED	450	Reading and content Literacy	3	No
SEED	488	7-12 Student Teaching	8	No

Electives			16	
Total number of hours required for completion of specialization			16	
Total number of hours required for completion of major			74	
Total number of hours required for completion of degree			120	

5. Delivery Location⁸

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 program through distance technology (e.g., as an on-line program)?

	Yes/No	Intended Start Date
On campus	Yes	Fall 2018

	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 methods⁹	Intended Start Date
Distance Delivery (online/other distance delivery methods)	Yes		Fall 2018

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)?¹⁰

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

⁸ The Higher Learning Commission (HLC) and Board of Regents policy requires approval for a university to offer programs off-campus and through distance delivery.

⁹ Delivery methods are defined in [AAC Guideline 5.5](#).

¹⁰ This question responds to HLC definitions for distance delivery.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – D (4)

DATE: October 2-4, 2018

SUBJECT

New Specialization: DSU Specialization in Secondary Education in BS in Mathematics

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

BACKGROUND / DISCUSSION

Dakota State University (DSU) requests authorization to offer a specialization in Secondary Education within the BS in Mathematics. The proposal is part of DSU's combining their existing majors in Mathematics for Information Systems and Mathematics Education into a single major in Mathematics with four specializations: Information Systems, Intermediate Education, Secondary Education, and Cryptography. According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%. The specialization will prepare students to teach high school and middle school mathematics. Program completers will meet the state of SD Department of Education criteria for the secondary education endorsement.

IMPACT AND RECOMMENDATION

DSU requests authorization to offer the specialization on the Madison campus. The specialization requires the creation of two new elective courses that are part of another specialization's requirements. DSU is not asking for additional resources to offer the program.

Board office staff recommends approval of the program.

ATTACHMENTS

Attachment I – New Specialization Request Form: DSU – Secondary Education within the BS in Mathematics

DRAFT MOTION 20181002_3-D(4):

I move to authorize DSU to offer the specialization in Secondary Education in the BS in Mathematics program, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Specialization

UNIVERSITY:	DSU
TITLE OF PROPOSED SPECIALIZATION:	Secondary Education Specialization
NAME OF DEGREE PROGRAM IN WHICH SPECIALIZATION IS OFFERED:	B.S. in Mathematics
INTENDED DATE OF IMPLEMENTATION:	8/3/2018
PROPOSED CIP CODE:	27.0101
UNIVERSITY DEPARTMENT:	College of Arts and Sciences
UNIVERSITY DIVISION:	Mathematics

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

5/2/2018

Date

1. Level of the Specialization (*place an "X" in the appropriate box*):

Baccalaureate ☒ Master's ☐ Doctoral ☐

2. What is the nature/purpose of the proposed specialization?

Students that complete the Mathematics program with a Secondary Education specialization will be well prepared to be high school mathematics teachers as well as middle school mathematics teachers. Program completers will meet the state of SD Department of Education criteria for the secondary education endorsement, this is a traditional secondary mathematics program that will be recognized by other states. As an education program, there is an education component that is required for this specialization and students are required to complete the K-12 Educational Technology Minor (each of the math specializations has a technology minor requirement).

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

The American Mathematical Society has shown that the “Intensity of math competencies in its purest form over time is increasing” (<http://www.ams.org/about-us/governance/committees/Jaco.pdf>). The mathematics specializations are designed to provide mathematics training to prepare students for the mathematical career path of their choice; career paths in education (intermediate level or secondary level) and technology (information systems or cryptography).

According to the U.S. Bureau of Labor Statistics there is a projected national job growth (2016 – 2024) for mathematicians of 33%.¹ The Bureau of Labor Statistics projects a 15.7% increase in demand for math teachers in the state of South Dakota by 2024 and nationally an increase in demand by 16.4%.²

Math Education is a critical teaching need in the state of South Dakota and there is a scholarship called the “South Dakota Critical Teaching Needs Scholarship” administered by the Board of Regents to support students majoring in math education (as well as other critical need programs) in the last two years of their programs.³

This specialization is the current Math Education program delivered by Dakota State University. Instead of having four different undergraduate math programs we propose combining the math programs under one umbrella.

4. List the proposed curriculum for the specialization (including the requirements for completing the major – *highlight courses in the specialization*):

Pref.	Num.	Title	Cr. Hrs.	New (Yes or No)
System Wide General Education Requirement (All students are required to take MATH 123 as part of the general education requirements)			30	
Mathematics Core Requirements			12	
MATH	201	Introduction to Discrete Math	3	No
MATH	281	Introduction to Statistics	3	No
MATH	315	Linear Algebra	3	No
MATH	316	Discrete Mathematics	3	No
Secondary Education Specialization (Student must take EPSY 210 & INED 211 as part of the general education requirements)				
Mathematics Component			23	
MATH	125	Calculus II	4	No
MATH	341	Math Concepts for Teachers I	3	No
MATH	342	Math Concepts for Teachers II	3	No
MATH	361	Modern Geometry	3	No
MATH	413	Abstract Algebra	3	No
MATH	488	Capstone	1	No
Choose 6 credits from the following			6	
MATH	225	Calculus III	4	No
MATH	282	Mathematics of Games	3	No
MATH	318	Adv. Discrete Mathematics	3	No

¹ Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Mathematicians and Statisticians, on the Internet at <https://www.bls.gov/ooh/math/mathematicians-and-statisticians.htm> (visited May 14, 2018).

² <http://www.projectionscentral.com/Projections/LongTerm>

³ <https://www.sdbor.edu/teachers-counselors/Documents/Scholarship-Opportunities.pdf>

MATH	321	Differential Equations	3-4	No
MATH	381	Intro to Probability and Stats	3-4	No
MATH	418	Mathematical Modeling	3	No
MATH	436	Number Theory and Cryptography	3	Yes
MATH	437	Cryptography and Codes	3	Yes
MATH	471	Numerical Analysis I	3	No
MATH	475	Operations Research	3	No
MATH	492	Topics	1-6*	No
MATH	498	Undergrad Research/Scholarship	1-6	No
*May be repeated provided student does not enroll in the same topics course.				
K-12 Educational Technology Minor			18-19	
CSC	105	Introduction to Computers	3	No
CIS	350	Computer Hardware, Data Communications and Networking	3	No
EDFN	365	Computer-Based Technology & Learning	3	No
SEED	401	Methods of Educational Technology	1	No
Choose one course from the following			3	
CIS	123	Problem Solving and Programming		No
CIS	130	Visual Basic Programming		No
CSC	150	Computer Science I		No
Choose three courses from the following			3	
CIS	206	Advanced Applications:		No
CIS	207	Advanced Applications: Spreadsheet		No
CIS	208	Advanced Applications: Database		No
CIS	209	Advanced Applications: SAS		No
CIS	210	Quickbooks		No
Choose one course from the following			2-3	
SEED	301	Technology for Math Teachers		No
EDER	415	Educational Assessment		No
ELED	422	K-8 Science and Math Technology		No
Education Component			27	
SPED	100	Introduction to Persons with Exceptionalities	3	No
EDFN	338	Foundations of American Ed	2	No
EDFN	475	Human Relations	3	No
EPSY	302	Educational Psychology	3	No
SEED	295	Practicum	1	No
SEED	302	Secondary/Middle/Content Area Major	2	No
SEED	440	Classroom Management	2	No
SEED	450	Reading and content Literacy	3	No
SEED	488	7-12 Student Teaching	8	No
Electives			9-10	
Total number of hours required for completion of specialization			23	
Total number of hours required for completion of major			80	
Total number of hours required for completion of degree			120	

5. Delivery Location⁴

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

⁴ The Higher Learning Commission (HLC) and Board of Regents policy requires approval for a university to offer programs off-campus and through distance delivery.

University Center, Black Hills State University-Rapid City, 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 2018

	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 ⁵	Intended Start Date
Distance Delivery (online/other distance delivery methods)	No		

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)?⁶

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

⁵ Delivery methods are defined in [AAC Guideline 5.5](#).

⁶ This question responds to HLC definitions for distance delivery.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – E
DATE: October 2-4, 2018

SUBJECT

New Site: DSU BSEd in Elementary Education (Online)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

[BOR Policy 2:12](#) – Distance Education

BACKGROUND / DISCUSSION

DSU is requesting to offer the Bachelor of Science in Education (BSEd) in Elementary Education by distance delivery. DSU presently delivers their composite BSEd in Elementary Education/K-12 Special Education online. The primary audience for the proposed online program is paraprofessionals working in elementary education classrooms, providing opportunities to obtain teacher certification. DSU's maintains current accreditation through the Council for the Accreditation of Educator Preparation (CAEP).

IMPACT AND RECOMMENDATION

No other Elementary Education programs have current authorization for online delivery within the Regental system. DSU estimates that offering the program online will result in twelve new students per year. DSU is not asking for additional resources to offer the program and no additional costs are incurred through online delivery.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – New Site Request Form: DSU – BSEd in Elementary Education (Online)

DRAFT MOTION 20181002_3-E:

I move to authorize DSU to offer the BSEd in Elementary Education online, as presented.



SOUTH DAKOTA BOARD OF REGENTS ACADEMIC AFFAIRS FORMS

New Site Request

UNIVERSITY:	DSU
DEGREE(S) AND PROGRAM:	B.S.ED. Elementary Education
NEW SITE(S):¹	Online
INTENDED DATE OF IMPLEMENTATION:	Fall 2018
CIP CODE:	13.1202
UNIVERSITY DEPARTMENT:	College of Education
UNIVERSITY DIVISION:	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.

J. M. Gustafson

President of the University

5/15/2018

Date

1. What is the need for offering the program at the new physical site or through distance delivery?

DSU is requesting to offer the B.S. ED in K-8 Elementary Education by distance delivery. DSU presently delivers its composite degree B.S. ED in K-8 Elementary Education/K-12 Special Education online. The primary audience for that degree is special education paraprofessionals in South Dakota school districts. Principals and prospective students request the K-8 Elementary Education program alone as it allows those paraprofessionals working in elementary education classrooms a means to obtain their degrees and become fully certified teachers within their respective districts. The K-8 Elementary Education degree also enables paraprofessionals a faster route to certification than the current online K-8 Elementary Education/K-12 Special Education degree route.

Both degree programs provide a means for rural school districts to ‘grow their own’ teachers by encouraging paraprofessionals to finish degrees and reaching out to those who are geographically bound to an area. These individuals are likely to stay in a district because of local ties in the community.

¹ If the request is for a new physical location, include an address for the location. Delivery methods are defined in [AAC Guideline 5.5](#).

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

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*).

It is anticipated that some students will be redirected from the existing online K-8 Elementary Education/K-12 Special Education program, but online student enrollment in this major should remain strong due to continued demand for special education teachers in the state, region, and nation. The online program also offers practicing non-special education teachers the opportunity to take special education classes online to renew their teaching certificates and to add endorsements in special education – an area expected to remain strong.

We receive several inquiries each semester from prospective students who want an elementary degree online, so new students are anticipated in this program. Offering the K-8 Elementary Education degree online will allow non-traditional students the flexibility they need to complete a degree while taking care of small children, working outside the home/farm/ranch, or living in remote areas of South Dakota.

On-campus numbers in the elementary education program are around 100 and this online program is anticipated to have little, if any, impact on that number. The target for this program is non-traditional students, paraprofessionals, and those seeking a second career in the teaching profession. On-campus numbers in the K-8 Elementary Education/K-12 Special Education program are also around 100, with an additional 35 or so online. We anticipate the numbers for the online group may be impacted by about five students, but campus numbers to remain constant.

	Fiscal Years*			
	1 st	2 nd	3 rd	4 th
<i>Estimates</i>	FY 18	FY 19	FY 20	FY 21
Students new to the university	7	12	12	12
Students from other university programs	5	0	0	0
= Total students in the program at the site	12	24	36	48
Program credit hours (major courses)** (Note: Students in this program are likely to come in with transfer credits since the target group is non-traditional students & working paraprofessionals.)	72	228	930	930
Graduates	0	0	5	12

*Do not include current fiscal year.

**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. (FY1: 12 students taking 6 credits in major = 72; FY2: 19 students taking 12 credits in major = 228; FY3: 41 students taking 30 credits in major = 930; FY4: 41 students taking 30 credits in major = 930)

4. What is the perceived impact of this request on existing programs in the Regental system?

We do not anticipate any impact on existing programs in the Regental system because of our experience offering the K-8 Elementary Education/K-12 Special Education program online. That did not impact the numbers at other universities because our target audience was again non-traditional students with some college completed and working in school systems as paraprofessionals in special education classrooms. This program will have the same target audience.

- 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.**

B.S. ED in Elementary Education (Note: DSU is authorized to deliver the K-8 Elementary Education/K-12 Special Education degree online, so no additional courses will need to be developed for online delivery; they are already part of the K-8 Elementary Education/K-12 Special Education program.)	Credit hours	Credit hours currently available from this university at this site (online)	Credit hours currently available from other universities available at this site (online)	Credit hours currently available via distance at DSU	Credit hours new to this university
System General Education Requirements	30	30	30	30	0
<i>Subtotal, Degree Requirements</i>	30	30		30	0
Required Support Courses	0	0	0	0	0
Major Requirements	82	82	19	82	0
Major Electives or Minor					
<i>Subtotal, Requirements of the Proposed Major</i>	82	82		82	0
Free Electives	8	8	8	8	0
<i>Total, Degree with Proposed Major</i>	120	120	57	120	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.

No program modifications are requested or needed to deliver this program online. Coursework, faculty expertise, and knowledge of managing field experiences is already in place due to the online K-8 Elementary Education/K-12 Special Education degree program.

Other universities offer classes online, so it is possible all 30 general education credits could be taken through a variety of Regental universities. Examples of courses in the major that could be taken elsewhere includes SPED 100, EDFN 338, EPSY 302, MATH 341, MATH 342, ELED 303, PE 360. Through WebAdvisor program evaluation, we track the number of credits a student transfers in, which contribute to the 50% major requirement rule, the minimum credit from 4-year school rule, and GPA in major.

- 6. How will the university provide student services comparable to those available for students on the main campus?**

DSU has an existing infrastructure for online students that includes student services, library, proctoring services, tutoring and other support services that are available to all university students regardless of their location. College of Education faculty provide online academic advising and have been doing so for several years. Because of our previous experience with the

online K-8 Elementary Education/K-12 Special Education program, we do not anticipate any difficulties providing appropriate student services to this degree program participants. (Note: A new College of Education “Online Student Advisory Committee” is planned for the 2018-19 academic year; representatives from the online elementary education program will be invited to be part of that group, if online delivery is approved by the Board of Regents.)

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).

DSU’s education programs are accredited by the Council for the Accreditation of Educator Preparation (CAEP). Prior to that, the programs were accredited by the National Council for Accreditation of Teacher Education (NCATE). The most recent on-site visit was Spring 2016, with accreditation renewal received after the CAEP meeting in Fall 2016. All programs were reviewed with no concerns about online delivery; it is anticipated the same will be true for the K-8 Elementary Education program offered online if approved by the Board of Regents. No additional costs will be incurred by delivery online.

8. Does the university request any exceptions to Board policy for delivery at the new site(s)? Explain requests for exceptions to Board policy.

None

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.

Because courses in the K-8 Elementary Education program are within the already developed online K-8 Elementary Education/K-12 Special Education program, no additional costs are anticipated. Courses that are different between the two majors are: EDER 415 Educational Assessment; EDFN 401 Methods of Educational Technology; and SPED 441 Inclusive Methods for Diverse Learners. All three courses are presently offered online: SPED 441 and EDFN 401 are only offered online and have been for several years; EDER 415 is offered online and on-campus.

No additional faculty are anticipated at this time but depending on program growth from online and on-campus, additional faculty may be needed at some point. For now, existing faculty can handle the courses because we are already offering them online for the K-8 Elementary Education/K-12 Special Education program.

10. Other:

An email was sent on July 11, 2018 to all Regental institutions informing them of DSU’s intent.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – F
DATE: October 2-4, 2018

SUBJECT

Herbicide Injury Study Joint Powers Agreement – SDSU & SD Department of Agriculture

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

The South Dakota Department of Agriculture (DOA) desires to contract with South Dakota State University (SDSU) to investigate and survey the impact of herbicide use on trees in community and rural forests. The Joint Powers Agreement will commence upon signing and run through May 31, 2020. DOA will provide up to \$47,000 to SDSU to complete the work, with SDSU providing non-federal matching funds, as provided for in Attachment I.

BOR Policy 5:3 (“Contracts Requiring Board Action...D. Joint powers agreements”), requires Board approval of Joint Powers Agreements (JPA). As such, Board of approval of the JPA set forth in Attachment I is necessary.

IMPACT AND RECOMMENDATION

The attached JPA will allow SDSU to receive up to \$47,000 to conduct the investigation and survey on the impact of herbicide use on trees in community and rural forests set forth in Attachment I.

Staff recommends approval.

ATTACHMENTS

Attachment I – Herbicide Injury Study JPA

DRAFT MOTION 20181002_3-F:

I move to approve the Joint Powers Agreement set forth in Attachment I.



**SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
RESOURCE CONSERVATION & FORESTRY DIVISION
AND SOUTH DAKOTA STATE UNIVERSITY
HERBICIDE INJURY ON TREES
JOINT POWERS AGREEMENT**

This Agreement made and entered into by and between the South Dakota Department of Agriculture, Resource Conservation and Forestry Division, an agency of the State of South Dakota, 523 East Capitol Ave., Pierre, SD 57501-3182, (hereinafter "SDDA") and the South Dakota State University, 1015 Campanile Ave, SAD 200, Box 2201, Brookings, SD 57007 (hereinafter "SDSU").

I.
GENERAL PROVISIONS

A. SDDA and SDSU hereby enter into this Agreement in consideration of and pursuant to the terms and conditions set forth herein.

1. SDSU and SDDA will perform those services described in the Work Plan, attached hereto as Exhibit A "Investigation and Survey of Herbicide Injury on Trees in Community and Rural Forests" and by this reference incorporated herein.

2. Services under this Agreement shall commence on upon signing and end on May 31, 2020, unless sooner terminated pursuant to the terms hereof.

3. SDDA will make payment for services as provided in Exhibit A. The total contract amount will not exceed \$47,000. SDSU will provide matching expenditures that at least equal the total contract amount. Payments will be made upon submission of non-cash vouchers from SDSU. Documentation of expenditures is necessary to show that the required match for federal funds has been met by SDSU.

4. SDSU may charge an administrative fee or indirect charge equal to the indirect rate allowed by the United States Forest Service for federal grants provided to SDDA. For this agreement, the SDDA indirect rate is 22.1 percent. The difference between the SDSU's administrative fee and the allowed indirect rate for SDDA may be used as in-kind match.

5. SDSU agrees to report to SDDA any event encountered in the course of performance of this Agreement which results in injury to a person or property of third parties, or which may otherwise subject SDSU or SDDA to liability. SDSU shall report any such event to SDDA immediately upon discovery. SDSU's obligation under this section shall only be to report the occurrence of any event to SDDA and to make any other report provided for by their duties or applicable law. SDSU's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law (e.g., attorney-client communications). Reporting to SDDA under this section shall not excuse or satisfy any obligation of SDSU to report any event to law enforcement or other entities under the requirements of any applicable law.

6. This Agreement may be terminated by SDDA or SDSU hereto upon thirty (30) days written notice. In the event SDSU breaches any of the terms or conditions hereof, this Agreement may be terminated by SDDA at any time with or without notice. If termination for such default is effected by SDDA, any payments due to SDSU at the time of termination may be adjusted to cover any additional costs to SDDA because of SDSU's default. Upon termination SDDA may take over the work and may award another party an agreement to complete the work under this Agreement. If after SDDA

terminates for a default by SDSU it is determined that SDSU was not at fault, then SDSU shall be paid for eligible service rendered and expenses incurred up to the date of termination.

7. 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 funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by SDDA. Termination for any of these reasons is not a default by SDDA nor does it give rise to a claim against SDDA.

8. This Agreement may not be assigned without the express prior written consent of SDDA. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof, and be signed by an authorized representative of each of the parties hereto.

9. This Agreement shall be governed by and construed in accordance with the laws of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

10. SDSU will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

11. SDSU may not use subcontractors to perform the services described herein without the express prior written consent of SDDA. SDSU will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify SDDA, and to provide insurance coverage for the benefit of SDDA in a manner consistent with this Agreement. SDSU will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

12. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to Gregory Josten on behalf of the SDDA, Dr. James J. Doolittle on behalf of SDSU, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

13. In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.

14. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

II.
JOINT POWERS

A. SDDA and SDSU agree to the following provisions pursuant to the Joint Powers Act (SDCL 1-24):

1. This Agreement does not establish a separate legal entity as contemplated by SDCL 1-24-5. The cooperative undertaking described herein will be financed and conducted under the provisions of this agreement by SDDA and SDSU respectively. Each party has responsibilities under the terms of this Agreement and no joint board or joint administrator will be used. Purchase and maintenance of equipment used to fulfill the agreement will be undertaken by the respective agencies as described herein. No real property will be purchased to use for this Agreement.
2. A copy of this Agreement will be filed by SDDA, with the Attorney General and Legislative Research Council not more than 14 days after the execution as required by SDCL 1-24-6.1.
3. All parties must comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C 2000d) and, in accordance with Title VI of that act, no person in the United States shall, on the grounds of race, color, or national origin, be exclude from participating in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediate take any measures necessary to effectuate this agreement.
4. Nothing in this Agreement shall be construed as an indemnification by one party or the other for liabilities of a party or third party for property loss, or damage, or death, or personal injury arising out of the performance of this Agreement. Any liabilities or claims for property loss, or death, or personal injury by a party or its agents, employees, contractors or assigns or by third persons, arising out of and during this agreement shall be determined according to applicable law.

In witness hereto, the parties signify their agreement by affixing their signatures.

SDDA

BY: _____ Dated this ___ Day of _____, 2018.
William Smith, Director
SD Department of Agriculture

BY: _____ Dated this ___ Day of _____, 2018.
Dr. Dustin Odekoven, Acting Secretary
SD Department of Agriculture

SDSU

BY: _____ Dated this ___ Day of _____, 2018.
James Doolittle, Associate VP Research Assurance and Sponsored Programs
SD State University

Exhibit A

Investigation and Survey of Herbicide Injury on Trees in Community and Rural Forests

Introduction

Herbicides have long been used in communities and on agricultural lands across the country. However, in the Midwest and Great Plains region, due to the dominance of cropland and pastures, the use of herbicides is widespread. Glyphosate, atrazine, 2,4-D, and dicamba are widely used agricultural herbicides with some of the highest usage, measured in pounds per acres, in the croplands of the Midwestern and Great Plains states. The past several years there has been an increase in herbicide drift complaints from small communities surrounded by agricultural fields and landowners with crop windbreaks or woodlots, as the use of glyphosate-resistant crops became common place. The problem became compounded with the introduction of dicamba-resistant soybeans. During 2017, thousands of herbicide drift complaints alleged damage to community trees, windbreaks, and rural woodland, due to the suspected application of dicamba to soybean fields throughout the region.

No reliable information exists to describe characteristic symptoms on common tree species, or the concentration threshold between symptomatic (injured) and asymptomatic (non-injured) trees. Accurate diagnoses of herbicide injury is difficult as damage symptoms may appear very similar to those of other agents and factors. Unlike biotic agents - insects, mites, and pathogens - there are no signs, only symptoms so the impact of the herbicide is often lost among the other factors that can mimic its symptoms.

Objectives

As the use of herbicide resistant crops becomes more common, we need to have better information on the identification and impact of low-levels or repeated applications of these common herbicides. Trees presenting symptoms will have foliage collected and analyzed for herbicides, identification of the active ingredients, and the parts per billion (ppb) within the foliage tissue. Collection will be throughout the regions and representative of community, windbreak and forest trees.

This data, combined with images and descriptions of the injury, will be used to build a data base of information for forest health foresters to use to determine what herbicide may be responsible for the symptoms expressed by an injured tree and what ppb are a threshold for damage. Furthermore, data will be geospatially linked, to allow for further future analysis of patterns and geographic correlations.

Methods

The proposed project will involve forest health personnel from states across the Midwest and Great Plains: Illinois, Indiana, Iowa, Missouri, Nebraska and South Dakota. The forest health specialists of the six states will oversee collection of leaves from trees presenting symptoms of possible herbicide injury. The data and sample collection will be made by forest staff from each state as well as other partners to include the professional green industry, cooperative extension, conservation districts, and municipalities.

Since the symptoms of drift can be mimicked by other agents, additional information will be collected from the site including the symptom pattern on the plant, a description of the symptoms and whether they appear on the newest leaves or the foliage at the base of the shoot, pattern to damage in the adjacent trees and vegetation, the surrounding vegetation, and any identified abiotic or biotic agents that may be contributing to the symptom pattern. Photographs will also be taken of the leaves and tree.

Small twigs with leaves presenting symptoms will be cut from four sides of the canopy and the leaves will be separated by hand. To avoid external contamination, nitrile gloves will be worn when handling and packaging the foliage. Enough leaves will be collected to fill a ½-gallon bag. The composite sample will be packaged in a perforated paper bag within the mailing box and sent overnight to South Dakota State University. South Dakota State University will be the lead agency for the study with Dr. John Ball, SD Extension Forestry Specialist and SD Department of Agriculture Forest Health Specialist, the principal investigator.

Samples that cannot be sent that day may be stored in a freezer until mailing, but samples will be sent as soon as possible. The sample information will be recorded once it arrives at the lab and the foliage stored at -20°C until analysis. The samples will be ground and analytes extracted. Gas chromatography will be used as the one method of analysis with residues reported as part per billion (ppb). An enzyme-linked immunosorbent assay (ELISA) test will also be utilized for the dicamba analysis.

Approximately 50 to 200 samples will be taken in each state. The samples will be collected from state lands in Illinois, Iowa, and Missouri and from both state and private lands in the remaining states. The sampling will begin May 2019 and be completed by August 2019. The analysis of the samples will be completed by fall 2019 and a report prepared of the findings will be completed by May 2020.

Outcomes

The results of this project will be disseminated to all interested parties and stakeholders through two main channels. First, a publication will be created as a reference for herbicide injury on the species of interest, to include information regarding typical symptoms and residue concentration thresholds associated with symptomatic trees. The publication will describe symptoms presented with each herbicide as well as information on the ppb for injury. The publication will be available on each of the cooperating states' forest health website and we will record the number of download or viewing for a one-year period.

Second, a GIS data layer will be created and shared with partners to facilitate further study of the data collected in this project.

Budget	Requested funds	Non-federal match	Match source
Salary		\$30,300	Time for state cooperators to collect samples in the field and graduate student at SDSU to compile data.
Travel for collection		\$ 7,500	Mileage and per diem for state cooperators to collect samples in the field.
Travel for meetings			
Travel for others			
Contracting	\$38,490		SDSU Plant Diagnostic Lab will perform the testing.
Equipment			
Supplies			
Overhead	\$ 8,509	\$ 9,199	Based on a Federal overhead rate of 22.1% for FY2019. 23.9% is unrecovered overhead to SDSU.
Totals	\$46,999	\$46,999	

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs
Consent

AGENDA ITEM: 3 – G
DATE: October 2-4, 2018

SUBJECT

Extension Forestry Joint Powers Agreement Addendum – SDSU & SD Department of Agriculture

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:3](#) – Agreements and Contracts

BACKGROUND / DISCUSSION

The South Dakota Department of Agriculture (DOA) has contracted with South Dakota State University (SDSU) for a number of years to establish and continue an Extension Forester position at SDSU within the Cooperative Extension Service. The current Joint Powers Agreement, which was approved by the Board at its [December 2017](#) meeting, runs from October 1, 2017 through September 30, 2020. DOA will provide up to \$80,000 to SDSU in FY19, with SDSU providing non-federal matching funds, as provided for in Exhibit A.

BOR Policy 5:3 (“Contracts Requiring Board Action...D. Joint powers agreements”), requires Board approval of Joint Powers Agreements (JPA). As such, Board of approval of work plan addendum to the existing JPA set forth in Exhibit A is necessary.

IMPACT AND RECOMMENDATION

The attached work plan will allow SDSU to continue to receive funding from DOA to maintain the Extension Forester position within the Cooperative Extension Service at SDSU under the existing JPA.

Staff recommends approval.

ATTACHMENTS

Attachment I – JPA Exhibit A – Work Plan to JPA

DRAFT MOTION 20181002_3-G:

I move to approve the FY19 Work Plan to the existing Joint Powers Agreement set forth in Exhibit A.



**SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
RESOURCE CONSERVATION & FORESTRY DIVISION
AND SOUTH DAKOTA STATE UNIVERSITY
SOUTH DAKOTA COOPERATIVE EXTENSION
WORK PLAN FOR AN EXTENSION FORESTER
EXHIBIT A**

This annual work plan for the extension forestry position assigned to Dr. John Ball is in effect from October 1, 2018 until September 30, 2019 and supersedes any previous work plans or addendums to the Joint Powers Agreement (JPA) between the South Dakota Department of Agriculture, Resource Conservation and Forestry Division (SDDA) and South Dakota State University, Cooperative Extension Service (SDSU).

This annual work plan also addresses the financial assistance that will be provided by SDDA in support of the extension forestry efforts provided by SDSU within the parameters of the work plan listed below.

1. Financial Assistance to be Provided By SDDA

- a. SDDA agrees to provide an amount not to exceed \$80,000 in federal funds to SDSU.
- b. SDDA will make payments only on a reimbursement basis.
- c. SDDA will make quarterly reimbursements upon receipt of an appropriate reimbursement claim with supporting documentation.

2. Match Requirements for SDSU

- a. SDSU must match all funds provided by SDDA. Each dollar provided by SDDA must be matched by non-federal funds or qualifying in-kind expenses incurred by SDSU.
- b. SDSU must provide adequate documentation of the required match before payment is made.
- c. SDSU may charge an administrative fee or indirect charge equal to the indirect rate allowed by the United States Forest Service for federal grants provided to SDDA. This rate is negotiated by SDDA each year with the United States Forest Service. For this work plan, **the indirect rate is 22.1 percent**. The difference between the University's administrative fee and the allowed indirect rate for SDDA may be used as in-kind match.
- d. SDSU must provide quarterly progress and accomplishment reports before reimbursement claims will be paid.
- e. SDSU must submit final reimbursement claims by no later than September 30, 2019.

3. Work Plan for the Extension Forester Position – based on 50% of Dr. Ball's work year (130 workdays).

- a. **General Forest Health Assistance to SDDA** (*Anticipated workload – 20 workdays*)
 - i. Provide advice and assistance to the Forest Health (FH) Administrator and the State Forester about insect and disease issues within the state.
 - ii. Monitor potential and existing insects and diseases that may affect trees in South Dakota.
 - iii. Assist in the planning and development of forest insect and disease suppression efforts as directed by the State Forester.
 - iv. Conduct appropriate reviews of applicable research that will enable SDDA to attack infestations in the most effective manner.
- b. **Western Bark Beetle (WBB) on Private Lands** (*Anticipated workload – 5 workdays*)
 - i. Conduct workshops and public forums on WBB at the request of SDDA
 - ii. Assess the extent and severity of WBB outbreaks

- iii. Attend and participate in public forums, hearings, and other events as a Forest Health Specialist for SDDA as directed by the State Forester.
- c. **Custer State Park (CSP) WBB Monitoring** (*Anticipated Workload – 5 workdays*)
 - i. Assist SDDA to conduct monitoring of beetle activity in CSP and prepare a written report of findings (*Workload – Schedule 2 trips to CSP*)
 - ii. Each field trip should be scheduled with the FH Administrator and SDSU at least 4 weeks in advance.
- d. **Emerald Ash Borer Project (EAB)** (*Anticipated Workload – 20 workdays*)
 - i. Assist SDDA to maintain the state readiness plan to slow the spread of any EAB infestations within the state.
 - ii. Assist SDDA to plan one EAB readiness field exercise in a community with an EAB readiness plan.
 - iii. Assist SDDA to implement the EAB readiness plans as necessary.
 - iv. Conduct workshops and public forums on EAB at the request of SDDA.
 - v. Assess the extent and severity of EAB infestations.
 - vi. Attend and participate in public forums, hearings, and other events as a Forest Health Specialist for SDDA as directed by the State Forester.
- e. **Urban Forestry Volunteer Coordinator for SDDA** (*Anticipated Workload – 5 workdays*)
 - i. Continue to conduct a statistically valid urban tree inventory system for the entire state using volunteers from the local communities.
 - ii. Assist division personnel to conduct regional tree care workshops.
- f. **Training Sessions, Workshops, and Conferences** (*Anticipated Workload – 15 workdays*)
 - i. Assist SDDA to plan and conduct forest health training sessions for SDDA personnel and others as directed by the State Forester.
 - ii. Assist SDDA to plan and conduct training sessions on forest management, agro-forestry, and other topics as directed by the State Forester.
- g. **Insect and Disease Identification and Diagnostic Services** (*Anticipated Workload – 15 workdays*)
 - i. Review Insect & Disease reports, e-samples, and samples submitted by SDDA personnel or staff and follow-up with a written report on each submitted sample (*Anticipated Workload – 36 samples*). Copies of the written report should be provided to the Forest Health Administrator.
 - ii. Provide lab diagnostics when needed to identify a sample (*Anticipated Workload – 12 samples*).
 - iii. Conduct an on-site field investigation when identification cannot be made from a sample (*Anticipate Workload – 20 field investigations*). All field visits will be approved and scheduled through the Forest Health Administrator.
- h. **Publish Pest Alerts and Pest Bulletins** (*Anticipated Workload – 35 workdays*)
 - i. Publish pest updates weekly throughout the growing season and at least bi-weekly throughout the rest of the year (*Anticipated Workload – 21 updates – 10 workdays*).
 - ii. Review existing pest bulletins and update 12 per year that are older than 5 years (*Anticipated Workload 12 bulletins – 10 workdays*).
 - iii. Develop new pest bulletins on common tree and shrub pests that can be used by the general public and other natural resource professionals (*Anticipated Workload – 10 workdays*).
 - iv. Review any pest bulletins prepared by SDDA personnel (*Anticipated Workload – 5 workdays*).

4. **Reporting Requirements** (*Anticipated Workload – 10 workdays*)

- a. Prepare and submit a detailed monthly report to the State Forester and FH Administrator on all activities covered by this work plan. The report will consist of a short narrative and a completed spreadsheet report provided by the FH Administrator.
- b. Prepare and submit annual federal reports to the State Forester, Greg Josten, and the Forest Health Supervisor as requested. SDDA will submit all federal reports to the USFS.
- c. Provide an updated weekly schedule (each Friday) via email to the FH Administrator and the State Forester.
- d. Participate in weekly staff conference calls, division meetings, tours, official program reviews, and other meetings as directed by the State Forester.

5. **Recognition**

SDSU agrees to provide recognition of the contribution SDDA has made to the extension forester position within SDSU by acknowledging all work accomplished through this work plan. Work performed by SDSU outside of the work plan is not to be attributed to SDDA without prior authorization.

6. **Signatures**

The parties signify their agreement to this work plan by the signatures affixed below.

SDDA

BY: _____ Date: _____
William Smith, Director SD Department of Agriculture

SDSU

BY: _____ Date: _____
James Doolittle, Associate VP Research Assurance and Sponsored Programs
SD State University

SOUTH DAKOTA BOARD OF REGENTS

Planning, Governance, and Resource Development

AGENDA ITEM: 4 – B
DATE: October 2-4, 2018

SUBJECT

SDSM&T Student Organization Awards

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

At the March 2018 Board of Regents meeting, the Board approved the recommendations offered by each institution for the winners of the 2017 student organization awards. The winners of these awards are announced at Board meetings throughout 2018.

The SDSM&T Student Organization Awards will be presented at the October BOR meeting in Rapid City. Information about the SDSM&T student organization award winners can be found below:

SDSM&T Award for Academic Excellence: Graduate Student Society (GSS)

Graduate Student Society (GSS) serves as a platform for all current and prospective graduate students at SDSM&T to enhance their student experience. The GSS contributes to the academic environment at the university through graduate student advocacy, networking, career preparation seminars, workshops and webinars. With its main focus on career development, it offered specialized seminars and workshops conducted by experts in their field. Significant events and activities conducted by the organization in the last year are the following: career development guest speaker Dr. Robb Winter, presentation by Dr. Tina Nielsen of the Great Lakes Bioenergy Research Center on the topic of work-life balance, Science Communication Workshop, monthly sponsored interdepartmental graduation networking events, academic writing group, and professional association webinars hosted by the American Association for the Advancement of Science and the American Geophysical Union with focus on career preparation.

SDSM&T Award for Community Service: Lambda Chi Alpha Fraternity

Lambda Chi Alpha, the newest fraternity at SDSM&T, is driven by core values that encourage members to be the best men they can be. Despite small membership numbers, the group managed to volunteer 1,100 service hours over the course of the past academic year. The variety of service projects that were participated in, combined with the group's

(Continued)

INFORMATIONAL ITEM

on-campus leadership and local outreach efforts, benefited the campus and entire Rapid City community. Significant events and activities conducted by the organization included the following: “Night in the Cold” event to benefit the homeless and raise awareness, “Brothers Feeding Others” to serve free meals to hungry students, partnership with Circle K International Club to raise over 2,200 pounds of food for Feeding South Dakota, recruiting students for blood drives, and weekly volunteering at the Human Society.

SDSM&T Award for Organizational Leadership: Society of Physics Students (SPS)

The purpose of the Society of Physics Students (SPS) is to represent SDSM&T and the Physics department. Membership is open to students from any major with the only requirement being that the student likes physics. Every year SPS’s membership grows and its influence expands, proving that applying physics during socials, projects, and outreach can be fun. It is currently at its highest enrollment ever with 60 members, which includes undergraduates and graduate students along with staff and faculty support. In 2017, activities and events in which the group participated included the following: Go-To-Mines events, bi-annual career fairs, the annual Mines Day at the Capitol, Sanford Visitors Center in Lead presentation, Denver Comic Con presentation, physics demonstration and lab tours to visitors of campus, monthly socials, and attendance on the August 21st Total Solar Eclipse in Alliance, NE.

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

Planning, Governance, and Resource Development

AGENDA ITEM: 4 – F
DATE: October 2-4, 2018

SUBJECT

Report of the Executive Director / Interim Actions

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:5](#) – Executive Director

[BOR Policy 2:23](#) – Program and Curriculum Approval

[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 OF THE EXECUTIVE DIRECTOR

Maintenance and Repair Projects

(\$50,000 - \$250,000)

South Dakota School of Mines & Technology

Electrical Engineering/Physics Building – ITS Server Room HVAC: This project was approved by the Board during the May 2018 meeting that allowed SDSM&T to use \$217,594 of General Fund M&R monies to replace the HVAC in the ITS Server Room. The estimates to replace the HVAC in the ITS Server Room were higher than expected so additional funds are needed. SDSM&T requests authorization to use \$200,000 of FY20 HEFF M&R funds and \$30,000 of FY20 Fee M&R funds, typically approved at the December BOR meetings, to complete this \$447,594 project.

Howard Peterson Hall – Bathroom, Flooring, Lighting and HVAC Updates: Typically during the December BOR meetings, the Board approves the M&R project lists by funding source. This project to renovate showers, replace fixtures, lights and flooring, and updating the HVAC system in Peterson Hall was approved by the Board in December 2017 for a total of \$400,000 using FY19 Auxiliary M&R funds. The estimates came in higher than originally budgeted because of additions to the project. SDSM&T requests approval for another \$200,000 that will be funded using FY20 Auxiliary M&R funds. SDSM&T needs to bid the project prior to the December BOR meeting but needs to add the FY20 funds to complete the project funding.

Various Buildings – LED Lighting Replacement: SDSM&T requests approval to change lighting in several buildings to LED lights at a cost of \$90,660. Funding of this project will come from State Energy Funds from BOA in the amount of \$6,966 and \$40,674 of Integrated Resources Plan dollars from BOR energy funds and \$43,000 from institutional funds. Because of the straight-forward nature of this project, SDSM&T also requests that OSE delegate the project to SDSM&T.

South Dakota State University

Avera Health & Science Center – Renovate Space to Laboratory: This project consists of work that will convert existing restrooms and hallway space into a Pharmacy research laboratory. Although this may seem unconventional, these restrooms are in a controlled area on the first floor. The general public cannot access this space. There are public restrooms 100 feet outside of the controlled area and the Pharmacy Department staff are comfortable with this change. This renovation converts general use space into assignable space so the building become more efficiently used and others are not displaced in other occupied space. Demolition of existing walls, finishes, casework, plumbing and HVAC will be performed. New work includes framing, doors, interior finishes, casework, plumbing, electrical, HVAC and laboratory services. Funding for this \$210,000 project will come from a BOR grant of \$75,983 and foundation funds of \$134,017.

University of South Dakota

Beacom School of Business – Finance Lab Renovation: This \$50,000 project consists of building new non-load bearing steel stud walls with drywall and insulation to allow for a new finance lab with Bloomberg monitors. This project also includes blinds, electrical switching, adding TV monitors, adding whiteboards, adding data and power for computer terminals, and rebalancing the existing HVAC system. Local institutional funds will be used for this project.

Leave Without Pay in Excess of Three Months

South Dakota State University

- Geoffrey M. Henebry: 08/22/2018 – 05/21/2019
Co-Director / Professor, GISc Center of Excellence
(Approved 8/1/2018)

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

Planning, Governance, and Resource Development

AGENDA ITEM: 4 – G
DATE: October 2-4, 2018

SUBJECT

SDSM&T Foundation Report

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:9](#) – Foundations

BACKGROUND / DISCUSSION

The institutional foundation reports have been regularly presented to the Board since October 2016. In these reports, foundations are asked to describe their structure, overview their finances, explain what they are doing to support the university, and consider things the Board can do to make the relationship with the foundations more effective.

Joel Kincart, President of the SDSM&T Foundation, will present the SDSM&T Foundation Report at the October 2018 BOR meeting in Rapid City.

IMPACT AND RECOMMENDATIONS

The information in the foundation reports provides the Board opportunity to better understand the important role of the institutional foundations.

ATTACHMENTS

Attachment I – SDSM&T Foundation PowerPoint Presentation

INFORMATIONAL ITEM



SDSM&T Foundation

October 3, 2018



HISTORY



- In 1954, the SDSM&T Endowment Association was chartered as a not-for-profit South Dakota corporation and was designated as a 501(c)(3) tax-exempt charitable organization by the Internal Revenue Service.
- In 1980, the SDSM&T Foundation evolved from the Endowment Association. The Foundation Office opened and efforts were initiated to solicit funds for SDSM&T.
- 16,581 Living Alumni
- 14,876 Solicitable Alumni
- Alumni Giving Rate is 11%
- 40% of Alumni have given at least one gift





BOARD OF TRUSTEES



Todd Kenner (CE '83), Chair
Rapid City, SD
CEO, RESPEC



Steve O'Rourke (GeolE '83), Vice Chair
Rapid City, SD
Senior Managing Partner, Strategic
Management Partners, LLC

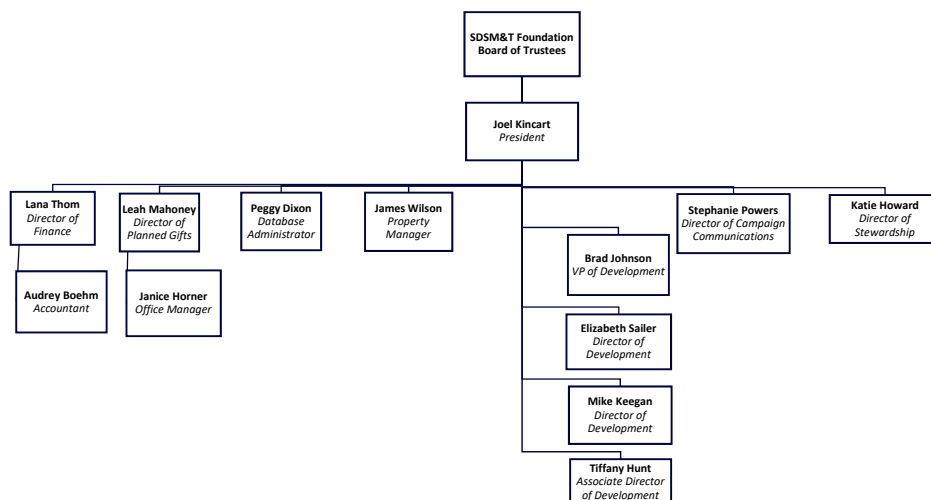


Ken Miller (CE '75), Vice Chair
Rapid City, SD
Retired, Millennium Bulk Terminals
Longview

32 Members of the Board of Trustees (4 Ex-Officio)
13 Members of the Executive Committee (3 Ex-Officio)

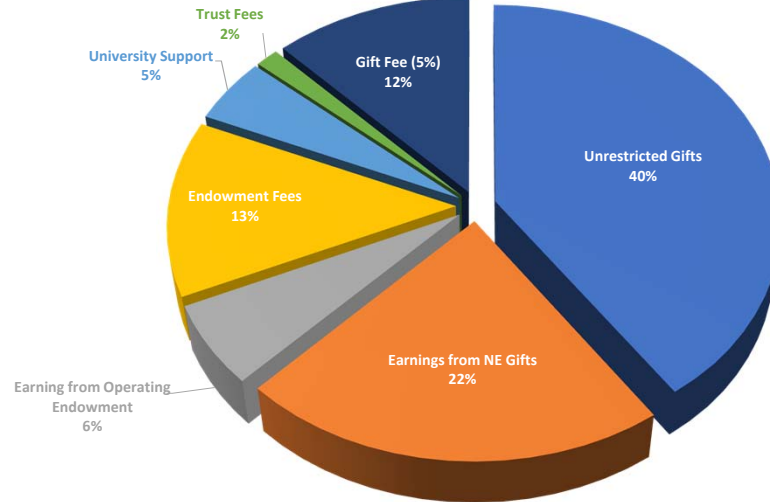


FOUNDATION ORGANIZATIONAL CHART



FUNDING

Based on FY19 Budget



IT STARTS
#SD Mines

ENDOWMENT PERFORMANCE

As of June 30, 2018

- Total Assets: \$90,663,782
- Endowment Assets: \$61,013,926
- Annualized Return:
 - One-Year: 7.08%
 - Five Year: 6.37%
 - Nine Year (inception date of 4/1/2009): 4.93%
- Endowment Payout – 4% of a 12 quarter rolling Average
- Graduated Endowment Fee:

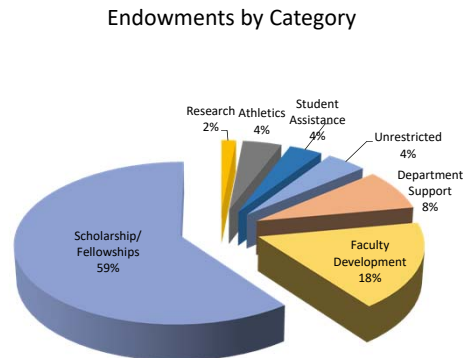
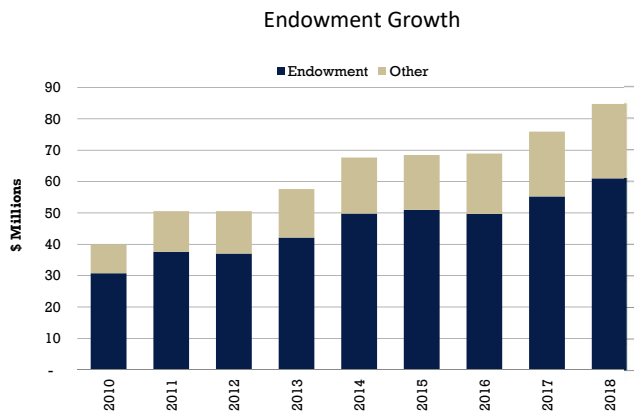
Endowed Balance	Fee
First \$100,000	0.5%
Next \$400,000	0.4%
Next \$500,000	0.3%
Over \$1,000,000	0.2%



IT STARTS
#SD Mines

ENDOWMENT

Endowment Growth and Endowment Restrictions



FY18 REVIEW

Key Date from FY18



- \$8.31 M Dollars Raised (new gifts and pledges)
- 2510 Total Donors
- 65.85% Alumni Donor Retention
- Total Institutional Support \$4,857,211
 - Endowment Transfers: \$1,469,828
 - Non Endowed Dollar Transfers \$3,387,383



ACADEMIC SCHOLARSHIP FUNDRAISING

New Non Endowed and Endowed Gifts and Pledges



FY13	FY14	FY15	FY16	FY17	FY18
\$2,251,219	\$2,324,584	\$1,931,423	\$1,706,005	\$2,742,124	\$2,868,031



PEARSON ALUMNI AND CONFERENCE CENTER

Opening August 2019



\$3M gift from Larry and Linda Pearson.
 Meeting space for an event that seats 100 people
 2 adjoining meeting rooms that each seat 20 people in classroom format.
 Smaller meeting rooms and a boardroom will also be available



SOUTH DAKOTA BOARD OF REGENTS

Planning, Governance and Resource Development

AGENDA ITEM: 4 – H
DATE: October 2-4, 2018

SUBJECT

2019 Proposed Legislation

CONTROLLING STATUTE, RULE, OR POLICY

BOR Policy 6:10 - Legislative Authorization of Private or Grant Funded Facilities
13-51-1 - Legislative approval for facilities.

BACKGROUND / DISCUSSION

Each year institutions are asked to identify any capital projects or legislative requests that potentially could go before the Legislature. Each request must include descriptions and explanations and fund sources for any capital projects. Per Board policy, institutions must have the funds in-hand or guaranteed and available immediately from its respective foundation before the request can go before the Legislature.

Northern State University

NSU will be submitting a Facility Program Plan for a Regional Sports Complex to the Board of Regents during the December 2018 meeting. If the Board approves the plan, the facility would need the approval of the legislature. The Regional Sport Complex would include an on-campus football stadium, softball field, fan amenities and parking. Co-Op Architects and DLR Group were selected as the architects for this project and the team of McCownGordon, Quest Construction and Kansas Turf have been selected as the construction managers. Funding for this facility would be provided through the Educational Impact Campaign. This \$45M capital campaign was officially launched in November 2017 and will provide the funding for three projects – the NSU Athletic and Recreational Fields, the new School for the Blind and Visually Impaired and the NSU Regional Sports Complex.

A funding letter guaranteeing that the funds will be available upon the passage of the legislation has been requested from the NSU Foundation. Per Board policy, this letter will need to be available before the legislation can move forward.

South Dakota State University

Vet 2 + 2 Program

The Vet 2 + 2 program will provide veterinary medicine students the first two years of instruction for veterinary medicine at SDSU. The student would finish their degree through a partnership with the University of Minnesota. Legislation is necessary to redirect funds

(Continued)

INFORMATIONAL ITEM

from a partnership with Iowa State University veterinary school slots to the SDSU program and to support scholarships and grants for tuition differentials for students when they attend the University of Minnesota. Legislative ongoing reallocation of this funding from the endo-ecto parasiticide tax along with correlated escalators for tuition increases is required. Facilities to support this academic program will require updates in the amount of approximately \$2M as reallocated from maintenance and repair funding.

SDSU has identified a total need of \$825,000 of one-time money to complete the transition of this program over a three-year period at \$275,000 per year. The funding will cover the program director and startup costs for the years prior to SDSU's full cohort of enrolling students. These funds were not included in the Board's FY20 budget request. SDSU will either need to find this funding internally, or legislators would need to bring forward legislation to provide the funding.

Scobey Demolition

SDSU's second request is to allow for the demolition of Scobey Hall which is located on the west side of campus and immediately west of the SDSU president's residence. This facility is not currently occupied by SDSU and the facility has significant backlogged M&R projects as well as continued utility, operations, and maintenance costs. The preliminary estimate for demolition, including asbestos abatement, utility termination, and related activities is \$593,000. Once cleaned up, the site is planned to be reused in accordance with SDSU's mission and approved campus master plan. SDSU will need to identify local funds or private funds for the demolition.

Land Transactions

SDSU's third request is to allow for the following land transactions to realign real property holdings to effectively support mission-driven activities. SDSU needs to obtain legislative approval to move two (2) parcels of land (Box Elder, Highmore) that are no longer being efficiently used out of the Section 7 trust, authorize their sale, and to designate other real property to be determined and held for the use of SDSU into the trust to ensure the trust is kept whole. SDSU also needs legislative approval to sell its Volga Grassland parcel located northwest of campus with the proceeds of these parcels to be used to purchase Bothe, other previously approved land parcels, and suitable agricultural property.

Board Office

When the South Dakota Building Authority refinances BOR bonds, funded with HEFF or local funds, the savings is taken and deposited into the general fund. The original lease payment amounts are not changed. Per Todd Meierhenry, attorney for SDBA, South Dakota Building Authority only has the authority to pass the savings back to the general fund of the State pursuant to SDCL §5-12-23. The statute ties the Building Authority's hand and they can only assign and deposit it to the general fund.

SDCL 5-12-23 would need to be changed in order to capture the savings and return them to the Higher Education Facilities Fund or to the campus that is responsible for the debt service. The proposed change would need to be written so it would encompass only Board

of Regents refinancings and not those of other boards, state or quasi-state agencies. Bond issuance costs for a refinancing would be covered out of any savings. The current statute language is provided below with the section highlighted that would need to be changed.

SDCL 5-12-23. Revenues and income from which bonds payable--Use of educational facilities fund--Disposition of revenues. Such bonds shall be payable solely and only from:

(1) Revenues to be derived by the building authority from the operation of any such facilities acquired, constructed, completed, remodeled or equipped in whole or in part with the proceeds of the bonds;

(2) Income to be derived from rental leases to state departments, boards, commissions or other agencies, or from leases to others as provided in §§ 5-12-13 to 5-12-18, inclusive;

(3) In the case of leases involving institutions under the control of the board of regents, such funds in the educational facilities fund established by chapter 13-51, as are not otherwise appropriated, earmarked, or pledged;

(4) Revenues to be derived by the authority from any department, agency or instrumentality of the United States for any purpose consistent with the provisions of this chapter; and

(5) Revenues to be derived by the authority in connection with projects of the kind listed in this chapter from (a) the foreclosure of any mortgages, deeds of trust, notes, debentures, bonds, and other security interests held by it, or pledged and assigned by it in connection with bonds issued for such a project, either by action or by exercise of a power of sale, (b) the sale of the equity of redemption in said security interests in accordance with the terms of said instruments and applicable state law or (c) other actions to enforce any obligation held by it.

However, for any year in which the Legislature has appropriated funds for the payment of lease rentals with respect to a project of the kind described in this chapter, any revenues received by the authority, other than from the appropriation, as a result of such program shall be assigned to and deposited in the general fund. **(emphasis added)**

The Commissioner of the Bureau of Finance and Management has been notified that the Board might pursue this change, and she noted that BFM had not changed its opinion on the matter (interpreted to mean refund proceeds should go to the general fund) and she thought the issue needed to wait until the next administration weighed in on the matter.

IMPACT AND RECOMMENDATIONS

The board approves the final legislative bills at the December Board meeting.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Planning, Governance, and Resource Development

AGENDA ITEM: 4 – I
DATE: October 2-4, 2018

SUBJECT

USD Discovery District Bylaws and Member Changes

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL Ch. 5-29](#) – Research Parks

BACKGROUND / DISCUSSION

The Board of Directors of the USD Discovery District met on September 20th and approved the resolution set forth in Attachment I, requesting the Member (BOR) take certain actions regarding the USD Discovery District. The specific actions requested are explained in detail below.

IMPACT AND RECOMMENDATIONS

The Board of Directors recommends and requests the Member (BOR) take the following actions:

1. Approve amending the Bylaws as set forth in Exhibit A to Attachment I.

The key changes proposed to the Bylaws in Exhibit A can be summarized as follows:

- A. Expand the membership of the Board of Directors from nine (9) to eleven (11) members.
- B. Include the Executive Director of the Board of Regents as an ex officio voting member of the Board of Directors, which is the same status currently held by the President of USD.
- C. Impose a three (3) terms limit for Directors.
- D. Change the annual meeting of the Board of Directors from April to March.

(Continued)

DRAFT MOTION 20181002_4-I.1:

I move to approve amending the Bylaws as set forth in Exhibit A to Attachment I.

DRAFT MOTION 20181002_4-I.2:

I move to appoint Kim Patrick and Paul TenHaken to serve on the Board of Directors, with their terms expiring in 2021, and to appoint Kevin Schieffer to serve on the Board of Directors, with his term expiring in 2019.

- E. Appoint the Vice President of the Board of Directors to serve as the Vice Chair and allow the Vice Chair to preside at meetings when the Chair is not present.

Staff recommends approval.

- 2. Appoint Kim Patrick and Paul TenHaken to the Board of Directors, with their terms expiring in 2021, and appoint Kevin Schieffer to the Board of Directors, with his term expiring in 2019.**

The proposed appointments are the result of the creation of the two new Board of Director positions via the amendment to the Bylaws referenced above, and the replacement of Daren Ketcham, who has changed employment. The proposed makeup of the new Board of Directors is shown in Attachment II.

Staff recommends approval.

ATTACHMENTS

Attachment I – USD Discovery District Resolution

Attachment I, Exhibit A – Proposed Bylaws Amendments

Attachment II – Proposed Board of Directors

**RESOLUTION OF THE
UNIVERSITY OF SOUTH DAKOTA RESEARCH PARK, INC.
BOARD OF DIRECTORS**

WHEREAS, a regular meeting of the Board of Directors (the "Board") of the University of South Dakota Research Park, Inc. (the "Company") was convened on September 20, 2018;

WHEREAS, the Board recommends and requests the Member approve amending the Bylaws as set forth on the redlined version attached hereto as Exhibit A.

WHEREAS, pursuant to the authority granted in the Bylaws, the Board must submit recommendations to the Member for the appointment of directors to staggered terms;

WHEREAS, pursuant to a proposed amendment to the Bylaws of the Company, two (2) additional Board positions will be created upon approval of the Member;

WHEREAS, the Board approves and nominates the following directors for submission to the Member for final approval to fill the 2 newly created vacancies for three (3) year:

1. Regent Kevin Schieffer, for an initial term to expire in 2019, and
2. Kim Patrick, for an initial term to expire in 2021;

WHEREAS, two (2) of the Directors have resigned or otherwise provided notice they will be unable to continue on the Board for the remainder of their term, being Daren Ketcham and Dr. Michael Rush;

WHEREAS, the board position of Dr. Michael Rush will be filled by the proposed amendments to the Bylaws set forth on Exhibit A, which makes the board position being filled by Dr. Paul Beran an ex-officio voting position;

WHEREAS, having received notice that Daren Ketcham will be unable to continue on the Board for the remainder of his term, the Board approves and nominates Mayor Paul TenHaken for submission to the Member for final approval to replace Daren Ketcham as a director for the remainder of his existing term;

WHEREAS, the Board reaffirms and ratifies all other decisions and actions of the Board and the Company occurring since the last meeting of the Board.

NOW, THEREFORE, the foregoing resolution was adopted by the Board of Directors on September 20, 2018 by a vote of 7-0.

Date:

9/20/18

ATTEST:



UNIVERSITY OF SOUTH DAKOTA RESEARCH PARK, INC., Secretary

BYLAWS
OF
UNIVERSITY OF SOUTH DAKOTA RESEARCH PARK, INC.

ARTICLE I

Location

The principal office of this corporation, at which the general business of this corporation shall be transacted and where the record of this corporation shall be kept, shall be at 414 East Clark Street, Vermillion, South Dakota 57069.

ARTICLE II

Members and Annual Meeting

As provided in the Articles of Incorporation, this corporation has one member with voting rights of this corporation, the South Dakota Board of Regents, which shall hold its annual meeting of the Member pursuant to SDCL 47-23-4 immediately following the first regularly scheduled meeting of the South Dakota Board of Regents in each calendar year, or at such other time and place may be designated from time to time by the Member.

ARTICLE III

Directors

The Board of Directors shall consist of ~~nine~~ eleven (119) members. The President of the University of South Dakota and the Executive Director of the South Dakota Board

of Regents shall serve as ~~an~~ ex officio, voting members of the Board of Directors. The Member or the Board of Directors may also designate other ex officio members without vote as needed. (a) The first full Board of Directors shall be selected as follows: (i) the Articles of Incorporation have identified the first three Directors (all of whom have been nominated by the Member, and one of whom is the President of the University of South Dakota), and (ii) six additional directors shall be appointed by the initial three Directors set forth in the Articles of Incorporation and approved by the Member. These initial eight Appointed Directors and the President of the University of South Dakota as an ex officio Director shall serve a one-year term as the Board of Directors.

Thereafter, all appointed Directors shall be selected by the Member at the annual meeting of the Member from a slate of nominees submitted by the current Board of Directors directly or through a nominating committee under Article VI, Section 1, which may be supplemented by the Member.

Each Director shall hold office until his or her successor has been selected and qualified at the next regular annual meeting of the Board of Directors following the expiration of his term, unless such Director sooner dies, resigns, or is removed from the Board of Directors. After the initial one year term for all directors, three Directors shall be elected to a one (1) year term; -three Directors shall be elected to a two (2) year term and three Directors shall be elected to a three (3) year term, so that there are staggered terms. Thereafter, each Director shall serve a three (3) year term, so that each year three terms

are expiring. The Member shall approve selections of the remaining Board Members to fill vacancies as they arise upon death, resignation, removal, or expiration of term, and Directors may be reappointed ~~for three (3) terms~~~~any number of times~~, and upon expiration of a term, shall serve until the vacancy is filled.

ARTICLE IV

Meetings of the Board of Directors

Section 1. The annual meeting of the Board of Directors shall be held at such time in the month of ~~March~~~~April~~ in each year as may be designated from time to time by the Board of Directors and at the place, within or without the State of South Dakota, designated from time to time by the Board of Directors. If the Board of Directors does not fix a different time or place, such meeting shall be held at 10:00 o'clock a.m., Central Time, on the first Friday in ~~March~~~~April~~, at a location designated by the Board, and if none, at the principal office of the corporation, unless such day is a holiday, in which case the meeting shall be held at such time and place on the next succeeding business day.

Section 2. Other regular meetings of the Board of Directors may be established by the Board of Directors. Such meetings may be held without notice at the principal office of this corporation or at such other place or places as the Board of Directors from time to time designate.

Section 3. Special meetings of the Board of Directors may be called at any time by (a) the Chair of the Board of Directors, or (b) by the Board of Directors, or (c) upon the

written request of three or more members of the Board of Directors. Any person or group of persons entitled to call a special meeting of the Board of Directors may make a written request to the Secretary to call the meeting, and the Secretary shall give notice of the meeting, setting forth the time, place and purpose thereof, to be held between five and thirty days after receiving the request. If the Secretary fails to give notice of the meeting within seven days from the day on which the request was made, the person or persons who requested the meeting may fix the time and place of the meeting and give notice in the manner hereinafter provided.

Section 4. Written notice of each annual meeting of the Board of Directors stating the time and place thereof shall, unless sent electronically pursuant to Article IV, Section 7 below, be mailed, postage prepaid, not less than five nor more than thirty days before the meeting, excluding the day of the meeting, to each director at his or her address according to the last available records of this corporation. Written notice of each special meeting of the Board of Directors stating the time, place and purpose thereof shall, unless sent electronically pursuant to Article IV, Section 7 below, be mailed, postage prepaid, not less than five nor more than thirty days before the meeting, excluding the day of the meeting, to each director at his or her address according to the last available records of this corporation; no business shall be transacted at any special meeting other than the business specified in such notice. Any director may make written waiver of notice before, at, or after a meeting. The waiver shall be filed with the person who has been designated

to act as Secretary of the meeting, who shall enter it upon the records of the meeting. Appearance at a meeting is deemed a waiver unless it is solely for the purpose of asserting the illegality of the meeting.

Section 5. At all meetings of the Board of Directors, each director shall be entitled to cast one vote on any question coming before the meeting. The presence of a majority of the members of the Board of Directors shall constitute a quorum at any meeting thereof, but the directors present at any meeting, although less than a quorum, may adjourn the meeting from time to time. Except as otherwise provided by law or these Bylaws, majority vote of the directors present at any meeting, if there be a quorum, shall be sufficient to transact any business.

Section 6. When a meeting of the Board of Directors is adjourned to another time or place, notice of the adjourned meeting need not be given other than by announcement at the meeting at which adjournment is taken.

Section 7. Any notices required to be provided hereunder by written notice may also be provided by electronic email to the noticed party's email address as listed in the records of the Corporation. Any action that could be taken at a meeting of the Board of Directors may be taken without a meeting when authorized in writing signed by all of the directors. The Directors may participate in a meeting of the Board or a Committee of the Board by means of conference call, televideo, or internet-based conferencing equipment, and such participation shall constitute presence in person at such meeting.

Section 8. Directors may be removed by the Member for cause, including incompetence, neglect of duty, or malfeasance in office.

Section 9. Any individual appointed to the Board of Directors or other corporate position may hold a concurrent position as a member, ~~employee~~ or officer of the Member, including a member, ~~employee~~ or officer also identified as representing the Member for the purposes of these Bylaws; and in such event, there shall be no liability on the part of any such individual for breach of any fiduciary obligation, to either the corporation or to the Member, arising from acts or omissions committed in good faith in reliance on the terms of this Agreement and the conditions of his or her appointment.

ARTICLE V

Officers

Section 1. The officers of this corporation shall be a President, a Vice President, a Secretary-Treasurer and such other officers as the Board of Directors may from time to time designate. For purposes of presiding and conducting the meetings of the Board of Directors and serving as a spokesperson for the Board, the President of the University of South Dakota shall serve as Chair of the Board of Directors. The Chair of the Board of Directors shall preside at meetings of the Board of Directors. If the Chair of the Board of Directors is not present, the Vice Chair shall preside at meetings of the Board of Directors. Officers shall be elected by the Board of Directors to serve until their respective

successors are chosen and have qualified. Any officer may at any time be removed by the Board of Directors with or without cause. The same person may hold any two offices at the same time except the offices of (a) President and Vice President and (b) President and Secretary-Treasurer. The officers need not be directors of this corporation.

Section 2. The President shall be the chief executive officer of this corporation. ~~He or she shall preside at all meetings of the Board of Directors in the absence of the Chair of the Board.~~ He or she shall have general supervision, direction, and active management of the affairs of this corporation. He or she shall execute on behalf of this corporation all contracts, deeds, conveyances, and other instruments in writing which may be required or authorized by the Board of Directors for the proper and necessary transaction of the business of the corporation.

Section 3. The Vice President shall perform the duties of the President in the case of the latter's absence or disability. The execution by the Vice President on behalf of this corporation of any instrument shall have the same force and effect as if it were executed on behalf of the corporation by the President. The Vice President shall also serve as Vice Chair of the Board of Directors.

Section 4. The Secretary-Treasurer shall record all proceedings of the meetings of the Board of Directors in a book to be kept for that purpose. He or she shall give or cause to be given all notices of meetings of the Board of Directors and all other notices required by law or by these Bylaws, and in case of his or her absence or refusal or neglect

to do so, any such notice may be given by the President or Vice President. The Secretary-Treasurer shall be the custodian of all books, correspondence, and papers relating to the business of this corporation. He or she shall join with the President or Vice President in the execution on behalf of this corporation of all contracts, deeds, conveyances, and other instruments in writing which may be required or authorized to be so executed by the Board of Directors for the proper and necessary transaction of the business of this corporation. The Secretary-Treasurer shall present at each annual meeting of the Board of Directors a full report of the transactions and affairs of this corporation for the preceding year and shall also prepare and present to the Board of Directors such other reports as it may desire and request at such time or times as it may designate.

The Secretary-Treasurer shall also have the custody of all the funds and securities of this corporation. When necessary and proper he or she shall endorse on behalf of this corporation all checks, drafts, notes and other obligations and evidences of the payment of money payable to this corporation or coming into his or her possession, and shall deposit the same, together with all other funds of this corporation coming into his or her possession, in such bank or banks as may be selected by the Board of Directors. He or she shall keep full and accurate account of all receipts and disbursements of this corporation in books belonging to the corporation, which shall be open at all times to the inspection of the Board of Directors. He or she shall from time to time make such other reports to the Board of Directors as it may require.

Section 5. Any officer of this corporation, in addition to the powers conferred upon him or her by these Bylaws shall have such additional powers and perform such additional duties as may be prescribed from time to time by said Board.

ARTICLE VI

Committees

Section 1. The Board of Directors may act by and through such committees as may be specified in resolutions adopted by a majority of the directors in office. Each committee shall have such duties and responsibilities as are granted to it from time to time by the Board of Directors. Each such committee shall at all times be subject to the control and direction of the Board of Directors.

Section 2. The Board of Directors shall, by resolution adopted by a majority of the entire board, designate from among its members an Executive Committee consisting of three or more Directors, including the Chair of the Board of Directors. The Board of Directors may designate one or more Directors as alternate members of the Executive Committee, who may replace any absent member or members of the Executive Committee at any meeting thereof. In the interim between meetings of the Board of Directors, the Executive Committee shall have all the authority of the Board of Directors except to amend these Bylaws or as otherwise provided by law. All acts done and powers and authority conferred by the Executive Committee from time to time within the scope of its authority shall be, and may be deemed to be, and may be certified as being, the act

and under the authority of the Board of Directors. The Chairman of the Board, or the President in the absence of the Chairman of the Board, shall preside at all meetings of the Executive Committee. The Executive Committee shall elect from its members a chairman to preside at any meeting of the Executive Committee at which the Chairman of the Board and the President shall be absent. Two members of the Executive Committee shall constitute a quorum for the transaction of business.

Section 3. Each committee of this corporation may establish the time for its regular meetings and may change that time as it from time to time deems advisable. Special meetings of any committee of this corporation may be called by the chairman of that committee, or by the President. Two days' notice by mail, telephone, or telegraph shall be given of any special meeting of a committee. At all meetings of a committee of this corporation each member thereof shall be entitled to cast one vote on any question coming before such meeting. The presence of a majority of the membership of any committee of this corporation shall constitute a quorum at any meeting thereof, but the members of a committee present at any such meeting, although less than a quorum, may adjourn the meeting from time to time. A majority vote of the members of a committee of this corporation present at any meeting thereof, if there be a quorum, shall be sufficient for the transaction of the business of such committee.

ARTICLE VII

Fiscal Year

Unless otherwise fixed by the Board of Directors, the fiscal year of this corporation shall begin on January 1 and end on the succeeding December 31.

ARTICLE VIII

Miscellaneous

Section 1. This corporation may have a corporate seal, which may be altered from time to time by resolution of the Board of Directors.

Section 2. These Bylaws may be amended from time to time in the manner prescribed by law. Notwithstanding the foregoing, without consent of the Member, Article III of these Bylaws may not be amended.

Section 3. To the full extent permitted by any applicable law, this corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, wherever brought, whether civil, criminal, administrative or investigative, other than an action by or in the right of the corporation, by reason of the fact that such person is or was a director, officer, employee, or member of a committee of this corporation, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding.

Indemnification provided by this Bylaw shall be in addition to and independent of and shall not be deemed exclusive of any other rights to indemnification to which any person may be entitled by contract or otherwise under law. Indemnification provided by

this Bylaw shall continue as to a person who has ceased to be a member of the Board of Directors, officer, employee or committee member, shall inure to the benefit of the heirs, executors and administrators of such person and shall apply whether or not the claim against such person arises out of matters occurring before the adoption of this Bylaw. However, any indemnification realized other than under this Bylaw shall apply as a credit against any indemnification provided by this Bylaw.

This corporation may, to the full extent permitted by applicable law from time to time in effect, purchase and maintain insurance on behalf of any person who is or was a member of the Board of Directors, officer or employee of this corporation or a member of a committee of this corporation against any liability asserted against such person and incurred by such person in any such capacity.

Section 4. Notwithstanding anything herein to the contrary, it is the parties' intent that nothing in these Bylaws waives any applicable sovereign or Eleventh Amendment immunity of the Member, Board of Directors, or their agents, managers, employees, or persons operating through them.

The foregoing Bylaws were adopted by the _____ on
the _____ day of _____, 2018.
 _____ Secretary



2018 Board of Directors

Proposed Replacements/Additions

3 Year Term – Expires 2021

Ryan Pidde

Mayor Paul TenHaken – Nominated to replace Daren Ketcham

Kim Patrick – Nominated to fill Expanded Position

3 Year Term – Expires 2020

Bob Sutton, Vice President

Dr. Dave Kapaska

Deb Peters

3 Year Term – Expires 2019

Russell Olson, Sec./Treas.

Paul Hanson

Regent Kevin Schieffer – Nominated to fill Expanded Position

Ex-Officio, Voting

Sheila Gestring, Chairman

Dr. Paul Beran – Nominated for replace Dr. Michael Rush



Ex-Officio, Non-Voting

USD Vice President for Research, currently Mary Berry

USD Dean of Beacom School of Business, currently Venky Venkatachalam

USD GEAR Center Director, currently Dan Engebretson

University Center Executive Dean, Michael Card (interim)

South Dakota Board of Regents Chief Research Officer, currently Nathan

Lukkes,

Governor's Office of Economic Development Commissioner or Designee,

currently Aaron Scheibe

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – B (1)

DATE: October 2-4, 2018

SUBJECT

BOR Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1 – Freedom of Speech Policy Revisions (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[U.S. Constitution Amendment I](#)

[SD Constitution Art. VI § 5](#) – Freedom of speech

[SDCL § 3-6C-19](#) – Freedom of Speech of Officers and Employees

[BOR Policy 3:3](#) – Freedom of Speech

[BOR Policy 3:4](#) – Student Code of Conduct

[BOR Policy 6:13](#) – Facilities Use By Private Parties

BACKGROUND / DISCUSSION

During the [June 2018](#) Board meeting, a Free Speech Roundtable was scheduled with a number of invitees who provided both written and oral comments on a variety of system and institutional policies affecting free speech. Board of Regents staff worked with institutional representatives to make necessary revisions to BOR policies to address issues/concerns that were raised by various constituent groups.

IMPACT AND RECOMMENDATIONS

Changes have been made to seven BOR policies to provide greater clarity for institutional leadership as they manage freedom of speech issues on their campuses. AAC was given the opportunity to review the policies during their August 2018 meeting, and subsequent revisions have been made following engagement with Board leadership, campus general counsels, and presidential feedback.

ATTACHMENTS

Attachment I – BOR Policy 1:17 Harassment Including Sexual Harassment

Attachment II – BOR Policy 3:3 Freedom of Speech

Attachment III – BOR Policy 3:4 Student Code of Conduct

Attachment IV – BOR Policy 3:18 Recognition and Funding of Student Organizations

Attachment V – BOR Policy 4:21 Political Activity

Attachment VI – BOR Policy 6:13 Facilities Use by Private Parties

Attachment VII – BOR Policy 7:1 Acceptable Use of ITS

DRAFT MOTION 20181002_5-B(1):

I move to approve the first reading of the proposed revisions to BOR Policies 1:17, 3:3, 3:4, 3:18, 4:21, 6:13, and 7:1.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Harassment including Sexual Harassment

NUMBER: 1:17

1. Educational institutions play a special role in preparing students to lead the complex social organizations through which businesses and professions operate and through which free people govern themselves. Students must be taught, *and they must be shown through the example given by institutional employees*, that stable, effective and prosperous social organizations observe norms of conduct under which all participants are expected to treat one another civilly and to carry out their respective tasks in a constructive and informed manner. Complex social organizations derive their strength from the cooperation of those who participate in them. By virtue of their special role in preparing future generations of leaders, educational institutions have a particular concern with conduct that subjects members of the institutional community to harassment, as herein defined, on the basis of sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, gender identity, transgender, sexual orientation, age, disability, genetic information or veteran status, on any other status that may become protected under law against discrimination or on any other grounds. Such conduct destroys the bonds of cooperation and common purpose on which society rests by demeaning some members of the community, and, it cannot be tolerated in an institution whose very purpose is to shape the skills and conscience of the rising generations. For this reason, the Board strictly proscribes harassing conduct, and those members of the institutional community who have indulged in it shall be subject to discipline pursuant to Board Policy 1:18 or Board Policy 3:4.
2. Harassment on any grounds, directed against individuals, is proscribed.
 - A. Sexual harassment in either of its recognized forms is proscribed:
 - 1) Sexual harassment may be established by showing that an individual has been subjected to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
 - a. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's participation in, or use of, an institutionally sponsored or approved activity, employment or resource; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for educational, employment or similar decisions affecting an individual's ability to participate in or use an institutionally

sponsored or approved activity, employment or resource.

- 2) Sexual harassment may also be established by showing participation in the creation of an intimidating, hostile or demeaning environment established under § 2(B) below.

B. Harassment on the basis of sex, race, color, creed, religion, national origin, ancestry, citizenship, gender, gender identity, transgender, sexual orientation, age, disability, genetic information, veteran status or harassment on any other status that may become protected under law against discrimination or on any grounds, directed against individuals, may be established by showing,

- 1) Conduct toward another person that ~~has the purpose or the effect of creating~~ is severe or pervasive enough to create an objectively and subjectively intimidating, hostile or demeaning environment that substantially interferes with the individual's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 - a. Sexual assault, as described in Board Policy No. 1:17.1, or animus-based assault that would constitute a hate crime under state or federal law, or involving conduct towards any individual otherwise protected from harassment under this policy that would constitute a hate crime if directed towards a person protected under state or federal hate crime law, will satisfy the requirement that the assailant's conduct creates an objectively and subjectively intimidating, hostile or demeaning environment that substantially interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 - b. In most other cases, harassment consists of more than casual or isolated incidents.
 - i. Consideration should be given to the context, nature, scope, frequency, duration and location of the incidents, whether they are physically threatening or humiliating as opposed to merely offensive utterances, as well as to the identity, number and relationships of the persons involved.
 - ii. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive or persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity,

employment or resource.

- iii. The reasonable person standard includes consideration of the perspective of persons of the alleged victim's race, gender or other circumstances that relate to the purpose for which he or she has become the object of allegedly harassing conduct.
 - iv. If the victim does not subjectively perceive the environment to be hostile, the conduct has not actually altered the conditions of participation and there will be no violation of this policy.
 - v. It is not necessary to show psychological harm to the victim to establish that the conduct would interfere with the person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.
 - 2) ~~Other conduct that is extreme and outrageous exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.~~ RESERVED
 - 3) Reasonable directions and admonitions by duly authorized institutional agents as to time, place and manner in which employees or volunteers perform assigned responsibilities, students carry out educational assignments or program participants engage in sponsored activities do not constitute prima facie evidence of harassment.
3. The chief executive officer of each institution is responsible for the enforcement of this policy and may delegate the necessary authority to the appropriate campus administrator.
- A. Enforcement policies shall provide, at the minimum, for the following:
- 1) Posting of notices to alert students, employees and others of the institution's policies concerning harassment, including its assurance that persons who bring complaints of discrimination and persons who participate in the investigation and disposition of such complaints will not be subject to harassment, interference, intimidation, or retaliation;
 - 2) Posting of notices informing students, employees and others of the steps that they must take in order to communicate complaints or concerns to the institution pursuant to Board policy 1:18, including a clear and accurate identification of the person or persons currently serving as the institution's

Title IX/EEO coordinator or deputy coordinators; and

- 3) Sponsoring educational programs for members of the campus community to assure that they are informed of their rights and obligations under this policy and to assist them in understanding the various forms that harassment may take, the effects it has on its victims and the ways in which it interferes with the proper operation of social organizations and society at large.

B. In addition to the procedures compliant with Board Policy No. 1:18, each institution will establish a procedure to encourage persons who have been subjected to unwelcome conduct of a sexual nature, whether or not rising to a level that constitutes harassment as defined in this policy, to contact the Title IX/EEO coordinator designated pursuant to Board Policy No 1:18(7).

- 1) Upon receipt of such a report, the Title IX/EEO coordinator will meet with the individual to discuss the incident, to reiterate the institution's commitment to preventing harassment and the protections afforded under Board policy, and to assess whether the conduct that prompted the report might involve prohibited harassment.
- 2) If the Title IX/EEO coordinator concludes that the conduct may involve prohibited harassment, the coordinator will initiate proceedings under that chapter.
- 3) If the Title IX/EEO coordinator concludes that the conduct, though unwelcome, did not involve prohibited harassment, the coordinator will inform the person of the resources that the institution may be able to provide to assist the person to resolve concerns with the individual whose conduct prompted the report or otherwise to assist the person to become familiar with strategies that may assist in avoiding or responding to such conduct.
 - a. If the reported conduct, while not yet harassment, was targeted at a specific person or persons, was abusive, and served no bona fide academic purpose, the Title IX/EEO coordinator will contact the individual whose conduct prompted the report to discuss the conduct and its relation to federal and state law and to Board and institutional policies.
 - i. Before initiating the contact, the Title IX/EEO coordinator will inform the person who made the report that the contact will be made and will explain that the institution will stress the prohibition against retaliation and will avoid making an express disclosure of confidential information.
 - b. If the reported conduct was not targeted at a specific person or persons,

the Title IX/EEO coordinator will discuss with the person who made the report, options to contact the individual whose conduct prompted the report, with or without the assistance of person who made the report, to discuss the implications of the conduct. The institutional, where appropriate, Title IX/EEO coordinator will also contact the institutional official responsible for the individual whose conduct prompted the report.

- i. The Title IX/EEO coordinator will determine whether the circumstances require that the institution contact the individual whose conduct prompted the report or whether other action may be necessary to assure that the individual understands the obligation to avoid harassment and how certain forms of conduct may interfere with the ability of others to participate fully in institutional employments and programs.

SOURCE: BOR, April 1987; BOR, January 1995; BOR, August 2009; BOR, December 2013.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Commitment to Freedom of Speech~~Expression~~

NUMBER: 3:31:32

A. PURPOSE

To express the Board's commitment to the principles of expression protected by the First Amendment to the U.S. Constitution

B. DEFINITIONS

None

C. POLICY

The Board and its institutions ~~shall ensure the rights have a long history of commitment to the principles~~ of free ~~speech and~~ expression and ~~shall~~ encourage the timely and rational discussion of topics whereby the ethical and intellectual development of the student body and general welfare of the public may be promoted.

Freedom of expression includes the right to discuss and present scholarly opinions and conclusions on all matters both in and outside the classroom without Board or institutional discipline or restraint. This freedom includes the right to speak and write as a member of the institutional communities governed by the Board or as a private citizen without Board or institutional discipline or restraint, on scholarly matters, or on matters of public concern. The Board and its institutions are committed to these principles and provide all members of their community the latitude to explore ideas and to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the institution, the Board fully respects and supports the freedom of all members of the institutions' community to discuss any problem or issue that presents itself.

The ideas of different members of the institutions' community will often and quite naturally conflict, and some individual's ideas will even conflict with the institutions' values and principles. But it is not the proper role of the Board or the institutions to attempt to shield individuals from viewpoints they find unwelcome, disagreeable, or even deeply offensive. To be clear, the Board greatly values and is responsible for upholding a culture of civility at its institutions. All members of the institutions' community share in the responsibility for maintaining a climate of mutual respect. Such a climate is essential to First Amendment principles of academic freedom and freedom in learning, as both principles rely on the

discursive order and restraint from disruption that civility demands of each of us. Yet, while the manner in which ideas are conveyed may be uncivil and disrespectful, ideas, themselves, are not. In other words, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our institutions' community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever, whenever, and wherever they wish. The institutions may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the institution, including any limited public or nonpublic forum it creates. In addition, the institution may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the institution. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the Board's commitment to a free and open discussion of ideas.

It is the Board's fundamental commitment to the principle that viewpoints may not be suppressed because the ideas put forth are thought by some or even by most members of the institutions' community to be offensive, unwise, immoral, or wrong-headed. Controversial speech and robust debate are expected and valued at the institutions. The right to engage in such expression is one of the rights protected by the United States Constitution. Indeed, encouraging professional diversity in faculty and fostering the ability of members of the institutions' community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the institutions' educational missions.

As a corollary to the Board's commitment to protect free expression, and as suggested by the above discourse on civility, members of the institutions' community must also act in conformity with the responsibilities of free expression. Although members of the institutions' community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the conduct of the institutions or the freedom of others to express views they reject or even loathe. To this end, the Board and the institutions have a responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

Accordingly, the Board will adopt and interpret policies consistent with this commitment and institutions will ensure their policies and procedures uphold the commitment contained herein and within the policies adopted by the Board setting forth reasonable time, place, and manner restrictions.

This policy shall not be interpreted in any manner to mandate new funding by institutions to ensure its enforcement.

FORMS / APPENDICES:

None

SOURCE:

(RR, 12:02, 1977); BOR March 1993.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Student Code of Conduct

NUMBER: 3:4

1. Introduction

The Board of Regents and its Institutions are committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural, and ethical development of its Students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship.

A. Purpose of the Student Code of Conduct

The purpose of the Student Code is to educate Students about their civic and social responsibilities as members of the Institutional community. The primary focus of the Student conduct process is on educational and corrective outcomes; however, conduct sanctions such as suspension or expulsion from an Institution may be necessary to uphold community standards and to protect the campus community. Extensive, organized, serious, or repeated violations of this Student Code are taken into account when determining conduct sanctions.

B. Standards of Behavior

Attendance at an Institution is optional and voluntary. When Students enroll at an Institution, they voluntarily accept obligations of performance and behavior that are consistent with the Institution's lawful mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

By enrolling at an Institution, Students voluntarily accept responsibility for compliance with all Board of Regents and Institutional Policies, including but not limited to this Student Code.

C. Authority of an Institution over its Students and Organizations

1. Student conduct proceedings may be initiated in response to conduct prohibited by the Student Code:
 - a. That occurs on Institutional Premises;
 - b. That occurs at events officially sponsored by an Institution;
 - c. That arises out of membership in the Institutional community; or
 - d. That occurs elsewhere and that adversely affects an Institution, any Organizations, members of the Institutional community, or the pursuit of their lawful objectives.

2. Notwithstanding this Student Code, an Institution reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Institution also reserves the right to extend any deadline contained in this Student Code for good cause with written notice to the parties of the delay and the reason for the delay.
3. For purposes of the Student Code, the default authority over the Student for Student conduct purposes will be determined as follows:
 - a. For alleged misconduct that occurs on Institutional Premises, the Institution where the alleged misconduct occurred;
 - b. For alleged misconduct that occurs at events officially sponsored by an Institution, the Institution that sponsored the event;
 - c. For alleged misconduct that occurs elsewhere and that adversely affects an Institution, the Institution adversely affected;
 - d. For alleged instances of Academic Misconduct, the Institution that offered the course;
4. For instances where multiple Institutions have a reasonable claim to authority over the Student for Student conduct purposes, the Senior Student Affairs Officer at the Institutions with a reasonable claim to authority shall determine the appropriate Institution to proceed with the Student conduct process. The decision should consider the location of the alleged incident, Complainant, Respondent, witnesses, and the practicality of conducting the Student conduct process at the different Institutions having a reasonable claim to authority. If the Senior Student Affairs Officers cannot agree, the System Director of Student Affairs will make a final decision.
5. Where Students are also employees, they may be subject to concurrent authority. Student conduct proceedings under this Student Code may be initiated irrespective of any action taken by an Institutional employer. However, when the Student employee has been subject to conduct proceedings as an employee, the findings that resulted from such proceedings will be considered in the Student conduct process as long as the standard used in such proceedings was preponderance of the evidence or higher.

D. Alcohol Amnesty

This section aims to remove the barriers that may prevent any Student from seeking emergency medical attention by providing an opportunity for the Institution to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol-related injuries or deaths, and increase the likelihood that Students will seek medical attention in crisis situations.

1. A Student who seeks emergency medical attention (or who has emergency medical attention sought on his/her behalf) for alcohol-related consumption, will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to that incident, as long as the Student completes the following requirements:

- a. Participates in an initial meeting with the Senior Student Affairs Officer; and
 - b. Completes all recommendations from the Senior Student Affairs Officer; and
 - c. Submits proof of completion of all recommendations, within the time frame designated by the Senior Student Affairs Officer at the initial meeting.
- 2. A bystander Student who has engaged in alcohol consumption and who seeks emergency medical attention for someone else or tries to actively engage in assistance for someone else for that person's alcohol-related consumption, will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to his/her own consumption but will be invited to meet with the Senior Student Affairs Officer.
- 3. The Institution will not pursue any disciplinary action related to any alcohol or drug consumption against any Student who has been sexually assaulted or sexually harassed, for his/her use of alcohol or drugs at the time of the sexual assault or sexual harassment.
- 4. Subsections D-1 and D-2 of this section will only apply to a Student who seeks emergency medical attention before police or Institutional employees or agents take any official action or intervention related to the alcohol consumption.
- 5. Alcohol amnesty does not preclude disciplinary action regarding other violations of the Student Code.
- 6. Alcohol amnesty only applies to the Institution's Student conduct process. It does not apply to any criminal, civil or other legal consequence for violations under federal, state or local law.
- 7. Alcohol amnesty is not designed to protect or shield those students who repeatedly violate the Student Code. The Senior Student Affairs Officer may assess each situation on a case-by-case basis, denying the safeguards of alcohol amnesty if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under this Student Code.

E. Relationship Between the Student Conduct Process and the Criminal Law Process

- 1. The Student conduct process is independent of any criminal or civil process. Therefore, a Student alleged to have engaged in conduct that would be a violation of this Student Code (whether such conduct could also be a violation of criminal or civil law) may face Student disciplinary action regardless of any criminal or civil process or their outcomes.
- 2. When the alleged misconduct includes allegations of Human Rights Violations, the disciplinary process will not be delayed except when law enforcement requests a delay to conduct the fact-finding portion of its investigation.
- 3. Determinations made or conduct sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same

facts giving rise to violation of this Student Code were dismissed, reduced, or resolved in favor of, or against, the criminal law defendant.

4. When a Student is charged by federal, state, or local authorities with a violation of law, the Institution will not request or agree to special consideration for that Student because of his or her status as a Student.
5. If the alleged violation of law also gives rise to Student disciplinary action under this Student Code, the Institution may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled under the Student Code.
6. The Institution will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of Student violators provided that the conditions do not conflict with any conduct sanctions imposed as a result of the Student conduct process, this Student Code, or Institutional Policies.
7. Where the Student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (*e.g.*, “no contest” or “*nolo contendere*”), the alleged facts that formed the basis of the criminal charges shall be deemed established for purposes of any Student conduct process.
8. Individual Students and other members of the Institutional community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
9. When an employee of the Institution knows that a felony was committed and that knowledge is not privileged, such employee shall report the known facts and circumstances to law enforcement officials who have jurisdiction over the matter.

F. Interpretation and Revision

1. No provision of this Student Code shall be interpreted to deprive Students of rights guaranteed them under state or federal law.
2. Institutions must ensure that Institutional interests do not interfere with the impartiality of the Student conduct process.
3. Any question of interpretation regarding the Student Code shall be referred to the Senior Student Affairs Officer for final determination.
4. The Student Code should be reviewed periodically under the direction of the Senior Student Affairs Officers.
 - a. If the review leads to a recommendation that Board Policy be modified, that recommendation and its supporting rationale shall be provided to the Institutional presidents and, if approved, forwarded to the Executive Director.

G. Institutions may choose to adopt Institutional Policies that are consistent with this Student Code.

2. Definitions

The following terms have the stated meanings in this Student Code, and are identified throughout the Student Code through the use of capitalization:

- A. The term “Advisor” means a person of the Student’s choosing who has agreed to advise a Student throughout the Student conduct process. The Advisor may be a Faculty Member, staff member, Student, attorney, family member, or anyone else. The Advisor is limited to advising the Student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing. Students should choose an Advisor who is available to attend any scheduled meetings or hearings because Advisor availability is not considered in scheduling meetings or hearings.
- B. The phrase “Appellate Board” means any person or persons authorized by the Institutional president to consider an appeal from the Chair’s determination that a Respondent has or has not violated the Student Code or from the conduct sanctions imposed by the Student Conduct Officer.
- C. The phrase “Board Policy” means the written policies of the South Dakota Board of Regents contained in the policy manual.
- D. The term “Chair” means the Student Conduct Officer or the Senior Student Affairs Officer who:
 - 1. Is a member of the Student Conduct Panel;
 - 2. Is responsible for the proper operation of the hearing; and
 - 3. Has sole discretion to determine whether a Respondent has violated the Student Code, and if so, to impose appropriate sanctions.
- E. The term “Complainant” means an individual who was allegedly injured by an alleged violation of the Student Code by a Respondent.
- F. The term “Day” means Monday through Friday, except for holidays and other times when the Institution’s administrative offices are closed.
- G. The phrase “Faculty Member” means any person hired by the Institution to conduct classroom or other academic activities.
- H. “FERPA” means the Family Educational Rights and Privacy Act of 1974, as amended.
- I. “Human Rights Violations” means Violence, Harassment, Stalking, Sexual Misconduct, Discrimination, and Retaliation under this Student Code.
- J. The term “Institution” means 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.
- K. The phrase “Institutional Official” includes any person employed by the Institution, performing assigned administrative or professional responsibilities.
- L. The phrase “Institutional Premises” includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by, the Institution, including adjacent streets and sidewalks.

- M. The phrase “Member of the Institutional Community” includes any person who is a Student, Faculty Member, Institutional Official, any person employed by the Institution, a volunteer, or guest. A person’s status in a particular situation shall be determined by the Senior Student Affairs Officer.
- N. “Notice” required by this Student Code shall be provided in writing via email to the Student’s official Institutional email account. Notice is deemed received the Day after it is sent by email.
- O. The term “Organization” means any Student group that has been granted Institutional registration or recognition.
- P. The term “Policy” means the written regulations of the Institution as found in, but not limited to, this Student Code, the Residence Life Handbook, the Graduate and Undergraduate Catalogs, and other official publications.
- Q. The term “Reasonable Person” means a reasonable person under similar circumstances and with similar identities as the Complainant.
- R. The term “Respondent” means a Student or Organization that is alleged to have violated the Student Code.
- S. The phrase “Senior Student Affairs Officer” means that Institutional Official exercising primary authority over Institutional student affairs programs and operations, or designee.
- T. The term “Student” includes all persons taking courses from the Institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not.
- U. The term “Student Code” means the Student Code of Conduct contained in this Board Policy 3:4.
- V. The phrase “Student Conduct Panel” means the panel that hears formal hearings.
 - 1. This panel can take the following forms:
 - a. Option 1 – only the Student Conduct Officer;
 - b. Option 2 – the Student Conduct Officer and any Institutional employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a Student has violated the Student Code and to recommend imposition of conduct sanctions;
 - 2. For matters involving allegations of Academic Misconduct, the Student Conduct Panel must include at least one Faculty Member or academic administrator appointed by the Provost in the form described in Option 2 above.
- W. The phrase “Student Conduct Officer” means any Institutional Official authorized by the Senior Student Affairs Officer to:
 - 1. Informally resolve an allegation by determining the facts and, if a violation is found, imposing a conduct sanction without the assistance of a Student Conduct Panel;

OR

2. Serve as Chair of the Student Conduct Panel;
3. Receive and consider the findings and recommendations of a Student Conduct Panel; and
4. Determine whether a Respondent has violated the Student Code, and if so, to impose appropriate sanctions.

3. Prohibited Conduct

The following list describes actions that detract from the effectiveness of an Institution's productive living-and-learning community. Any Student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the Student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another Board Policy or Institutional Policy, the definition contained in this policy shall be used to address prohibited conduct by a Student.

A. Acts of Academic Misconduct or Dishonesty

Honesty and integrity are core values at all Institutions. Faculty Members and Students are jointly responsible for maintaining academic standards and integrity in Institutional courses. In addition to any conduct sanctions imposed under this Student Code, academic consequences for academic misconduct may be imposed by the Faculty Member, including issuing a failing grade in the course. Any grade issued by the Faculty Member, whether as a result of academic misconduct or not, constitutes an academic evaluation and is not a conduct sanction imposed under this Student Code. All Faculty Members should report incidents of Academic Misconduct to the Student Conduct Officer.

1. Engaging in acts of Academic Misconduct, which means Cheating or Plagiarism.
 - a. Cheating includes, but is not limited to, the following:
 - i. Using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another's quiz, test, examination, or other assignment or allowing another to copy from one's own quiz, test, examination, or other assignment;
 - ii. Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - iii. Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the Institutional faculty or staff;
 - iv. Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;

- v. Falsifying or misrepresenting data or results from a laboratory or experiment; or
 - vi. Engaging in other behavior that a Reasonable Person would consider to be cheating.
- b. Plagiarism includes, but is not limited to, the following:
- i. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
 - ii. Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
 - iii. Engaging in other behavior that a Reasonable Person would consider plagiarism.
- 2. Engaging in other conduct that a Reasonable Person would consider dishonesty relating to academic achievement, research results or academically related public service.
 - 3. Furnishing false information or false representations to any Institutional Official, instructor, or office. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, an Institution.
 - 4. Forging, fabricating, altering, misrepresenting, or misusing any document, record, or identification, including misrepresentations of degrees awarded or honors received.
 - 5. Tampering with the election of any Organization.
 - 6. Claiming to represent, or act on behalf of, the Institution when not authorized to do so.

B. Disruption, Obstruction, or Interference with Institutional Activities

- 1. Disrupting or obstructing Institutional activities.
- 2. Classroom disruption, which is behavior that a Reasonable Person would view as significantly or repeatedly interfering with the instructor's ability to teach the class or the ability of other Students to benefit from the instructional program.
- 3. Failure to comply with directions of Institutional, law enforcement, fire department, public safety contractors, or other government officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 4. Obstruction of the free flow of pedestrian or vehicular traffic.
- 5. Abuse of the Student conduct process, which includes, but is not limited to, any of the following:
 - a. Falsifying, distorting, or misrepresenting information provided;

- b. Making false allegations;
- c. Attempting to discourage an individual's proper participation in, or use of, the Student conduct process;
- d. Harassment (verbal or physical) or intimidation of any person participating in the Student conduct process;
- e. Failure to comply with any conduct sanctions imposed pursuant to this Student Code.

C. Misuse of Institutional Resources or Property, or Personal Property of Others

- 1. Tampering with fire and life safety equipment including, without limitation, fire alarms, sprinkler systems, first aid equipment, and laboratory safety apparatus.
- 2. Unauthorized taking of, damage to, or possession of property belonging to the Institution, another Member of the Institutional Community, or another person.
- 3. Unauthorized possession, duplication, or use of keys, access cards, or access codes to any Institutional Premises.
- 4. Unauthorized entry into, or use of, Institutional Premises.
- 5. Unauthorized possession, entry into, or use of Institutional equipment, software systems, or information.
- 6. Possession of firearms, stun guns, tasers, BB guns, switchblade knives, fixed-blade knives with a blade length of five (5) inches or greater, or any item that is designed or used to injure or harm another person, fireworks, explosives, or dangerous chemicals on Institutional Premises or at Institutional events, except as explicitly permitted by a Board Policy or an Institutional Policy;
- 7. Unauthorized use or abuse of technology, including, but not limited to:
 - a. Unauthorized entry into a file or program to use, copy, read, delete, or change the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification or account;
 - d. Use of technology to interfere with the work of another Student, Faculty Member, or Institutional Official;
 - e. Use of an Institution's technology to ~~send-engage in~~ Harassment~~ing or abusive messages~~;
 - f. Use of technology to engage in unlawful activities, including those involving uses that infringe intellectual property rights;
 - g. Use of technology to interfere with normal operation of an Institution's technology or other system;
 - h. Making, acquiring, or using unauthorized copies of computer files, violating terms of applicable software license agreements, or using the

Institution's technology network or system to download files in violation of copyright laws;

- i. Attempting to circumvent data protection schemes or tampering with security;
- j. Violating Institutional or Board computer use or internet policies.

D. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety

1. Violence, which includes, but is not limited to, using or threatening to use physical force on or towards another person without that person's permission, except in reasonable self-defense. The use of physical force includes both using one's own body parts as well as using other items.
2. Brandishing, pointing, or using a knife, gun, or other weapon towards another person, except in reasonable self-defense.
3. Restraining or transporting another person without that person's permission.
4. Making bomb threats.
5. Harassment, which includes, but is not limited to:
 - a. Conduct towards another person that ~~has the purpose or effect of creating is severe or pervasive enough to create~~ an objectively and subjectively intimidating, hostile, or demeaning environment that substantially interferes with the individual's ability to participate in or to realize the intended benefits of an Institutional activity or resource; and
 - ~~b. Other conduct that is extreme and outrageous exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of an Institutional activity or resource.~~
6. Sexual Harassment, which is subjecting another person to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
 - a. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's participation in, or use of, an Institutionally-sponsored or approved activity or resource; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for educational or similar decisions affecting an individual's ability to participate in or use an Institutionally-sponsored or approved activity or resource.
7. Stalking, which is engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

- a. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - b. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
8. Hazing, which includes, but is not limited to, an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or as a condition for continued membership in a group or an Organization:
- a. Is likely to, or would be perceived by a Reasonable Person as likely to, endanger the physical health of an individual or cause psychological discomfort or distress through treatment that a Reasonable Person would consider to be humiliating, intimidating, or demeaning;
 - b. Destroys or removes public or private property;
 - c. Involves the consumption of alcohol or other substances to excess; or
 - d. Violates any Board Policy or Institutional Policy.

The express or implied permission of the individual being hazed does not make the behavior acceptable. It is also a violation of this provision to solicit, aid, or attempt to aid another person in planning or committing Hazing.

9. Sexual Misconduct, which is any contact of a sexual nature with another person without that person’s consent.

Contact of a sexual nature includes, but is not limited to:

- a. Touching the intimate parts of another person;
- b. Touching another person with one’s own intimate parts;
- c. Forcing another person to touch one’s own intimate parts; and
- d. Exposing one’s own intimate parts to another person;

Intimate parts include, but is not limited to, genitalia, groin, breast, buttocks, mouth, or clothing covering the same.

Consent is defined as informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. If a person is fifteen (15) years old or younger, there is no consent. Whether one has taken advantage of a position of influence over another may be a factor in determining consent. Consent to any one form of sexual activity does not imply consent to any other

form of sexual activity. Consent to one sexual encounter does not imply consent to another sexual encounter. Consent may be revoked at any time.

10. Voyeurism includes, but is not limited to, any use of electronic or other devices to make an audio, video, or photographic record of another person without that person's prior knowledge and without that person's prior authorization when such a recording is likely to cause that person or a Reasonable Person injury or distress, or involves that person's intimate parts or sexual conduct involving that person.

11. Invasion of Privacy occurs when:

- a. An individual views another person, without that person's prior knowledge and permission, under circumstances in which the other person has a reasonable expectation of privacy; or
- b. An individual uses an audio recording device to record another person, without that person's prior knowledge and permission, under circumstances in which the other person has a reasonable expectation of privacy.

E. Discrimination and Retaliation

1. Discrimination is excluding from, or treating another person differently than others in, Institutional activities on the basis of sex, race, color, creed, religion, national origin, ancestry, gender, gender identity, transgender, sexual orientation, age, disability, genetic information, or veteran status. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6), and the enforcement of such single-sex membership practices by Students does not violate this provision.
2. Retaliation is conduct that would make a Reasonable Person feel intimidated, or that interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual reports or files a complaint alleging a violation of law, Board Policy, or Institutional Policy, or participates in any process in which the individual has a right to participate.

F. Housing and Living Groups

Violations of any rules imposed by Institutional housing or living groups are also violations of this Student Code.

G. Use and Misuse of Substances

1. The unauthorized manufacture, sale, possession, use, or consumption of alcohol, marijuana, or controlled substances by Students.

However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the Board of Regents when:

- a. Needed in conjunction with approved research activities;

- b. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional Students who are at least twenty-one (21) years of age;
- c. Alcohol is possessed, used, or distributed in a lawful manner on premises controlled by the Board of Regents that have been designated by the Institution's president as places where such possession, use, and distribution may be permitted, subject to such conditions as the Institution's president may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the Board of Regents; or
- d. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances.
- e. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a Board Policy.

2. The unauthorized possession of any drug paraphernalia.

H. Violation of Policy or Laws

- 1. Violation of published Board of Regents or Institutional Policies, rules, or regulations.
- 2. Violation of federal, state, or local law.

I. ~~Other Conduct~~ RESERVED

~~Conduct not expressly prohibited may also subject Students or Organizations to conduct sanctions where such conduct has the purpose and effect of infringing interests protected by this Student Code or other provisions of Board Policy or Institutional Policy.~~

J. Conduct by Organizations

- 1. Organizations that, formally or informally through repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or invitees that violates the provisions of this Student Code shall be subject to conduct sanctions.
- 2. The privileges of official recognition by an Institution may be extended to Organizations, including those that maintain residences for their members, only if such Organizations agree to adopt and to enforce policies that, at minimum:
 - a. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21 (or the legal age of use and possession in the applicable jurisdiction);
 - b. Prohibit the manufacture, possession, use, or dispensing of marijuana or unauthorized controlled substances at organizational functions or in the organizational residence;

- c. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana, or controlled substances;
 - d. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana, or controlled substances;
 - e. Prohibit the possession, use, or distribution of alcohol, marijuana, or controlled substances on premises controlled by the Board of Regents, except as explicitly permitted by Section 3.G.1 of this Student Code;
 - f. Establish conduct policies and sanctions regarding violations by individual members no less stringent than those set forth under Board Policies, except that limited use of alcoholic beverages is permissible as set out above; and
 - g. Require that a report be filed with the Senior Student Affairs Officer each semester identifying all actions taken pursuant to the Student conduct policies required in this Student Code;
- 3. Institutions may impose additional or more restrictive conditions on official recognition.
 - 4. Organizations are also subject to the Board of Regents' antidiscrimination policies set forth in Board Policy 1:18. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6).

4. Student Conduct Process

A. Allegations

- 1. Allegations of misconduct may be reported against any Student by anyone. Allegations shall be directed to the Student Conduct Officer in the Office of the Dean of Students. The reporting party will disclose the facts that form the basis for the allegation, the identities of any other witnesses, and any other relevant information regarding the alleged misconduct.
 - a. Allegations of Academic Misconduct will be reported to the Student Conduct Officer but are initially addressed through Board Policy 2:33.
 - b. Allegations of Human Rights Violations shall follow the process outlined in Board Policy 1:18.
 - i. The investigator assigned must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the Institution determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the Institution.

- ii. The investigator assigned must be trained to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, including both evidence that tends to suggest a violation and evidence that tends to suggest no violation, and take into account the unique and complex circumstances of each case.
 - iii. The investigator assigned should avoid using any investigative techniques or approaches that apply sex stereotypes or generalizations.
 - iv. Each party should be provided written Notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation.
 - v. The investigation should result in a written report summarizing the relevant evidence that tends to suggest a violation and evidence that tends to suggest no violation.
 - vi. The investigator assigned must make findings of fact and conclusions as to whether the facts support a Human Rights Violation.
2. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct a pre-investigation inquiry to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation.
- a. The Student Conduct Officer must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the Institution determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the Institution.
 - b. As to off-campus conduct, the Student Conduct Officer shall determine whether the incident adversely affects the Institution, any Organizations, members of the Institutional community, or the pursuit of their lawful objectives.
 - c. Allegations of Academic Misconduct that are not informally resolved pursuant to Board Policy 2:33 will enter the Student conduct process here.
 - d. Allegations of Human Rights Violations that are not informally resolved pursuant to Board Policy 1:18 will enter the Student conduct process here.
3. If the Student Conduct Officer determines that either (i) the allegations, if true, would not violate the Student Code or (ii) that the allegations are not credible, then the Student Conduct Officer should inform the Complainant of this determination

and inform the Complainant that the allegations may be re-submitted should additional information become available.

4. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible and will be investigated, the Student Conduct Officer shall provide written Notice to the Respondent within fifteen (15) Days of receiving the report of alleged misconduct or notification from the Faculty Member of the need to address alleged Academic Misconduct through the Student Code.
5. The written Notice to the Respondent must include the following:
 - a. The alleged behavior that would be a violation of the Student Code;
 - b. The date and location of the alleged behavior;
 - c. The section(s) of the Student Code alleged to have been violated;
 - d. The name of the Complainant;
 - e. A time to meet with the Student Conduct Officer to provide the Respondent with the opportunity to give his/her account of the incident leading to the allegation of misconduct;
 - f. Information about the right to have an Advisor present throughout the Student conduct process;
 - g. Information about both the informal and formal resolution processes;
 - h. A time for a hearing to occur no earlier than ten (10), and no later than twenty (20), Days after this written Notice is deemed received to address any alleged violations that are not informally resolved;
 - i. The minimum time limit may be waived by the Respondent.
 - ii. The maximum time limit may be extended at the discretion of the Student Conduct Officer.
6. At the time that the written Notice to the Respondent is sent, a written notice shall also be sent to the Complainant containing information about the right to have an Advisor present throughout the Student conduct process, information about both the informal and formal resolution processes, and the time for the hearing to address any alleged violations that are not informally resolved.
7. The Student Conduct Officer will conduct an investigation of the allegations, which may include speaking with witnesses and reviewing any documentation. Only in instances where the Student Conduct Officer determines that there is sufficient evidence to establish that the Respondent violated the Student Code by a preponderance of the evidence will the allegations proceed to informal or formal resolution.
 - a. For matters involving Human Rights Violations where an investigation was conducted pursuant to Board Policy 1:18, no additional investigation is required.

- b. If the Student Conduct Officer determines that there is insufficient evidence to establish that the Respondent violated the Student Code by a preponderance of the evidence, the Student Conduct Officer will inform both parties of this fact and will cancel the hearing. This notification should also inform that parties that the investigation may be re-opened should additional information become available.

B. Interim Measures

In certain circumstances, the Senior Student Affairs Officer, or a designee, may impose interim measures that go into effect immediately, prior to a hearing before a Student Conduct Panel, and remain in effect until no longer needed.

1. Interim measures are intended to protect the interests of both the Complainant and the Respondent prior to a hearing. Interim Measures may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, Institutional work schedule modifications, interim residence suspension, or interim suspension. Interim Measures that restrict the ability of either party to discuss the investigation should be avoided, as they may inhibit the ability of either party to obtain and present evidence or otherwise to defend their interests. Written Notice of Interim Measures shall be provided to the party to whom the interim measures are directed.
 - a. In circumstances involving allegations of dating violence, domestic violence, sexual assault, or stalking, interim measures must be provided upon the request of a Complainant if such measures are reasonably available.
 - b. In fairly assessing the need for a party to receive interim measures, the Senior Student Affairs Officer, or a designee, may not rely on fixed rules or operating assumptions that favor one party over another, nor make such measures available only to one party.
 - c. Interim measures should be individualized and appropriate based on the information gathered by the Institution, making every effort to avoid depriving any Student of his/her education.
 - d. The interim measures needed by each student may change over time, and the Senior Student Affairs Officer, or a designee, should communicate with each Student throughout the Student conduct process to ensure that any interim measures are necessary and effective based on each Student's evolving needs.
2. Interim suspension may be imposed only for one or more of the following purposes:
 - a. To ensure the safety and well-being of members of the Institutional community or preservation of Institutional property or other property located on premises controlled by the Institution;
 - b. To ensure a Student's own physical or emotional safety and well-being; or

- c. To ensure the normal operations of the Institution where a Student poses an ongoing threat of disruption of, or interference with, the normal operations of the Institution.
- 3. During the interim suspension, the Student may be denied access to residence facilities, the campus (including classes), and all other Institutional activities or privileges.
- 4. A Student placed on interim suspension shall be given written Notice of Interim Measures, which shall include:
 - a. The reasons for the interim suspension;
 - b. The parameters of the interim suspension; and
 - c. Information concerning the right to appeal the interim suspension.
- 5. Interim Suspension Appeal Process
 - a. The Student must submit a written request for a meeting to the Senior Student Affairs Officer.
 - b. The Senior Student Affairs Officer will schedule a meeting with the Student as soon as practical and no later than three (3) Days after receiving the written request. At this meeting, the Student is provided the opportunity to raise any objections to the interim suspension or to request alternative interim measures.
 - c. The Senior Student Affairs Officer has sole discretion regarding interim measures.

C. Informal Resolution

- 1. The Student Conduct Officer may speak separately and individually with the Complainant and the Respondent to determine whether the alleged misconduct can be resolved through informal resolution.
 - a. In matters involving allegations of Human Rights Violations, informal resolution may not take the form of having the Complainant and the Respondent be in the same room at the same time, unless both parties agree in writing.
 - b. In matters involving allegations of Human Rights Violations, the Student Conduct Officer should consider whether the informal resolution is equitable and will end the misconduct, prevent its recurrence, and address its effects.
- 2. Informal resolution may be reached where:
 - a. The parties involved mutually agree to a full resolution of the alleged misconduct that is acceptable to the Student Conduct Officer.
 - i. This must be documented in writing and signed by the Complainant, Respondent, and Student Conduct Officer.

- b. The Respondent waives a formal hearing by admitting to the misconduct and accepting the proposed conduct sanctions.
 - i. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - ii. This type of informal resolution is not available in matters involving allegations of Human Rights Violations.
- 3. Partial informal resolution may be reached where the Respondent admits to the misconduct but does not accept the proposed conduct sanctions. When this occurs, the process moves to formal resolution with the hearing being limited to the question of appropriate conduct sanctions.
 - a. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - b. In matters involving allegations of Human Rights Violations, the Complainant must also agree in writing to this partial informal resolution.
- 4. Informal resolution shall be final and the parties who agreed in writing to informal resolution waive any right to appeal otherwise available under Board Policy 3:4.
- 5. The Student Conduct Officer's involvement in attempting to informally resolve the allegation of misconduct does not impact the Student Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.
- 6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the Formal Resolution process.
 - a. If an informal resolution is reached, the Student Conduct Officer shall prepare written findings and conclusions, and any sanctions resulting from a violation during the informal resolution process. If the complaint included more than one allegation of misconduct, each allegation must have a separate decision.

D. Formal Resolution

- 1. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.
- 2. The composition of the Student Conduct Panel shall be determined as follows:
 - a. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:
 - i. Option 1 – only the Student Conduct Officer; or
 - ii. Option 2 – the Student Conduct Officer and any Institutional employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a Student

has violated the Student Code and to recommend imposition of conduct sanctions,

- b. For matters involving allegations of Academic Misconduct, the Student Conduct Panel must include at least one Faculty Member or academic administrator appointed by the Provost in the form described in Option 2 above.
 - c. Both the Complainant and the Respondent will be provided Notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that (i) the Student Conduct Panel include additional members (Option 2), and/or (ii) a Student Conduct Panel member be replaced due to an actual or reasonably perceived conflict of interest. Such requests must be submitted, in writing to the Senior Student Affairs Officer no later than twenty-four (24) hours after the Notice is provided to the party. The Senior Student Affairs Officer shall make a final decision as to these requests and will provide Notice to both parties of the decision.
3. Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:
 - a. Hearings shall be conducted in private. Witnesses other than the Complainant and the Respondent may only be present during the hearing while presenting their information.
 - b. The Chair shall have sole discretion and final decision-making authority over the following:
 - i. Whether an individual's conduct interferes with the hearing and requires that individual's removal;
 - ii. Whether written information, materials, documents, and statements submitted are relevant and will be accepted for consideration by the Student Conduct Panel;
 - iii. All questions about the interpretation of the Student conduct process; and
 - iv. Whether to have separate or joint hearings when a hearing would involve more than one Respondent;
 4. Neither the Complainant nor the Respondent are required to attend or participate in the hearing, and such decision will have no bearing on the question of whether the Respondent violated the Student Code.
 5. The Respondent has no obligation to provide any information, materials, documents, or witnesses, or answer any questions and is presumed to not have violated the Student Code. The burden is on the Institution to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation of the Student Code occurred.

6. If the Complainant or Respondent wants the Student Conduct Panel to review any materials or documents or wants to present any witnesses at the hearing, such materials and documents and/or witness lists must be submitted to the Chair by the following deadlines in order to be considered:
 - a. In matters alleging Human Rights Violations, all materials and documents and/or witness lists must be submitted at least seventy-two (72) hours before the hearing. Additionally, a copy of the final report prepared by the Title IX/EEO Coordinator will be provided to the Complainant, Respondent, and the Student Conduct Panel members.
 - b. For all other matters, all materials and documents and/or witness lists must be submitted at least twenty-four (24) hours before the hearing.

The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.

7. The Complainant and the Respondent have the right to be assisted by an Advisor of their choice, at their own expense. Ordinarily, no more than two Advisors for each Student shall be permitted. The Advisor is limited to advising the Student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.
8. The Student Conduct Officer shall record the audio of the hearing.
9. Generally, the hearing will be conducted in the following order:
 - a. The Chair will ask each individual present at the hearing to identify him/herself by providing his/her name and role at the hearing (e.g., Complainant, Respondent, Member of the Student Conduct Panel, etc.).
 - b. The Chair will remind the Respondent:
 - i. Of the materials that the Student Conduct Panel received prior to the hearing;
 - ii. Of the right to have an Advisor present;
 - iii. Of the right to refuse to speak as a witness against him/herself;
 - iv. That the refusal to speak as a witness against him/herself will have no bearing on the question of whether the Respondent violated the Student Code;
 - v. Of the alleged behavior that would be a violation of the Student Code; and
 - vi. Of the section(s) of the Student Code alleged to have been violated.
 - c. The Chair will provide the Complainant with the opportunity to engage in the hearing. If the Complainant agrees to engage, then:
 - i. The Chair will provide the Complainant the opportunity to provide any additional relevant factual details that were not previously provided. The Complainant may choose to do so or may decline

- and maintain the right to not provide information, materials, documents, or answer questions. The Complainant may decline but still present witnesses.
- ii. The Chair will ask the Complainant to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - iii. The Student Conduct Panel will then ask questions of the witness.
 - iv. The Chair will ask the Respondent for any questions for the witness. The Respondent will provide the Chair any questions in writing.
 - v. The Chair will ask the witness any questions provided by the Respondent that the Chair determines to be relevant.
 - vi. The Chair will ask the Complainant to present the next witness. The process described above shall repeat for each witness until the Complainant has presented all of its witnesses.
- d. The Chair will provide the Respondent the opportunity to engage in the hearing. If the Respondent agrees to engage, then:
- i. The Chair will provide the Respondent the opportunity to provide any additional relevant factual details that were not previously provided. The Respondent may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The Respondent may decline but still present witnesses.
 - ii. The Chair will ask the Respondent to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - iii. The Student Conduct Panel will then ask questions of the witness.
 - iv. The Chair will ask the Complainant for any questions for the witness. The Complainant will provide the Chair any questions in writing.
 - v. The Chair will ask the witness any questions provided by the Complainant that the Chair determines to be relevant.
 - vi. The Chair will ask the Respondent to present the next witness. The process described above shall repeat for each witness until the Respondent has presented all of its witnesses.
- e. The Student Conduct Panel may ask the Complainant and/or the Respondent whether s/he agrees to answer questions. The Student Conduct Panel may then ask questions of either or both parties who agree to answer questions.

- f. The Student Conduct Panel will meet in a closed session to discuss and make its recommendation, which closed session shall not be audio recorded.
10. The Student Conduct Panel shall review all information and materials presented to it and shall decide by majority vote whether the Respondent violated the Student Code by a preponderance of the evidence (i.e., more likely than not). Decision-making techniques or approaches that apply sex stereotypes or generalizations should be avoided so that the hearing process proceeds objectively and impartially.
11. The Student Conduct Panel shall prepare written findings to support its determination. If multiple allegations of misconduct exist, a decision should be reached separately for each allegation. These written findings shall include:
 - a. Concise statements of each factual finding;
 - b. Brief explanations of whether and why the factual findings support a conclusion that the conduct either violated or did not violate the Student Code;
 - i. These must address each factual element that must be satisfied to establish that conduct has violated the Student Code.
 - c. Any initial, interim, or final decisions by the Institution; and
 - d. If a violation is found, recommendations of appropriate conduct sanctions and supporting rationale for the conduct sanctions;
12. The Student Conduct Panel shall forward its written findings to the Chair. The Chair has sole discretion to adopt or reject any portion of the written findings.
 - a. If any portion of the written findings are rejected, the Chair shall issue new written findings it determines to be appropriate for such portion(s), and will provide the Student Conduct Panel with an explanation for its decision.
 - b. The Chair shall determine the effective date of any conduct sanctions imposed, which effective date should be on or after the exhaustion of the appeal as a matter of right. However, interim measures may remain in place, or be instituted, until the effective date of any conduct sanctions.
13. The Chair's written findings and information about appeal rights, shall be provided to the Respondent. When FERPA allows, the Complainant will receive the permitted information simultaneously. See Section E.1 below for more information.
 - a. In matters involving allegations of Academic Misconduct, the Chair's written findings shall also be provided to the Faculty Member.
 - b. In matters involving allegations of Human Rights Violations, the Complainant must also be provided information about appeal rights.

14. The audio record of the hearing shall be the property of the Institution and shall be maintained by the Student Conduct Officer. No other person may record the hearing.
 - a. The audio record and its contents shall be confidential and may only be used for purposes of any appeals. Any person who discloses the contents of the audio record to parties not involved in the appeal shall be subject to conduct sanction.
 - b. In the event of an appeal, the Respondent shall be given access to the audio record for purposes of preparing an appeal. When the alleged misconduct involves allegations of Human Rights Violations, the Complainant shall be given access to the audio record for purposes of preparing an appeal. Access shall be provided at such places and times as the Senior Student Affairs Officer may direct
 - c. Except as required by law, the Institution shall not be required to change the form in which the record is maintained.

E. Sanctions

1. Individual Conduct Sanctions

- a. In each case in which the Chair determines that a Respondent has violated the Student Code, the Chair shall determine and impose appropriate conduct sanction(s). Where a violation of Board Policy is established, and where a conduct sanction is mandated under Board Policy, that conduct sanction shall be imposed.
 - i. Conduct sanction decisions must be made for the purpose of deciding how best to enforce the Student Code and should reflect a proportionate response to the violation.
 - ii. In matters involving Human Rights Violations, the Chair should consider whether the sanctions are equitable and will end the misconduct, prevent its recurrence, and address its effects.
 - iii. In matters involving Human Rights Violations, the Chair should consider the impact of separating the Respondent from his/her education before imposing a conduct sanction of suspension or expulsion.
- b. In matters involving allegations of Academic Misconduct that are informally resolved pursuant to Board Policy 2:33, the Student Conduct Officer will receive the information from the Faculty Member and shall determine and impose appropriate conduct sanction(s).
- c. Complainants shall be informed in writing and at the same time as the Respondent of any outcome and conduct sanctions imposed in the following circumstances:

- i. When the conduct sanction involves remedial action that directly relates to the Complainant (e.g., a directive requiring the Respondent to not have contact with the Complainant);
 - ii. Where the allegations against the Respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA; or
 - iii. Where the allegations against the Respondent would also constitute Human Rights Violations. In this circumstance, the rationale for the result must also be included.
 - iv. Where the Institution finds that a hostile environment exists, the Institution shall also inform the Complainant of other steps the Institution has taken to eliminate the hostile environment.
- d. FERPA allows Institutions to disclose the final results of a conduct proceeding when the Chair determines that the Respondent violated the Student Code and that violation falls within the definition of a crime of violence or a non-forcible sex offense as defined by FERPA. For purposes of this subsection, “final results” means the name of the Respondent, the violation committed, and any conduct sanction(s) imposed by the Institution.
- e. FERPA allows Institutions to inform the parents or legal guardians of a Respondent younger than twenty-one (21) years of age that the Respondent has violated Institutional Policies concerning the use or possession of alcohol or controlled substances.
- f. The following conduct sanctions may be imposed upon any Respondent found to have violated the Student Code. More than one of the conduct sanctions listed below may be imposed for any single violation. Imposition of a conduct sanction may be delayed or suspended on such conditions as the Student Conduct Officer may prescribe.
 - i. Warning – A statement to the Respondent that the Respondent has violated the Student Code of Conduct.
 - ii. Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the Respondent is later found to have engaged in any additional violation(s) the Student Code during the probationary period.
 - iii. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities, access to Institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the Student’s expense.
 - iv. Fines – Monetary payments.

- v. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
 - vi. Educational Sanction – work assignments, essays, service to the Institution, community service, workshops, or other related educational activities.
 - vii. 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.
 - viii. 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.
 - ix. 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.
 - x. 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.
 - xi. Withholding Degree – the Institution may withhold awarding a degree otherwise earned until the completion of the Student conduct process or the completion of all conduct sanctions imposed.
 - xii. 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 of the Student Code committed by the Respondent prior to graduation.
- g. Conduct sanctions shall not be made part of the Respondent’s permanent academic record, but shall become part of the Respondent’s conduct record. The Respondent’s conduct record containing conduct sanctions other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the Student Code. The Respondent’s conduct record containing any of the four conduct sanctions above shall be maintained permanently. Where restitution is required of a Respondent, the Institution reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of

competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.

- h. Students enrolled in one Institution shall be held accountable for their conduct while visiting all other Institutions. Students may be required, as a condition of continued enrollment, to appear at the Institution where the alleged misconduct took place, at their own expense, for a conduct hearing and to answer allegations based on their conduct while at that Institution.
 - i. Any conduct sanction imposed by one Institution shall be effective at all other Institutions. A Respondent suspended at one Institution shall not be able to enroll at another Institution until the period of suspension has ended. A Respondent who has been expelled from one Institution may not enroll at another Institution.
 - ii. When a Respondent is brought forward on allegations of misconduct by another Institution, any conduct sanction issued after a finding of a violation shall be determined by the Institution that brought forward the allegations of misconduct. Suspension or expulsion may only be imposed after first consulting with the Senior Student Affairs Officer from the Institution where the Respondent is enrolled.

2. Organizational Conduct Sanctions

- a. The following conduct sanctions may be imposed upon Organizations:
 - i. Those conduct sanctions listed above in Section 4.E.1.

F. Appeals

1. Appeal as a Matter of Right

- a. The Respondent may appeal a decision reached by the Chair. In matters involving allegations of Human Rights Violations, the Complainant may also appeal a decision reached by the Chair. The appeal must be in writing and must be submitted to the Senior Student Affairs Officer no later than five (5) Days after Notice of the Chair's decision is deemed received.
- b. The written appeal must cite at least one (1) of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.
 - i. The original hearing was conducted unfairly to the point that it substantially and materially affected the outcome;
 - ii. Using the facts found by the Chair, the conclusion regarding whether there was a violation(s) of the Student Code was incorrect;
 - iii. The conduct sanction(s) imposed were not appropriate for the violation of the Student Code that the Respondent was found to have committed; and/or

- iv. New information that was unavailable at the time of the hearing has been discovered and could substantially and materially affect the outcome.
- c. An appeal shall be limited to a review of:
 - i. The verbatim record of the initial hearing;
 - ii. Supporting documents submitted as part of the initial hearing; and
 - iii. Supporting documents submitted in support of the appeal reason(s)
- d. The Senior Student Affairs Officer will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.
- e. The Senior Student Affairs Officer will provide the Appellate Board with the materials submitted. The Appellate Board will review the materials submitted and provide a written recommendation to the Senior Student Affairs Officer as soon as practicable. The Senior Student Affairs Officer has sole discretion to adopt or reject the recommendation.
 - i. In instances where the Respondent appeals a decision reached by the Chair, sanctions or conditions may not be increased, introduced for the first time, or extended.
 - ii. If the recommendation is rejected, the Senior Student Affairs Officer will provide the Appellate Board with a written explanation for his/her decision.
 - iii. The Senior Student Affairs Officer shall determine the effective date of any conduct sanctions imposed. The effective date of any conduct sanctions shall not be delayed pending any further appeals.
- f. The Senior Student Affairs Officer's written decision shall be provided to the parties, along with the Appellate Board's recommendation and, if rejected, the Senior Student Affairs Officer's written explanation.
 - i. The Senior Student Affairs Officer may return the matter to the hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

2. Appeal to the President of the Institution

- a. The Respondent may appeal a decision reached by the Senior Student Affairs Officer. In matters involving allegations of Human Rights Violations, the Complainant may also appeal a decision reached by the Senior Student Affairs Officer.

- b. The appeal must be in writing and must be submitted to the President's Office no later than five (5) Days after Notice of the Senior Student Affairs Officer's decision is deemed received.
- c. The written appeal must cite at least one (1) of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.
 - i. The original hearing was conducted unfairly to the point that it substantially and materially affected the outcome;
 - ii. Using the facts found by the Chair, the conclusion regarding whether there was a violation(s) of the Student Code was incorrect;
 - iii. The conduct sanction(s) imposed were not appropriate for the violation of the Student Code that the Respondent was found to have committed; and/or
 - iv. New information that was unavailable at the time of the hearing has been discovered and could substantially and materially affect the outcome.
- d. The President has sole and complete discretion as to whether to agree to review an appeal, including what materials to consider. However, the President will not consider any reasons for review that were not previously raised in the appeal to the Appellate Board.
- e. If the President agrees to review an appeal, the President will provide the other party/parties a copy of the appeal and a reasonable amount of time to submit any materials to be considered.
- f. The President will provide a written decision to the parties, and to the Senior Student Affairs Officer. The decision may be a substantive one, or may merely indicate that the President has declined to review the appeal.
 - i. The President may return the matter to the Senior Student Affairs Officer or hearing panel for reconsideration, or to the Title IX/EEEO Coordinator for additional investigation, in light of the written decision.

3. Appeal to the Board of Regents

- a. After exercising and exhausting all appeals available at the Institutional level, the Respondent may appeal a decision reached by the President. In matters involving allegations of Human Rights Violations, the Complainant may also appeal a decision reached by the President after exercising and exhausting all appeals available at the Institutional level.
- b. The appeal must be in writing and must be submitted to the Executive Director of the Board of Regents no later than thirty (30) Days after Notice of the President's decision is deemed received. The appeal must include the following:

- i. Supporting arguments and documentation;
 - ii. All documentation provided by the Institution, including, at a minimum, the President's decision, the Senior Student Affairs Officer's decision, and the Chair's decision.
- c. Written appeals that fail to include supporting arguments and documents, and the documentation provided by the Institution will be rejected.
- d. An appeal submitted to the Executive Director that is not covered by subsection e) below may be considered by the Executive Director. In these instances, the Executive Director has sole and complete discretion as to whether to agree to review an appeal, including what materials to consider.
 - i. If the Executive Director agrees to review an appeal, the Executive Director will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.
 - ii. The Executive Director will provide a written decision to the parties, and to the President.
 - iii. The Executive Director may return the matter to the President, Senior Student Affairs Officer, or hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.
- e. An appeal submitted to the Executive Director must be considered by the Board of Regents where a Student has been expelled or suspended based upon alleged violations of Board Policy 3:4; or a disciplinary action allegedly deprived the Student of a right or privilege protected by a specific term or provision of Board Policy or state or federal constitution, law, or regulation.
 - i. The Executive Director will have fifteen (15) working days within which to attempt, at his or her discretion, a resolution through informal means.
 - ii. If no informal resolution has been effected within the fifteen (15) working days, the Executive Director will refer the matter to a hearing examiner for reconsideration pursuant to SDCL § 1-26 using the contested case proceedings. At the conclusion of the contested case proceedings, the hearing examiner will provide a recommendation to the Executive Director for the disposition of the matter by the Board.
 - a. Contested case proceedings may be conducted under protective orders entered pursuant to SDCL §§ 1-26-19 and 15-6-26(c).

- b. The Board may return the matter to the President, Senior Student Affairs Officer, or hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

SOURCE: BOR February 1969; RR, 12:06, 1977; BOR 1980; BOR April 1987; BOR June 1990; BOR December 1994; BOR October 1996; BOR December 1999; BOR March 2006; BOR December 2006; BOR August 2009; BOR August 2011; BOR December 2013; BOR June 2014; BOR August 2015; BOR May 2016; BOR August 2016; BOR December 2017

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Recognition and Funding of Student Organizations

NUMBER: 3:18

1. Statement of Purpose

The “stability of a republican form of government” being the ultimate object of public education, SDC art. VIII, § 1, each institution will encourage students to participate in student organizations in order to harness the power of social interaction and experience to prepare students to shoulder the civic and social duties inherent in human society and essential to popular government. These activities, established to complement the formal curriculum, are offered to help students develop the degrees of moral judgment and applied intelligence they will need to serve as citizenry in a nation in which a free people is to govern itself.

Student organization activities complement the curriculum and prepare students to assume the responsibilities of citizenship in two broad, but distinct, ways.

First, operating and participating in formally chartered student organizations develops skills in organizational governance, decision-making, management and accountability, skills that must become second nature to all who lead and work in the complex institutions of commerce, charity and government whose effective, efficient operation undergirds the prosperity of all advanced societies.

Second, using means of communication to engage persons outside an organization hones the skills required to present information or ideas accurately and to reason well and persuasively, skills that must become second nature to those who persuade the disparate interests within society to accept the compromises that republican forms of government demand.

All student organizations will provide opportunities for the development of the skills in organizational government and operation. The activities conducted by some student organizations may focus primarily on engaging others in public dialog, although for many others such engagement may be an isolated or occasional event.

2. Recognition of Student Organizations

- A. Each institution will develop and publish criteria for recognition of student organizations. These recognition criteria will require student organizations to operate under a formal set of articles that define the powers of the organization and describe how those powers may be exercised, just as articles of incorporation or constitutions define the powers of commercial, nonprofit or governmental entities and describe how these powers may be exercised. Each institution will establish rules for budgeting, custody, expenditure and audit of organization funds, and the recognition criteria will require that recognized student organizations abide by such rules.

Such criteria will require student organizations to operate in a nondiscriminatory manner as provided in Board Policy No. 1:18. In compliance with Board Policy No. 1:18(5) institutions will recognize two limited exceptions to the general requirement that organizations not restrict membership or participation on the basis of race, color, creed, religion, national origin, ancestry, citizenship, gender, transgender, sexual orientation, age, disability, genetic information, military service membership or veteran's status. Consistently with rights guaranteed under state and federal constitutions, Board Policy No. 1:18(5) accommodates the distinctive characteristics of intimate associations or expressive associations.

1. Intimate associations involve distinctively personal aspects of life. Factors that suggest that an organization should be treated as intimate association include: (a) the relative smallness of the organization; (b) a high degree of selectivity in choosing and maintaining members of the organization; (c) the personal nature of the organization's purpose; and (d) the exclusion of nonmembers from the central activities of the organization.
 - a. A student organization that operates a residential facility for its membership would illustrate the kind of organization that might be classified as an intimate association, at least insofar as relates to limiting membership on the basis of gender.
2. Expressive associations are created for specific expressive purposes, and they would be significantly inhibited in advocating their desired viewpoints if they could not restrict their membership based on race, color, creed, religion, national origin, ancestry, citizenship, gender, transgender, sexual orientation, age, disability, genetic information or military service membership or veteran's status.
 - a. A student organization dedicated to the practice of a particular religious faith would illustrate the kind of organization that might be classified as an expressive association, at least insofar as relates to limiting membership on the basis of adherence to the tenants of that faith.
3. Exceptions from the nondiscrimination policy will be made only to the extent necessary to accommodate the particular circumstance that warrants an exception;

the overarching purpose of supporting student organization activities is to prepare students to act as citizens and leaders of a republican form of government, which by its nature permits discrimination against none.

- a. By way of illustration, but not limitation, a student organization operating a residential facility for its membership may be allowed to limit membership on the basis of gender, but not on the basis of religion; a student organization dedicated to the practice of a particular religious faith may be allowed to limit membership on the basis of religion, but, absent any contrary doctrine of faith, not on the basis of gender.
- B. Each institution will establish a process that student groups may follow to secure recognition as student organizations. The chief executive officer of the institution will designate an administrator who will be responsible for determining whether a group of students satisfies the criteria for recognition as a student organization. Institutions with student government organizations may request that such organizations review applications for recognition as student organizations and make recommendations to the designated administrator whether a particular group of students satisfies the institutional criteria for recognition.

3. Funding of Student Organizations

In order to reduce the economic barriers to forming and operating student organizations or to accessing means of communication, institutions may grant subsidies, pursuant to this section, from funds apportioned from the general activity fee.

Only recognized student organizations may receive disbursements from the fund to finance the organizations' general operational expenses and to subsidize cultural, social, recreational and informational activities and events sponsored by the organizations.

Student activity fee proceeds shall be allocated consistently with the institution's interests as outlined in Section 1 above; provided that

- A. No student organization will be eligible for student fee subsidies ~~of its operating expenses~~:
 1. if the funding is prohibited by Article 6, § 3 of the SD Constitution because ~~its it~~ will be used for predominant activities involve sectarian ceremonies or exercises;
 - ~~1.2.~~ if the funding is prohibited by SDCL § 12-27-20 because it will be used for the, promotion or opposition of particular candidates for public office or ballot issues in general elections, or financing off-campus lobbying or political activities of non-students; ~~or~~

3. if the organization operates a residential facility for its membership or otherwise generates income from commercial activities for the personal use and benefit of members or on behalf of for-profit entities

~~2.4. if the organization generates income for the personal use and benefit of the sponsoring organization members or on behalf of for-profit entities.~~

This section does not prohibit a student governance body, recognized by the institution, whose leadership is popularly elected by the students, from using student fees to communicate its position on behalf of all students, either through lobbying efforts before legislative bodies.

~~B. The institution may distribute student activity fee proceeds to support on-campus cultural, social, recreational and informational activities and events that are open to all members of the campus community and that are sponsored by a recognized student organization, even if the organization would not be eligible for fees to support general operational expenses, but only if the activity or event does not have the primary effect of supporting sectarian ceremonies or exercises, promoting or opposing particular candidates for public office or ballot issues in general elections, financing off-campus lobbying or political activities by non-students or generating income for the personal use and benefit of the sponsoring organization members or on behalf of for-profit entities.~~

4. Procedures for Requesting Funding and Allocating Funds

- A. Each institution will develop and publish instructions outlining the procedure that recognized student organizations may use to request funding from the general activity fee levied pursuant to Board Policy No. 5:5:4(1)(B).
- B. The chief executive officer of the institution will designate an administrator who will be responsible for determining how funds will be allocated. Institutions with student government organizations may request that such organizations review applications for funding and make recommendations to the designated administrator.
- C. Each institution will develop standards to guide the review of funding requests submitted by recognized student organizations. Subject to the limitations stated in § 2 of this policy, these standards will require that decisions be made on grounds unrelated to the exercise by students through the organization of their rights to free expression, to the free exercise of religion, to the freedom of association or to the freedom to petition government. Such rights-neutral mechanisms may include, without limitation, random selection from among student proposals or prioritization based upon frequency of funding or other objective factors unrelated to the exercise of protected rights.

SOURCE: BOR, October 1994; BOR, October 1996; BOR, December 2000; BOR, April 2013.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Political Activity

NUMBER: 4:21

1. Employees of the Board of Regents shall not be obligated, by reason of their employment, to contribute to any political funds or collections or render political service. Employees refusing to contribute such funds or to render political service may not be removed or otherwise disciplined or prejudiced for such refusal.
2. Employees of the Board of Regents shall not use their official authority or influence to coerce the political action of a person or group.
3. Employees of the Board of Regents may:
 - A. Take an active part in political management, political campaigns, or non-political activities except during regularly scheduled working hours, and without the use of Board information and communication technology systems, Board services or Board property that is not available to the public and paid for at the rate offered to the public; and
 - B. Seek and hold compatible elective political office. Employees, both during any election campaign and during the term of any part-time office, other than that of state representative or senator, to which the employee may be elected, are required to make specific arrangements with the president, superintendent and his/her designee to assure that the employee's regular duties are performed. Employees elected to a full-time public office are entitled to leave without pay consistent with 4:15 of the Board of Regents Policy Manual. Under current South Dakota Supreme Court interpretation of section 12, article III, of the South Dakota Constitution, employees elected to the South Dakota Legislature must resign from state employment no later than the beginning of their term in office.
4. This policy shall not prohibit activity of nonpartisan type not specifically identified with a national or state political party. Questions relating to constitutional amendments, referendums, approval of state laws, and other issues of similar character are deemed not specifically identified with a national or state political party.
5. Employees of the Board of Regents enjoy all rights of free expression accorded them under state and federal law. Nevertheless, employees, especially faculty and professional staff members, should remember that the public may judge their institution or the Board by their public statements. Accordingly, unless they have been authorized to make an official

statement on behalf of their institution or the Board, employees should make every effort to indicate that they are not speaking or writing as institutional or Board representatives. At a minimum, employees who identify their institutional affiliation should advise the public that the views that they express represent their own private or professional opinions, not those of their institution or of the Board, and that these opinions are given in their individual capacities or as private consultants.

Faculty members should, additionally, observe those standards set forth in the Board's policies on academic freedom, Policy No. 1:11, and the agreement with the Council of Higher Education.

SOURCE: BOR, Aug. 1979, p. 1126; SDCL §§ 3-6-26 through 3-6-27, 3-6A-14(6), 3-6A-15, 13-49-14 through 13-49-14.1; Revised BOR, March 1992; BOR October 2010.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual**SUBJECT:** Facilities Use by Private Parties**NUMBER:** 6:13

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1. Institutional facilities and grounds embody investments by students and taxpayers to advance the educational, research, and service missions of the institution. They are not open to the public for assembly, speech, or other activities as are the public streets, sidewalks, parks, or seats of government. Institutional facilities and grounds are selected, designed, and operated to balance aesthetic and utilitarian considerations, to provide settings conducive to learning and research, and to provide venues to expose students to high and popular cultural activities. These purposes define the priorities for their use by private parties.
 - A. Casual visitors may enter institutional facilities and grounds to conduct business with the institution, to attend institution sponsored events, exhibits or programs that are open to the public, to deliver goods ordered by residents or to traverse the grounds without stopping, or for purposes incidental to personal family or social matters involving students or institutional staff.
 - B. Private parties may request permission to use facilities or grounds for private meetings or events. Such requests may be granted to the extent that institutional program schedules permit if the requested use is lawful and otherwise consistent with this policy, poses no risk of harm to persons or property, and will not disrupt the intended use of the facilities or grounds by the institution, its students, staff, or other visitors.
 - C. Permission to use facilities or grounds for private meetings or events shall be contingent upon agreement to avoid disruption of institutional uses of the facilities or grounds, interference with students or employees, or damage, fouling or littering facilities, grounds or other property. Private users shall be responsible for the cleanliness and order of any facilities or grounds that they use.
 - D. Institutional facilities and grounds are tax exempt public facilities and, as such, are not generally available for use by private parties for commercial purposes. Institutions may contract with private parties to provide goods and services on its behalf, to provide access to dedicated advertising venues or to engage in limited mission-related testing, research or economic development activities. As part of their service to the state and their host

communities, institutions may designate specific venues where third parties may schedule occasional activities that may have incidental commercial purposes.

- E. Some institutional facilities and grounds may be restricted, and private parties may only venture there if specifically invited by a person with authority to invite them. Buildings or facilities that are ordinarily open during regular business hours shall be deemed to be restricted areas if they have been locked.

2. Definitions:

- A. “Affiliated entity,” and its cognates, includes organizations, such as institutional foundations, whose legal purpose includes support of the institution and its activities, organizations that have been authorized by the institution to use its name and marks, and student organizations recognized by the institution, as well as the State of South Dakota and its political subdivisions, and their instrumentalities.
- B. “Commercial purposes” include activities that involve the exchange of goods or services for valuable consideration and speech that relates solely to the economic interests of the speaker and audience and proposes a commercial transaction.
- C. “Disrupt,” and its cognates, includes any actions that infringe institutional rules, interrupt institutionally sponsored or authorized instructional, research or service activities, or substantially interfere with the opportunity of other persons to use institutional grounds or facilities for their intended or authorized purposes.
- D. “Facilities and grounds” includes buildings, structures, internal streets and sidewalks, parking facilities, athletic facilities, landscaping and grounds owned or occupied by the institution, but excludes municipal streets or sidewalks or public highways or rights of way that abut or traverse a campus.
- E. “Private party” includes any individual or group other than the institution, its affiliated entities, or their officers, agents, faculty, or staff when acting on their behalf.
- F. “Events” includes speeches, presentations, social gatherings, religious ceremonies, entertainments, youth camps or other activities that pose no substantial risk of injury to persons and property and that are generally consistent with the kinds of activity sponsored by the institution itself.

- G. “Working days” means those days when the offices of the institution are open for business.
3. Private parties must request prior authorization to use a facility or a portion of the institutional grounds. Each institution shall develop and shall make public practices and rules to implement this policy. In particular,
- A. Each institution shall appoint a person or persons to receive and to administer private party requests for permission to use institutional facilities or grounds for meetings or events.
 - B. Each institution shall designate those facilities, or portions thereof, or portions of the grounds that may be used by private parties for meetings or events, and shall specify whether, when and how private parties may use application in conjunction with their meetings or events. Each institution shall differentiate between meeting rooms and classrooms that are appropriate for meetings involving up to one hundred persons and lecture halls, auditoria, outdoor areas and other places that are appropriate for larger events and gatherings. If an institution elects to permit limited activities for commercial purposes, it shall identify which facilities are available for such purposes and shall indicate what kinds of commercial purposes may be pursued in the facilities.
 - C. Each institution shall designate those days, including finals week and the week preceding it, when facilities and grounds will not be available for private meetings or events.
 - D. Each institution shall establish and publicize local rules to implement this policy. These rules shall provide, at minimum, that
 - 1) Private parties may request permission to use institutional facilities or grounds for meeting or events that will not interfere with the use of the facilities by the institution or institutionally affiliated organizations.
 - 2) Private parties seeking permission to use institutional facilities or grounds shall complete and submit written applications on forms developed by the institution.
 - 3) Private parties requesting permission to use facilities or grounds for events shall submit completed forms and all necessary attachments no less than three (3) working days prior to the date on which they wish to use the facilities or grounds.

- 4) Private parties may not reserve facilities or grounds for regularly scheduled meetings, thereby precluding institutional uses of the facility.
- 5) Private parties who have been granted permission to use institutional facilities shall agree to abide by all institutional regulations and shall not publicize their meetings or events in ways that suggest co-sponsorship by the institution.
- 6) Private parties shall agree to restore facilities and grounds to the state of cleanliness and repair in which they found them or to pay for custodial or repair services at standard university rates and for extraordinary restoration or replacement expenses at cost.
- ~~7)~~ Private parties shall agree to avoid actions that disrupt pedestrian or vehicular traffic on campus grounds, interfere with the instructional, research, service or administrative activities of the institution or disrupt meetings or events sponsored by the institution or other private parties.
- ~~8)7)~~ ~~Private parties shall agree to comply with limitations on the use of amplification equipment.~~
- ~~10)8)~~ Private parties seeking permission to use facilities for commercial purposes or to sponsor events with planned attendance of five hundred people or more shall provide security and shall purchase event insurance in the amount of one million dollars, naming the State of South Dakota, the Board, the institution and their officers, agents and employees as named insureds.
- ~~11)9)~~ Private parties may be charged fees at published rates to cover the costs institutions incur to provide private parties access to the selected facilities or grounds and to maintain and to repair of such facilities; however, any such fee(s) must be based on definite and objective criteria that are not content-based.
- ~~12)10)~~ Private parties may be allowed to purchase at published rates institutional services to prepare the facilities for private use, to monitor use of the facilities during meetings or events and to restore the facilities to their prior state.
- ~~13)11)~~ Private parties wishing to serve, or to offer for sale, food or beverages shall make any necessary arrangements with the institutional food service provider, if applicable.

E. Each institution shall establish procedures to implement its local rules. These procedures shall provide, at minimum, that

- 1) Copies of the Board and institutional rules, information about institutional facilities and grounds available for use by private parties, schedules of fees and all forms needed to apply for permission shall be published, together with contact information to enable readers to obtain clarification of the meaning or application of rules or assistance in completing applications.
- ~~2) Private parties seeking permission to use institutional facilities or grounds shall complete and submit written applications on forms prepared by the institution, together with all necessary documentation.~~
- ~~3) Private parties seeking permission to use facilities or grounds for events shall submit the required written documentation no less than three (3) working days prior to the date on which they wish to use the facilities or grounds;~~
- 4)2) The institution shall act upon applications no later than the third (3rd) working day after receipt of a completed application.
- 5)3) Except as provided in § III (E) (7), below, the institution shall grant applications for meetings or events if,
 - a. the applications, and all required attachments, have been completed; and
 - b. the meetings or events ~~have lawful purposes and would otherwise be consistent with this policy and the institutional rules that implement it~~ will comply with the requirements and limitations contained in this policy and the institutional policy(ies) or rule(s) that implement it;
 - ~~c. the meetings or events pose no risk of harm to persons or property;~~
 - ~~d. the meetings or events will not disrupt the intended use of the facilities or grounds by the institution, its students, staff or other visitors;~~

~~e. the meetings or events will take place at times during the academic calendar when private parties are permitted to schedule such uses of facilities or grounds;~~

~~f. the private parties agree to abide by the requirements of this policy and the institutional rules that implement it; and~~

~~g. the meetings or events will not conflict with previously scheduled institutional or private activities.~~

~~6)4)~~ If the institution denies an application for a meeting or event, it shall provide the private party with a written explanation for the denial.

~~a. The denial shall be effective upon the earlier of, actual communication to the applicant, transmission of an electronic message containing the written denial to the applicant or deposit of the written denial in the United States mail.~~

~~7)5)~~ The institution may deny applications for meetings or events only if,

a. The private party has failed to comply with the requirements of § III (E) (5), above, or the meeting or event or the requested schedule otherwise does not meet the standards stated in that section.

i. If permission is denied due to a conflict with the academic calendar or with previously scheduled activities, the institution shall propose an alternative facility or place if available for the same time, or an alternative time, if available, for the same place.

b. The private party has on prior occasions made material misrepresentations regarding the nature or scope of a meeting or event previously permitted or has violated the terms of prior use agreements.

c. Any of the following grounds are present:

i. The application for permit contains a material falsehood or misrepresentation;

- ii. The applicant is legally incompetent to contract or to sue and be sued; or
 - iii. The applicant has on prior occasions damaged institutional property and has not paid in full for such damage, or has other outstanding and unpaid debts to the institution.
- d. Private persons whose prior conduct would justify denial of permission to use facilities or grounds may not avoid denial by creating new organizations, by associating themselves with other private organizations or by otherwise associating themselves with others for the purposes of avoiding denial of permission under this section.
- ~~8)6)~~ A written denial shall advise private parties of their right to appeal the denial by filing a signed, written appeal with the official designated by the institutional chief executive officer to receive such appeals. Any denial issued pursuant to this policy shall be deemed effective upon the earlier of, actual communication to the applicant, transmission of an electronic message containing the written denial to the applicant, or deposit of the written denial in the United States mail.
- a. The appeal must be presented on the approved form.
- ~~a.b.~~ The person receiving the appeal shall not be the same official who issued the original denial.
- ~~b.c.~~ The completed written appeal must be presented within five (5) working days after the denial was ~~communicated, transmitted, or deposited in the mails~~issued.
- ~~e.d.~~ The appeal shall state specifically facts that, if proven, would demonstrate
- i. that the denial was based upon an incorrect assessment of material fact or
 - ii. that it involved a misinterpretation, misapplication or violation of the requirements of Board or institutional policy.

Mere conclusions, general allegations and speculative statements cannot establish a factual ground for the claim that Board or institutional policy has been misinterpreted,

misapplied or violated.

~~d.e.~~ The institution will respond to such appeals via email within two (2) working days after their receipt by the institution. Should the institution deny the appeal, it shall provide in its response the procedure for appealing the decision to the institutional chief executive officer.

- ~~i. The institution may determine that it shall address the concerns raised by the private party and shall determine whether denial was grounded in fact and proper under § III (E) (7).~~
- ~~ii. The institutional response shall be effective upon the earlier of, actual communication to the applicant, transmission of an electronic message containing the written denial to the applicant or deposit of the written denial in the United States mail.~~

~~e.f.~~ If the private person remains dissatisfied, the private person may appeal to the institutional chief executive officer by filing a written appeal on the same approved form within five (5) working days after the institution issued its response.

- ~~i. The appeal to the institutional chief executive officer shall state specifically the grounds for believing that the grounds for denial misinterpreted, misapplied or violated the requirements of Board or institutional policy.~~

~~f.g.~~ The institutional chief executive officer shall have ~~fifteen-ten~~ (10) working days after receipt of such an appeal to conduct such an investigation as may be warranted under the circumstances and to issue a written decision addressing the concerns raised by the private party, ~~and~~ determining whether denial was proper under § III (E) (7), and, if the appeal is denied, informing the private party of the discretionary appeal to the Executive Director of the Board of Regents.

- ~~i. The decision of the institutional chief executive officer shall be effective upon the earlier of, actual communication to the applicant, transmission of an electronic message containing~~

~~the written denial to the applicant or deposit of the written denial in the United States mail.~~

~~g.h.~~ After exhausting institutional appeals, the private party may appeal the determination of the institutional chief executive officer by submitting a written appeal to the Executive Director of the Board of Regents within ten (10) working days from the effective date of the institutional chief executive officer decision. Such an appeal shall include the application, the denial, the appeals and decisions exchanged at the institutional level, and the required appeal form.

~~h.i.~~ The Executive Director of the Board of Regents shall have ~~fifteen~~ (10) working days after receipt of such an appeal to review the appeal and its documentation and to determine whether to attempt to mediate a resolution. Within ~~fifteen~~ (5) working days thereafter, the Executive Director shall either issue a preliminary recommendation or refer the matter to a hearing examiner to determine whether the matter presents contested issues of material fact warranting a hearing or whether denial was proper under § III (E) (7) as a matter of law.

- i. If the Executive Director issues a preliminary recommendation that would deny the private party relief, the private party shall be allowed ten (10) working days from the transmission or deposit in the mails of the Executive Director's written response to provide reasons why that response should not become final. The recommendation of the Executive Director and any responses by the private party will be forwarded to the Board at the next regularly scheduled meeting.
- ii. If the Executive Director appoints a hearing examiner using the contested case proceedings pursuant to SDCL ch. 1-26, the hearing examiner shall contact the institution and the private party within ten (10) working days from the date of appointment to schedule any necessary exchanges of authorities, hearings or evidentiary hearings.

~~All parties to the dispute have the right to obtain witnesses and present evidence. The institution will cooperate with the hearing examiner in securing witnesses and in making~~

~~available specifically identified and relevant documentary and other evidence requested by the private party, to the extent not limited by contract or law. The parties to the grievance will have the right to cross-examine witnesses. Where a witness cannot or will not appear, but the hearing examiner determines that the interest of justice requires admission of their statement, then the hearing examiner will arrange for a deposition. The hearing examiner may grant continuances when requested by either party to enable either party to investigate evidence, or for any other reason deemed appropriate. The hearing examiner will keep a record of the proceedings.~~

~~a. The hearing will not be conducted under strict rules of legal evidence and is not a contested case. Every possible effort will be made to obtain the most reliable evidence.~~

~~b.a.~~ The hearing examiner will make a recommendation to the Board which will take the form of findings, conclusions and an order of disposition and will be issued within fifteen working days of the hearing or of the expiration of any briefing schedule established by the hearing examiner. A copy of the recommendation will be provided to the institution and to the private party. The recommendation must be based solely on the record, pertinent institutional and Board policies, this agreement and the law of the land.

iii. The Board will make a final decision based upon the recommendation of the hearing examiner or the Executive Director where a matter is to be resolved as a matter of law. In addition, it may review the record pertinent to the issues and may hear testimony from individuals as it deems appropriate. Such decision will be made at the next regularly scheduled Board meeting following receipt of the recommendation, provided the recommendation is received not less than ten working days prior to the Board meeting. If not received in time, the recommendation will be acted upon at the subsequent meeting. If the Board rejects or modifies the recommendation of the hearing examiner or the Executive Director, the Board will provide the institution and the private party with the reasons for rejecting or modifying the recommendation.

j. Appeals from the decision of the Board ~~will be~~are governed by SDCL ch 1-26.

SOURCE: BOR, August 2007; BOR, April 2009.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Acceptable Use of Information Technology Systems

NUMBER: 7:1

1. Purpose

The Board acquires, maintains and operates information technology systems to support administrative, research, instructional and service functions of the universities and special schools. This policy serves to assure the optimum functioning of these information technology systems and to protect them from abuse and from unlawful or other misuse. By using the electronic information and communications systems, users agree to abide by all relevant policies and procedures, as well as all current federal, state, and local laws.

2. Information Technology Devices and Systems Subject to this Policy

Information technology systems include any and all electronic means used to create, store, access, transmit and use data, information or communications in the conduct of administrative, instructional, research or service activities. These systems include, devices now in existence, or to be invented, that serve such purposes.

- A. Privately owned information technology devices will be subject to all policies governing system use, including those involving administrative access to system components, while actively connected to the system.
 - 1. Persons wishing to use privately owned information technology devices to access Board information technology services may be required to demonstrate to the satisfaction of the Chief Information Officer that their devices and software conform to the specifications of the information technology systems.

3. Selection and Operation of Information Technology Systems

Information technology systems can only achieve their intended purposes if they operate in an integrated fashion. Therefore, the selection, purchasing, allocation, installation, maintenance, replacement and governance of electronic information and communications systems necessarily involve the governmental policy-making responsibilities of the Board.

- A. In its sole discretion, the Board shall select, purchase, allocate, install, maintain, replace and regulate the hardware, software or support services that comprise its information technology systems.
 - 1. The Board will make reasonable effort to support specialized information systems needed for research.

2. The Board will determine the extent of the authority granted to each user to access its information technology systems.
3. The Board will regulate uses that affect system performance or availability of system resources.

4. Administrative Monitoring, Access and Disclosure of Information Technology Systems Data or Contents

- A. The Board safeguards the privacy and confidentiality of information and communications systems in accordance with relevant laws, regulations, and policies. While the Board permits limited personal use of the communications components within its information technology systems, persons availing themselves of this privilege do not acquire a right of ownership or privacy in communications transmitted or stored on university information technology resources,
- B. The Board routinely monitors aggregate information technology system usage to assure proper system operation, but it does not routinely monitor use of information technology systems. Nevertheless, the Board will access components of information technology systems to conduct routine operation, troubleshooting, audit, maintenance or security activities; to investigate activities that disturb optimum information technology system operations; to recover documents or files needed for instructional, research, service or business activities; to respond to health or safety emergencies; to investigate violations of law, policy or rule; or to respond to inquiries properly initiated under law.
 1. Routine maintenance may include remote access to components of information technology systems to install anti-virus programs, software updates or for other purposes designed to assure the integrity and optimal functioning of the information technology systems.
 2. In the event that administrative monitoring of system operation or investigating apparent policy violation necessitates the inspection of a privately owned information technology device, the owner will be deemed to have consented to its inspection at all times when the device is actively connected to the information technology systems.
- C. Individual users with access to communications components within the Board's information technology systems may access or disclose the content of communications in which they are intended correspondents; provided that the disclosure does not involve an unacceptable use under this policy or otherwise involve a violation of law, regulation or policy.
- D. Reasonable administrative access to information technology and communication systems for purposes other than routine operation, troubleshooting, audit, maintenance

or security activities, will be authorized by the Board's Chief Information Officer (or such subordinates as that officer may designate), for good cause shown. The following circumstances illustrate, but do not limit, situations where access may be provided, with or without notice in accordance with law:

1. When requested by the Board of Regents General Counsel, or an attorney designated by the General Counsel for such purposes, in order to respond to a court order, subpoena, search warrant or other such duly issued mandate;
2. When requested for necessary business purposes by an appropriate system or institutional official, including, but not limited to, the Board of Regents General Counsel, or an attorney designated by the General Counsel to represent the institution, Chief Human Resources Officer, or the Vice President with administrative responsibility and supervision over the administrative unit, functions and staff that use the components of information technology systems for which access is sought;
3. When requested in furtherance of the legal, regulatory, or other applicable duties of the institution or the system;
4. When requested in the course of investigating potential violations of policy, rule or law; or
5. When requested in the course of responding to a health or safety matter.

5. Acceptable Use of Information Technology Systems

Use of the Board's information technology systems is a privilege and requires that individual users act responsibly. Individual users must respect the rights of other users, respect the integrity of the systems, and observe all relevant laws, regulations, and contractual obligations. Since electronic information is volatile and easily reproduced, users must exercise care in acknowledging and respecting the work of others through strict adherence to software licensing agreements, copyright, patent, trademark and trade secret laws. When accessing remote resources from Board or institutional facilities, users are responsible for following the policies of Board:

- A. Authorization to access the information technology systems is granted only to support the administrative, research, instructional and service functions of the universities and special schools.
- B. Authorized users may use the systems for incidental personal purposes provided that such use does not:
 1. Directly or indirectly interfere with the Board's operation of such systems;

2. Interfere with the user's employment or other obligations to the Board,
3. Burden the Board with noticeable incremental costs, or
4. Violate law or Board policy;

6. Unacceptable Use

Notwithstanding any other provision of policy, certain uses of information technology systems are unacceptable, and persons who engage in such uses may be denied access to information technology systems peremptorily and referred for disciplinary action. Unacceptable use includes, but is not limited to, the following attempted or completed actions:

1. Infringing intellectual properties, including copyrights, patents, and trademarks;
2. Disclosing trade secrets or other information resident in the systems that is private, confidential or privileged;
3. Violating intellectual property licensing agreements;
4. Interfering with the normal operation of electronic communications resources, including, without limitation:
 - a. Modifying, damaging or removing, without proper authorization, electronic information or communications system components or private electronic information or communications resources belonging to other users;
 - b. Encroaching upon others' access and use of the electronic information and communications system, as exemplified, without limitation, by sending excessive numbers of messages, printing excessive copies, running grossly inefficient programs when efficient alternatives are available, attempting to crash or tie up electronic communications resources;
 - c. Intercepting, monitoring or otherwise conducting surveillance of communications, whether live or stored, of others;
 - d. Developing or using programs such as, but not limited to, viruses, backdoors, logic bombs, Trojan horses, bacteria, and worms that disrupt other users, access private or restricted portions of the system, identify security vulnerabilities, decrypt secure data, or damage the software or hardware components of an electronic communications resource; provided that supervised academic research into such mechanism may be conducted upon the review and approval of the chief institutional

academic affairs officer and the Board's Chief Information Officer (or such subordinates as that officer may designate), as to matters involving the compatibility of such research with the proper functioning of the information and communications systems;

- e. Installing or attaching any equipment to the electronic information and communications system without the prior approval of the Board's Chief Information Officer (or such subordinates as that officer may designate);
5. Accessing electronic information or communications systems without proper authorization, intentionally enabling others to do so, or exceeding authorization;
 - a. Any superior who directs a subordinate to access electronic information systems under circumstances that exceed the authorized access of the institution or organizational unit will be deemed to have indirectly exceeded authorized access and will be subject to discipline.
 - b. Subordinates who decline to exceed authorized access to electronic information systems or who report efforts to induce them to do so will not, for those reasons, be subject to adverse employment action.
 6. Disclosing, without authorization, the password to a password-protected account;
 7. Using the system in an unlawful or tortious manner, in ways involving obscene materials or in violation of Board policies, including, without limitation:
 - a. Using electronic information or communications systems for criminal purposes, including, without limitation, SDCL §§ 22-19A-1 (stalking); 22-22-24.2 (possession, manufacture or distribution of child pornography); 43-43B-1 (unlawful uses of computer systems); Omnibus Crime Control and Safe Streets Act of 1968 (unlawful interception of communications); Computer Fraud and Abuse Act (unlawful access to computer systems); Protection of Children Against Sexual Exploitation Act of 1977 (trafficking in child pornography);
 - b. Distributing fraudulent, libelous, slanderous, harassing, threatening, or other tortious communications;
 - c. Creating, downloading, exchanging or possessing obscene material as defined by SDCL § 22-24-27, unless previously authorized for bona fide instructional or research purposes;
 - d. Harassing individuals in violation of Board policies proscribing harassment;

8. Using the identity of another user without the explicit approval of that user, or masking the identity of an account or machine or person;
9. Creating the false impression that the user has authority to represent, give opinions, tender endorsements or otherwise make statements on behalf of the Board or the institution;
10. Using the information and communications system for partisan political purposes, ~~in violation of SDBOR Policy 4:21, or where the message could be reasonably construed as expressing the position of the institution itself other than the expression of private political views by participants in otherwise permitted communications, so long as the user specifically disclaims any support, endorsement, or opposition by the Board for the views so expressed;~~
11. Using the information and communications system for ~~the purpose of sectarian purposes, to provide sectarian instruction or to benefit~~ the purpose of any sectarian or religious society or institution ~~in violation of Article 6, § 3 of the SD Constitution, other than the use of religion-based rationale or expression by participants in otherwise permitted communications, so long as the user specifically disclaims any support, endorsement, or opposition by the Board for the views so expressed;~~
12. Using the information and communications system for advertising, solicitations or promotions or other private commercial purposes, including personal purposes, except as permitted under Board policy or with the appropriate approval.
13. Using institutionally created mailing lists without specific prior authorization which may be granted solely for purposes of communicating institutional messages to recipients.

7. Temporary Suspension of Privileges and Disciplinary Measures

Authorized users will be subject to discipline for violation of this policy.

- A. When alleged violations of this policy come to the attention of the Board's Chief Information Officer (or such subordinates as that officer may designate), the Chief Information Officer shall investigate the allegations and may temporarily suspend access privileges if necessary or appropriate to maintain the integrity of the system or to comply with the system's legal obligations.

1. Temporary suspension of access privileges is not a disciplinary action, but it will be deemed to be a grievable matter.

- B. Users, when requested, will cooperate with institutions in the investigation of suspected

- violations of this policy. Failure to cooperate may result in suspension of access to the systems or to discipline.
- C. If the investigation establishes reasonable grounds to believe that a user has violated this policy, the Board's Chief Information Officer (or such subordinates as that officer may designate) shall initiate disciplinary proceedings.
1. The procedural and appeal rights of users will be based upon rights provided to similarly situated employees or students.
 2. To the extent that any employee or student disciplinary code or procedure is inconsistent with the requirements of this policy, this policy shall control.
- D. Where the facts that would trigger disciplinary action under this policy may also constitute a criminal infraction under any state or federal law it may be reported to responsible authorities, whether or not disciplinary action is initiated.

SOURCE: BOR, October 2008, October 2013.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – B (2)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 4:10 – Tenure and Continuing Appointments Revisions

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 4:10](#) – Tenure & Continuing Appointments

[BOR Policy 4:15](#) – Leave

[COHE Collective Bargaining Agreement](#)

BACKGROUND / DISCUSSION

Over the past two years AAC has met with campus representatives involved with the NSF PLAN grant to evaluate barriers to the recruitment and retention of faculty within the Regental system. One area of concern that has emerged through their work is the current extension of the tenure clock that is outlined in both the COHE Collective Bargaining Agreement and BOR Policy 4:10 Tenure and Continuing Appointments. A proposal to develop an automatic stop-the-clock option for faculty was first discussed with AAC during their December 2017 meeting, and additional revisions were made to the proposed policy changes and reviewed at the July 2018 meeting.

IMPACT AND RECOMMENDATION

During the [July 2018](#) meeting, council members identified a number of revisions to the proposal being advanced that included: 1) an automatic stop the tenure clock process that allowed for an opt-out moment right before tenure review; and 2) making clear reference to various family types outlined in BOR Policy 4:15 Leave.

As the proposed revisions related to the PLAN Grant were discussed at the July 2018 meeting, council members also raised concerns about recruiting tenured faculty members under the current policy framework. Currently, individuals who enter the Regental system having earned tenure at their previous institution have the ability to request prior service credit to move up the tenure clock within one year of employed. However, this practice has made it difficult for institutions to recruit new faculty at the associate or full professor level. Draft language is captured in Section 1.3 to allow faculty previously granted tenure the capacity to go up for review by the campus promotion and tenure committee prior to

(Continued)

DRAFT MOTION 20181002_5-B(2):

I move to approve the first reading of the proposed revisions to BOR Policy 4:10 as presented.

their appointment. The recommendation would be advanced through the president to the Board of Regents for final approval.

ATTACHMENTS

Attachment I – Proposed Revisions to BOR Policy 4:10

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Tenure and Continuing Appointments

NUMBER: 4:10

A. PURPOSE

To define the process, conditions and standards by which tenure and continuing appointments are awarded, as well as the procedures for non-renewal for tenure-track appointments.

B. DEFINITIONS

None

C. POLICY

1. Tenure and Continuing Appointments Generally

1.1. The major objectives of tenure and continuing appointments are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited superior performance. The test is whether performance has been sufficiently superior to convince the Board that expected services and performances in the future justify the privileges afforded by tenure or continuing appointment.

1.2. A tenure or continuing appointment may be extended to a full-time faculty or research faculty member providing for re-employment from year to year until such time as the member resigns (Section 4:1, Contract Fulfillment), or retires, is terminated for cause (Section 4:14, Termination for Cause), or is terminated pursuant to a reduction in personnel, (Section 4:23, Faculty Member Reduction Procedures); provided further, in the case of continuing appointments to the research faculty, that the individual's research work continues to generate sufficient grant or contract income to cover the costs of his or her direct salary and benefits. When research faculty members on a continuing appointment fail to generate sufficient grant or contract income to cover the costs of their direct salary and benefits, their employment will terminate automatically, provided that, where income would suffice to cover all benefits costs, they may elect to continue working at reduced salary rates.

1.3. A faculty or research faculty member who has previously earned a tenure appointment at a postsecondary institution may not automatically transfer that tenure appointment to another institution controlled by the Board, but that faculty or research faculty member may be considered for a tenure appointment at the new institution during the second year of a tenure-track appointment. The Board may grant a tenure appointment to a newly hired faculty member who had such tenure status previously. Candidates recommended

for appointment with tenure appointment shall have a record at least equal to that expected for tenure or continuing appointment at the institution or research center. The administration shall engage the institutional promotion and tenure committee to review the new appointments academic and scholarly record and advance a recommendation to the Board of Regents from the committee as a portion of the formal recommendation.

~~1.3.1.4.~~ The Board may, at its discretion and upon the recommendation of the administration of the institution, reduce the number of years of tenure track or probationary service required. Although prior service credit toward tenure or continuing appointments may be awarded at any time, the Board strongly suggests that faculty members submit requests for prior service credit toward tenure only after the faculty member has assembled a complete portfolio for tenure review. Requests for prior service credit should be submitted on a form designated by the Board.

~~1.4. The Board may approve extension of the maximum periods of time allowed for progress towards promotion to associate professor and the award of tenure by one year. Good cause for granting such an extension shall include, without limitation,~~

~~1.5.0. On the occasion of the birth or adoption of that faculty member's child or adoption or placement of a foster child with that faculty member; or~~

~~1.6.0. When the faculty member is a major caregiver for an immediate family member who has an extended serious illness, injury, or debilitating condition; or~~

~~1.7.0. When the faculty member has an extended serious illness, injury, or debilitating condition.~~

~~The request for extension must be made in writing to the vice president for academic affairs within one year of the events giving rise to the claim and no later than May 31 preceding the year a final decision would otherwise be made on an appointment with indefinite tenure for that faculty member. If approved by the institution, the request shall be forwarded to the Board for review at its June meeting.~~

~~A faculty member may use this provision no more than two times.~~

~~For purposes of this policy, "immediate family" includes a spouse, a common-law spouse, or any other adult with whom the faculty member lives and commingles assets, unemancipated natural, adopted or foster children, or persons over whose affairs the faculty member exercises the responsibilities of guardian.~~

1.5. The tenure review period is extended automatically for one year to assist with family personnel consistent with definitions in the Family Medical Leave Act outlined in BOR Policy 4:15 Leave for each of the instances referenced in this section. Faculty members will file notification with the designated campus representative. Each faculty member is entitled to one automatic extension of either the retention or tenure review. If a faculty member wishes, they may opt-out of the automatic extension prior to formal notification to apply for tenure. Notification by the faculty member will be made in writing to the Provost and/or Human Resources office through institutional norms and practices. Should the need arise for additional time due to another occasion outside of the circumstances listed below, the faculty member may request additional time through the formal request process.

1.5.1. Childbirth, adoption or placement of a foster child in the home (applicable to both parents); or

1.5.2. Serious illness of the faculty member, his or her child, foster child, spouse, domestic partner, parent or other individual for whom the faculty member serves as a primary caregiver or legal guardian; or

1.5.3. Death of a child, foster child, spouse, domestic partner or parent or other individual for whom the faculty member serves as a primary caregiver or legal guardian; or

1.5.4. Full-time military service.

2. Conditions of Appointment for Tenure or Continuing Appointments

- 2.1. Not later than during the sixth year of tenure-track contract or probationary service at an institution and upon application of a faculty member, a faculty member shall be considered for a tenure or continuing appointment which would begin with the next academic year. Such consideration shall be initiated by the administration on or before such date as may be specified under institutional promotion and tenure procedures or, in the absence of such institutional procedures, October 5. The Board may, at its discretion and upon the recommendation of the administration of the institution, reduce the number of years of tenure track or probationary service required. Tenure track or probationary service credit is not earned during a period of sabbatical leave or leave of absence.
- 2.2. Special conditions and accreditation requirements of the Medical and Law schools necessitate special guidelines for promotion, tenure, minimum rank qualifications, minimum promotion eligibility criteria and in makeup of the campus Promotion and Tenure Committee. Specific guidelines for both the Medical School and the Law School are published and available to faculty at the University of South Dakota.

3. Tenure – Standards for Appointment

- 3.1. An appointment with tenure is a privilege that shall not be granted automatically.
- 3.2. To be granted the privileges of tenure, faculty members:
 - 3.2.1. shall demonstrate that they currently meet institutional performance expectations in teaching, scholarship and service for associate professors and
 - 3.2.2. shall demonstrate promise that they shall, in due course, meet institutional performance standards in teaching, scholarship and service for persons who hold the rank of professor.
- 3.3. Faculty members who apply for tenure have the burden of demonstrating that their performance has met these standards.
 - 3.3.1. Evidence that faculty members have developed, maintained and implemented well defined, administratively approved plans for their own professional development in the areas of teaching, scholarship and service is relevant to demonstrating promise that they shall in due course meet institutional performance standards in teaching, scholarship and service for persons who hold the rank of professor.
 - 3.3.2. At minimum, professional development plans must:

- address institutional standards for faculty performance,
 - chart progress towards the performance exceeding expectations in all areas of professional activity, and
 - provide reasonable assurance that the applicant will achieve extramural recognition for ongoing scholarly accomplishment and leadership commensurate with holding the rank of professor.
- 3.3.3. When reviewing applications for tenure, administrators and promotion and tenure committees shall consider the progress towards meeting the objectives of such approved plans, and they shall heed evidence that the faculty unit member is effectively pursuing approved objectives, but they shall exercise independent judgment as to the quality of results achieved by the faculty unit member.

When assessing the quality of performance, administrators and committee members shall be guided by the principles stated in Board Policy No. 4:38 as complemented by institutional policy statements.

4. Continuing Appointment – Standards for Appointment

- 4.1. An appointment to a continuing appointment is a privilege that shall not be granted automatically.
- 4.2. Each institution shall establish performance standards in research achievement and productivity that compare to the highest standards in research observed nationwide.
- 4.3. To be granted the privileges of a continuing appointment, research faculty members:
- 4.3.1. shall demonstrate that they currently meet performance expectations in research achievement and productivity for associate research professors and
 - 4.3.2. shall demonstrate promise that they shall, in due course, meet performance standards in research achievement and productivity for persons who hold the rank of research professor.
 - Evidence that research faculty members have developed, maintained and implemented well defined plans for their own professional development in the areas of research is relevant to demonstrating promise that they shall in due course meet performance standards in research achievement and productivity for persons who hold the rank of research professor.
- 4.4. The burden of demonstrating that these standards have been satisfied lies with research faculty members who apply for a continuing appointment.

5. Procedure for Awarding Tenure

- 5.1. Tenure review is separate from promotion review.
- 5.2. Each president shall establish tenure committees appropriate to the administrative organization of the respective institution. Such committees shall be composed of faculty members and administrators. The president shall establish procedures at the institution for the selection of administrative tenure committee members.

- 5.3. Faculty members who wish to be considered for tenure will notify their immediate supervisor in writing on such date as may be specified under institutional promotion and tenure procedures or, in the absence of such institutional procedures, no later than October 5 of the sixth year of tenure track service. Such notification will allow the promotion and tenure committees access to the faculty member's personnel file and individualized professional development plans. It is the responsibility of the faculty member to prepare, assemble and submit on such date as may be specified under institutional promotion and tenure procedures or, in the absence of such institutional procedures, no later than October 5 all favorable documentation which is appropriate and upon which the faculty member relies to establish that the member has developed, maintained and implemented well defined plans for professional development in the areas of teaching, scholarship and service that demonstrate promise, as required under Section C.3 (Tenure - Standards for Appointment), that the member shall in due course meet institutional performance standards in teaching, scholarship and service for persons who hold the rank of professor. Each institution may stipulate certain desired elements or format for the documentation, which shall be made available to faculty members in written form. This documentation must accompany the request to the immediate supervisor for consideration. The immediate supervisor, and any other administrators, including the president, who review the file in order to make independent recommendations, may supplement the material assembled by the faculty member with information obtained from other sources, and they may base their recommendations upon such additional information, provided that such additional information is included in the file together with the materials assembled by the faculty member. This documentation and the recommendations of the department head (and of the departmental promotion and tenure committee, if any) will be forwarded by the department head to the administrator responsible for the process at the college/school level or institutional level, whichever is applicable, no later than November 5.
- 5.4. The tenure committees shall review the qualifications of each faculty member to determine whether the applicant has satisfied the provisions of Section C.3 (Tenure - Standards for Appointment). The institutional tenure committee shall deliver its recommendation to the president no later than January 20 of the fiscal year in which the tenure appointment is applied for. The work product of the tenure committees shall remain confidential.
- 5.5. The faculty member shall be notified, not later than April 1 of the year in which the faculty member is being considered for tenure, of what the President shall recommend to the Board regarding the faculty member's tenure status. Such notice shall indicate the institutional tenure committee's recommendation. If the President intends to recommend that tenure be denied, the President shall, upon receipt prior to April 15 of a written request, within fifteen (15) working days of the request, provide reasons in writing for the decision.
- 5.6. The president shall make a recommendation to the Board not later than April 15 of the fiscal year in which the tenure appointment is applied for. This recommendation shall be based upon the provisions of Section C.3 (Tenure - Standards for Appointment), as well as upon the other provisions and requirements of this Chapter and upon an

assessment of the candidate's past contributions and promise of future contributions to the goals and missions of the institution.

- 5.7. Successful applicants will receive a tenure contract the following year. Unsuccessful applicants and faculty members who complete their sixth year of tenure track service without applying for tenure will be offered a single term contract for the appointment year following that in which tenure is denied. This term contract is not subject to renewal, and the faculty member will be ineligible for reappointment after it expires.
- 5.8. The final decision whether to grant a tenure appointment to any applicant shall remain exclusively with the Board.

6. Procedure for Awarding a Continuing Appointment

- 6.1. The institution's chief research officer shall establish a promotion and continuing appointment review committee. Until such time as twelve or more research faculty members have been appointed to continuing appointments, the continuing appointment review committee membership shall comprise the chief research officers of other system institutions that host research centers, together with two additional representatives from the institution, designated by the institutional president.
- 6.2. Research faculty members who wish to be considered for a continuing appointment will notify their immediate supervisor in writing on such date as may be specified under institutional promotion and tenure procedures or, in the absence of such institutional procedures, no later than October 5. Such notification will allow the continuing appointment review committee access to the faculty member's personnel file. It is the responsibility of the research faculty member to prepare, assemble and submit on such date as may be specified under institutional promotion and tenure procedures or, in the absence of such institutional procedures, no later than October 5 all favorable documentation which is appropriate and upon which the faculty member relies for favorable action. Each institution may stipulate certain desired elements or format for the documentation, which shall be made available to research faculty members in written form. This documentation must accompany the request to the immediate supervisor for consideration.
- 6.3. The continuing appointment review committee shall review the qualifications of each applicant for a continuing appointment to determine whether the applicant has satisfied the provisions of Section C.4 (Continuing Appointment - Standards for Appointment). To assist in the evaluation of performance, the immediate supervisor, the continuing appointment review committee or any other administrator involved in the review process may solicit outside reviews. Any such outside review will be added to the documentation that accompanies the file when submitted with recommendations for further review or consideration. The continuing appointment review committee shall deliver its recommendation to the institution's chief research officer and Vice President for Academic Affairs no later than December 15, and the research officer and Vice President for Academic Affairs will forward that recommendation, together with such additional comments as each may deem appropriate, to the institutional president by January 1. The work product of the continuing appointment review committee shall remain confidential.

- 6.4. The applicant shall be notified, not later than March 1 of the year in which the research faculty member is being considered for a continuing appointment, of what the institutional president will recommend to the Board regarding the faculty member's continuing appointment status. Such notice shall indicate the continuing appointment review committee's recommendation. If the institutional president intends to recommend that the continuing appointment be denied, the president shall, upon request, within fifteen (15) working days of the request, provide reasons in writing for the decision.
- 6.5. The institutional president shall make a recommendation to the Board not later than April 1. This recommendation shall be based upon the provisions of Section C.4 (Continuing Appointment – Standards for Appointment), as well as upon the other provisions and requirements of this Chapter and upon an assessment of the candidate's past contributions and promise of future contributions to the goals and missions of the research center program.
- 6.6. Successful applicants will receive a continuing appointment the following year. Unsuccessful applicants and faculty members who complete their sixth year of probationary service without applying for a continuing appointment will be offered a single term contract for the appointment year following that in which the continuing appointment is denied. This term contract is not subject to renewal, and the research faculty member will be ineligible for reappointment after it expires.
- 6.7. The final decision whether to grant a continuing appointment to any applicant shall remain exclusively with the Board.

7. Non-Renewal of Tenure-Track Appointments

- 7.1. Non-renewal ordinarily terminates employment at the end of an annual contract term. Non-renewal is not a disciplinary action. It does not terminate rights under an existing annual contract. The decision to non-renew is discretionary with the administration, provided that it is not based upon reasons expressly forbidden under Board policy. Non-renewal is subject only to those procedural limitations expressly set forth in this section.
- 7.2. Prior to the issuance of a written notice of non-renewal, the faculty member's immediate supervisor shall provide the opportunity for a meeting with the faculty member to apprise the faculty member of the proposed action. The faculty member shall be given five (5) working days written notice of such meeting and the faculty member may have present a witness or representative of the faculty member's choosing.
- 7.3. In order to facilitate the relocation of faculty members who are not to be rehired, the administration agrees to provide notice, including reasons, of its intent not to rehire any faculty member serving under a tenure track in accordance with the following schedule:
 - 7.3.1. A faculty member who has completed less than one (1) academic year of service under a tenure-track appointment shall receive written notice of non-renewal from the institution before March 15 of the current year of appointment.
 - 7.3.2. If a faculty member has completed more than one (1) but less than four (4) years of service under a tenure-track appointment, the institution shall provide the faculty member with written notice of non-renewal before December 15 of the

current year of appointment. However, if the faculty member is currently subject to the provisions of an improvement plan, the institution shall provide the faculty member notice of non-renewal prior to March 1 of the current year of employment. The non-renewed faculty member may file a request for reconsideration with the president within ten (10) working days of receipt of the notice of non-renewal. The president, after reviewing the request, shall notify the faculty member, within ten (10) working days, of the final institutional recommendation to be forwarded to the Board.

- 7.3.3. If a faculty member has completed at least four (4) years of service under a tenure-track appointment, the institution shall provide the faculty member with written notice of non-renewal before April 1 of the current year of appointment. Such faculty member having received written notice of non-renewal shall receive a term contract for the term of one (1) academic year, effective the subsequent academic year. The faculty member may file a request for reconsideration with the president within ten (10) working days of receipt of the notice of non-renewal. The president, after reviewing the request, shall notify the faculty member within ten (10) working days of the final institutional recommendation to be forwarded to the Board. The faculty member may file with the president a statement which shall accompany the institutional recommendation to the Board. The Board shall consider the institutional recommendation and any statement at its next regularly scheduled meeting and shall issue its binding decision which shall be deemed final at the end of ten (10) days from the date of issuance unless such faculty member shall submit a resignation prior thereto.
- 7.3.4. Faculty members employed on tenure-track contracts who are non-renewed may be granted no more than one subsequent term contract. Nothing in this section is intended to modify the rights and limitations contained in 4:7(H)(2) hereof.
- 7.4. In order to facilitate the relocation of research faculty members who are not to be rehired after the termination of an appointment, the administration agrees to provide notice, including reasons, of its intent not to rehire any faculty member serving under probationary contracts in accordance with the following schedule:
 - 7.4.1. A research faculty member who has completed less than three (3) years of service under a probationary appointment shall receive written notice of non-renewal from the research center before March 15 of the current year of appointment.
 - 7.4.2. If a research faculty member has completed more than three (3) years of service under a probationary appointment, the research center shall provide the research faculty member with written notice of non-renewal before December 15 of the current year of appointment.
 - 7.4.3. Nothing in this section is intended to modify the rights and limitations contained in 4:7(H)(2) hereof.
- 7.5. If the administration is late in providing the notice stipulated in C.7.3.1 or C.7.3.2 above, the faculty member will be entitled to receive, at the election of the administration, either (1) an additional term contract for a period of time equal to twice the number of working days by which the notice is late; or (2) a payment equal to twice the number of working

days by which the notice is late times the faculty member's monthly salary divided by twenty-two (22). If the administration is late in providing the notice stipulated in C.7.3.3 above, the faculty member will be entitled to receive, at the election of the administration, either (1) an additional term contract for the following academic year; or (2) a payment equal to the base salary for the current academic year. If the institution fails to provide timely notice as stipulated in (C.7.2), above, the faculty member shall receive, at the election of the institution, either of the following:

- an additional term appointment for a period of time equal to twice the number of working days by which the notice was late; or
- payment equal to twice the number of working days by which the notice was late, multiplied by the faculty member's monthly salary, divided by twenty-two.

7.6. The years of service required for the notice provisions of this section shall not be affected by any reduction of the tenure-track period granted by the Board pursuant to Section 4:1 (Tenure-Track Contract), or Section 4.10.(2), (Conditions of Appointment for Tenure).

8. Grant of Academic Tenure or Continuing appointment to Newly Hired Administrators or Research Faculty Members

- 8.1. The Board may, at its discretion and upon the recommendation of the administration of the institution, when special conditions warrant, award academic tenure or continuing appointment to newly hired administrators or research faculty members. This grant of tenure or continuing appointment shall not be construed to create a property right of any sort in the administrative portion of employment, and continuing appointments at hire remain subject to the same requirements and conditions involving the generation of income that otherwise apply to such appointments. In rare and exceptional circumstances, the Board may grant a tenure appointment to a newly hired research faculty member who had such tenure status previously.
- 8.2. The administration shall provide documentation of the circumstances that warrant a new appointment with tenure or continuing appointment. Circumstances that may warrant such an appointment include documentation of current performance commensurate with the award of tenure or a continuing appointment, development of a new program, need for special expertise, or appointment to an administrative position where possession of tenure or continuing appointment is critical to effective performance of administrative responsibilities.
- 8.3. Candidates recommended for appointment with tenure or continuing appointment shall have a record at least equal to that expected for tenure or continuing appointment at the institution or research center. The administration shall engage the institutional promotion and tenure committee to review the new appointments academic and scholarly record and advance a recommendation from the committee as a portion of the formal recommendation.
- 8.4. The administration shall provide to the Board the candidate's resume and information on tenure or continuing appointment status at other institutions. The administration may provide additional information in support of the recommendation.

- 8.5. The final decision whether to grant tenure or continuing appointment hereunder upon employment shall remain exclusively with the Board.

FORMS / APPENDICES:

None

SOURCE:

BOR August 1979; BOR June 1987; BOR May 1991; BOR June 1993; BOR May 1996; BOR August 1996; BOR August 2004; BOR August 2008; BOR April 2009; BOR December 2010; BOR August 2017.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – B (3)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 2:23 – Program and Curriculum Approval Revisions

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:23](#) – Program and Curriculum Approval

[AAC Guideline 4.1](#) – Program Productivity Review Guidelines

[AAC Guideline 4.2](#) – Institutional Program Review Guidelines

BACKGROUND / DISCUSSION

The Board of Regents approved changes to Board Policy 2:23 at the [March 2017](#) meeting. The changes included adding the Board's approval processes for academic programs and curriculum proposals. New revisions proposed for Board Policy 2:23 include adding language related to institutional program review and program productivity. Currently, [AAC Guideline 4.1 Program Productivity Review Guidelines](#) and [AAC Guideline 4.2 Institutional Program Review Guidelines](#) outline those processes. The Board discussed program productivity at their [May 2018](#) meeting. The Board approved thresholds of seven (7) graduates a year or thirty-five (35) during the five (5)-year reporting period for bachelor's programs, five (5) graduates a year or twenty-five (25) during the five (5)-year reporting period for master's programs, and one (1) graduate a year or five (5) during the five (5)-year reporting period for professional or doctoral programs. In addition, the Board expressed preferences for adding these thresholds to Board policy.

IMPACT AND RECOMMENDATION

Placing the requirements for institutional program review and program productivity in Board Policy formalizes the expectations of the Board. Consistent program review helps ensure the quality of academic programs, an issue the Board has cited as a priority through Goal 2 of the [2014-2020 Strategic Plan](#). Monitoring program productivity is integral in demonstrating efficiency and maintaining a relevant catalog of programs. Detailed processes implementing changes to Policy 2:23 will remain in AAC Guidelines.

Board office staff recommends approval.

ATTACHMENTS

Attachment I – Proposed revisions to BOR Policy 2:23 – Program and Curriculum Approval

DRAFT MOTION 20181002_5-B(3):

I move to approve the first reading of the proposed revisions to BOR Policy 2:23 as presented.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Program and Curriculum ~~Approval Processes~~

NUMBER: 2:23

A. PURPOSE

To define the process by which academic curricula and programs receive approval, ~~and~~ modification, and review.

B. DEFINITIONS

1. Intent to Plan: ~~is a~~ preliminary, conceptual proposal requesting authorization to plan a new academic degree or major.

1.2. Academic Degree Program: ~~A student's primary area of study at the associate, bachelor's, master's, education specialist, or doctoral level.~~

C. POLICY

1. Academic Program Approval

The Board of Regents approves academic programs that are recorded on a transcript, including specializations, certificates, undergraduate minors, undergraduate degrees and majors, and graduate degrees and programs.

1.1. Intent to Plan

1.1.1. Universities must submit an intent to plan for approval by the Board of Regents prior to submitting a program proposal for a new associate degree program/degree, baccalaureate program/degree, or graduate program/degree. The Executive Director may waive the intent to plan.

1.1.2. An intent to plan is not required for associate degree programs provided:

1.1.2.1. The program is a two-year equivalent of an existing four-year bachelor's program currently approved for the university; or

1.1.2.2. The program proposal has eighty percent of the curriculum in common with an existing four-year bachelor's program current approved for the university; or

1.1.2.3. The program is stackable to two or more four-year bachelor's degree programs approved for the university; or

1.1.2.4. The Executive Director determines the program will have an immediate impact on an emerging critical workforce shortage area in South Dakota as documented by the university.

- 1.1.3. The Executive Director will inform the Board of waivers granted under this policy as part of the interim actions Report of the Executive Director at the next regularly scheduled Board of Regents meeting.

1.2. Undergraduate and Graduate Degrees and Majors

- 1.2.1. The Board of Regents approves new academic degrees and majors.
- 1.2.2. New graduate degree program proposals must also follow the processes identified in Policy 2:1.

1.3. Academic Certificates, Specializations, and Minors

- 1.3.1. The Board of Regents approves new certificates, specializations, and minors.
- 1.3.2. **Academic Certificates:** Universities may deliver academic certificate programs involving a sequence, pattern, or group of academic credit courses that focus upon an area of specialized knowledge or information and have specifically defined student- learning outcomes.
 - 1.3.2.1. Academic certificate programs require admission to the university and result in an official academic transcript.
 - 1.3.2.2. Completion of the academic certificate program shall be indicated on the student's academic transcript.
- 1.3.3. **Specializations:** An academic specialization is a designated plan of study within an existing degree program or major.
 - 1.3.3.1. Specializations may attach to only one major.
 - 1.3.3.2. Completion of the academic specialization shall be indicated on the student's academic transcript.
- 1.3.4. **Minors:** An academic minor enables a student to make broad but limited inquiry into a discipline or field of study beyond the major.
 - 1.3.4.1. Minors are only awarded in conjunction with completion of a degree program and the awarding of a bachelor's degree.
 - 1.3.4.2. Completion of the minor shall be indicated on the student's academic transcript.

2. Certificates of Recognition

Universities may confer certificates of recognition to persons who have successfully completed credit or non-credit educational experiences, e.g. workshops. Completion is based on learning objectives and requires formal learner evaluation.

- 2.1. Certificates of recognition do not require Board approval.
- 2.2. Certificates of recognition are not part of a degree program and do not require formal admission to the university.
- 2.3. If credit bearing course work is involved and the participant registers for it, the course will appear on the transcript.
- 2.4. Non-credit experiences may be recognized but do not result in a transcript.

3. Curriculum Approval

- 3.1. The South Dakota Regental system maintains a common course catalog designed to facilitate ease of student transfer and collaborative programing across institutions.
- 3.2. The university Vice President for Academic Affairs approves minor course and program modifications as defined by Academic Affairs Council.
- 3.3. The System Chief Academic Officer approves new courses unique to a single university or common to more than one university after formal review by the Academic Affairs Council.
- 3.4. The System Chief Academic Officer approves substantive course and program modifications after a formal review by the Academic Affairs Council. Substantive program modifications that allow for the creation of accelerated programs shall obtain formal approval by the Board.

4. Institutional Program Review

- 4.1. Institutional program reviews assist in the continuous improvement of educational program quality. The review process should integrate strategic planning, budgeting, regional and specialized accreditation processes, and student-learning outcome assessment.
- 4.2. The Academic Affairs Council (AAC, defined in Board of Regents Policy 1:7:2) shall maintain a detailed and formal set of guidelines related to institutional program review.
- 4.3. Institutional program reviews shall occur at least once every seven (7) years for undergraduate and graduate programs that are not subject to specialized program accreditation or nationally recognized review processes. Institutions may use specialized program accreditation reviews to satisfy the requirements for institutional program reviews. In such cases, the timing of the review is determined by the cycle of specialized program accreditation.
- 4.4. Program reviews shall include identification of undergraduate cross-curricular skill requirements as part of programmatic student learning outcomes and a review of assessment methods and outcomes for cross-curricular skill requirements per Board of Regents Policy 2:11

5. Academic Degree Program Productivity Review Process

- 5.1. Students should have the opportunity to learn from and work with a diverse group of faculty and colleagues; programs that produce too few graduates have fewer opportunities for these beneficial interactions. Academic degree programs that do not meet the established minimum number of graduates will be inactivated unless the Board of Regents approves a continuation plan.
- 5.2. The Academic Affairs Council (AAC, defined in Board of Regents Policy 1:7:2) shall maintain a detailed and formal set of guidelines related to academic degree program productivity.
- 5.3. All academic degree programs that fail to meet the established graduate production thresholds will be identified in the academic degree program productivity report. The

program productivity report will depict the graduate production for all academic degree programs in the Regental system for the five most recent academic years.

5.4. The graduate production thresholds for each type of academic degree program are:

5.4.1. **Associate Degree:** Five (5) graduates a year or twenty-five (25) during the five (5)-year reporting period.

5.4.2. **Bachelor's Degree:** Seven (7) graduates a year or thirty-five (35) during the five (5)-year reporting period.

5.4.3. **Master's Degree:** Five (5) graduates a year or twenty-five (25) during the five (5)-year reporting period.

5.4.4. **Professional & Doctoral Degree:** One (1) graduate a year or five (5) during the five (5)-year reporting period.

5.5. Programs flagged through the program productivity review process require a formal review at the institutional level. Following the review, the institution shall assign one of five designations to those programs for submission as part of the academic degree program productivity report that comes forward to the Board: 1) Retain Due to Critical Need; 2) Retain with Further Review Required; 3) Consolidate with Another Program on Campus; 4) Consolidate with Another Program within the System; 5) Terminate.

FORMS / APPENDICES:

None

SOURCE:

BOR May 1993; BOR January 2002; BOR December 2003; BOR August 2005; BOR March 2017

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – B (4)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 2:3 – System Undergraduate Admissions Revisions (First Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:3](#) – System Undergraduate Admissions

BACKGROUND / DISCUSSION

Under current undergraduate admissions policy, the requirements for a high school student to become a Regents Scholar include four units of English, four units of algebra or Higher mathematics, four units of science (including three units of an approved laboratory science), three units of social studies, two units of modern or classical language, and one unit of fine arts. Also, as was presented to the Board during their Joint meeting with the Board of Education Standards in [May 2018](#), the South Dakota high school graduation requirements have been revised, and now include three endorsements, which are: Postsecondary Preparation, Career Preparation, and Advanced Postsecondary Preparation. Under the Advanced Postsecondary Preparation endorsement, there is a requirement for either Modern or Classical language or approved CTE courses. Also, the current South Dakota Opportunity Scholarship requirements, as outlined in [SDCL § 13-55-31.1](#), allow for CTE courses to count toward the scholarship.

IMPACT AND RECOMMENDATIONS

The Board discussed the possibility of changing the requirements of the Regents Scholar diploma during the [May 2018 Board meeting](#) to more closely align with the Opportunity Scholarship. During this discussion there was general support by the Board for making this change. The formal revisions to BOR Policy 2:3 System Undergraduate Admissions would give students the option of taking two units of Career and Technical Education (CTE) courses as an alternative to the two units of modern or classical language, or a combination of language and CTE. This change would then ensure that students earning the Advanced Postsecondary Preparation endorsement also may earn the Opportunity Scholarship and the Regents Scholar diploma. This will help eliminate confusion at the high schools, and make requirements more consistent across.

ATTACHMENTS

Attachment I – BOR Policy 2:3 – System Undergraduate Admissions Revisions

DRAFT MOTION 20181002_5-B(4):

I move to approve the first reading of the proposed revisions to BOR Policy 2:3 as presented.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: System Undergraduate Admissions

NUMBER: 2:3

A. PURPOSE

To establish the various options available for potential students to meet the undergraduate admission requirements within the Regental System.

B. DEFINITIONS

None

C. POLICY

1. Authorization for Individual Institutional Policies

- 1.1. Each university may adopt specific admission regulations, consistent with law and the requirements set by the Board of Regents, as may be required for each school or program to assure acceptable student preparation and enrollment levels.
- 1.2. A copy of such regulations and any subsequent amendments shall be filed with the Executive Director and shall be subject to review by the Board of Regents.

2. Baccalaureate Degree Admissions for High School Graduates

For admission to baccalaureate degree programs, high school graduates must either meet the Smarter Balanced or Curriculum requirements outlined below:

2.1. Smarter Balanced

- 2.1.1. Achieve a Level 3 or higher on the English Language Arts and Mathematics Smarter Balanced Assessments;

2.2. Curriculum

- 2.2.1. Meet the minimum course requirements with an average grade of C (2.0 on a 4.0 scale);

OR

- 2.2.2. Demonstrate appropriate competencies in discipline areas where course requirements have not been met; **AND** Rank in the top sixty (60) percent of their high school graduating class;

OR

- 2.2.3. Obtain an ACT composite score of 18 (Redesigned SAT score of 950, or concorded equivalent for older SAT scores) or above;

OR

- 2.2.4. Obtain a high school GPA of at least 2.6 on a 4.0 scale.

2.3. Minimum Course Requirements

All baccalaureate or general studies students under twenty-four (24) years of age, including students transferring with fewer than twenty-four (24) credit hours, must meet the following minimum high school course requirements.

- 2.3.1. Four (4) Years of English: Courses with major emphasis upon grammar, composition, or literary analysis. One (1) year of debate instruction may be included to meet this requirement.
- 2.3.2. Three (3) Years of Advanced Mathematics: Algebra, geometry, trigonometry or other advanced mathematics including accelerated or honors mathematics (algebra) provided at the 8th grade level; not included are arithmetic, business, consumer or general mathematics or other similar courses.
- 2.3.3. Three (3) Years of Laboratory Science: Courses in biology, chemistry, or physics in which at least one (1) regular laboratory period is scheduled each week. Accelerated or honors science (biology, physics or chemistry) provided in the 8th grade shall be accepted. Qualifying physical science or earth science courses (with lab) shall be decided on a case-by-case basis.
- 2.3.4. Three (3) Years of Social Studies: History, economics, sociology, geography, government, including United States and South Dakota, American Problems, etc.
- 2.3.5. One (1) Year of Fine Arts: Art, theatre or music (appreciation, analysis, or performance). Documented evidence of high school level non-credit fine arts activity will be accepted for students graduating from high schools in states that do not require completion of courses in fine arts for graduation.

2.4. Alternate Criteria for Minimum Course Requirements

- 2.4.1. Students who do not successfully complete four (4) years of English may meet minimum course requirements through one of the following:
- 2.4.1.1. An ACT English subtest score of 18 or above.
- 2.4.1.2. An Advanced Placement Language and Composition or Literature and Composition score of 3 or above.
- 2.4.2. Students who do not successfully complete three (3) years of advanced mathematics may meet minimum course requirements through one of the following:
- 2.4.2.1. An ACT mathematics subtest score of 20 or above.
- 2.4.2.2. An Advanced Placement Calculus AB or Calculus BC score of 3 or above.
- 2.4.3. Students who do not successfully complete three years of laboratory science may meet minimum course requirements through one of the following:

2.4.3.1. An ACT science reasoning subtest score of 17 or above.

2.4.3.2. An Advanced Placement Biology, Chemistry, or Physics B score of 3 or above.

2.4.4. Students who do not successfully complete three (3) years of social studies may meet minimum course requirements through one of the following:

2.4.4.1. An ACT reading subtest score of 17 or above.

2.4.4.2. An Advanced Placement Microeconomics, Macroeconomics, Comparative or United States Government and Policies, European or United States History, or Psychology score of 3 or above.

2.4.5. Students who do not successfully complete one (1) year of fine arts may need minimum course requirements through:

2.4.5.1. An Advanced Placement History of Art, Studio Art drawing or general portfolio or Music Theory score of 3 or above.

3. Associate Degree Admissions for High School Graduates

3.1. A student who seeks admission to an associate degree program may gain acceptance by meeting any one of the following criteria.

3.1.1. Baccalaureate admissions requirements;

OR

3.1.2. Ranking in the top sixty (60) percent of their graduating class;

OR

3.1.3. A composite score of 18 or above on the enhanced ACT;

OR

3.1.4. A cumulative GPA of 2.6 while in high school.

3.2. Individual degree programs may have additional admissions requirements.

3.3. Associate Degree students who did not meet the baccalaureate degree admission requirements and who want to enter a baccalaureate degree program must:

3.3.1. Complete at least 15 credit hours of the system general education requirement with a 2.0 GPA; **AND**

3.3.2. Meet university minimum progression standards.

3.3.3. Exception Group: Each university may admit a group of students to associate programs, limited in size to ten (10) percent of the previous year's freshman class, at the discretion of the university.

4. Non-High School Graduates

An applicant for baccalaureate or associate admissions who is not a high school graduate must:

4.1. Be 18 years or older to meet the compulsory school attendance requirement in South Dakota; **AND**

4.2. Complete the General Educational Development (GED) test credential with the following minimum test scores:

4.2.1. Scores earned since January 1, 2014: Reach a score of at least 145 on each subject and a total score of 580 or higher across all four subjects;

4.2.2. Scores earned before January 1, 2014: Reach a score of at least 150 on each subject and a total score of 600 or higher across all four subjects;

OR

4.3. Complete the High School Equivalency Test (HiSET) and obtain a minimum score of 15 on each of the five subsections;

OR

4.4. Complete the Test Assessing Secondary Completion (TASC) and obtained a minimum score of 500 on each of the five subtest categories.

5. Home Schooled or Non-Accredited High School Students

Students who are home-schooled or who attend a non-accredited high school must submit an official transcript (in a semester format) for review from either an accredited regional authority or home school provider in conjunction with state requirements:

5.1. Baccalaureate Degree Program: For admission to baccalaureate degree programs, home school graduates must:

5.1.1. Meet the minimum course requirements established in Section 2.3 of this policy with an average grade of C (2.0 on a 4.0 scale);

OR

5.1.2. Demonstrate appropriate competencies in discipline areas consistent with Section 2.4 of this policy where course requirements have not been met; **AND**

5.1.3. Obtain an ACT composite score of 18 (Redesigned SAT score of 970, or equivalent for older SAT scores) or above.

5.2. Associate Degree Program: For admission to associate degree programs, home school graduates must:

5.2.1. Meet Baccalaureate admissions requirements depicted in Section 5.1;

OR

5.2.2. Complete at least 15 credit hours of the system general education requirement with a 2.0 GPA; **AND**

5.2.3. Meet university minimum progression standards.

6. Non-Traditional Students

Applicants who are at least twenty-four (24) years of age or older and who have not previously attended college will be admitted in good standing if they have graduated from high school or have completed the GED with scores as indicated in section 4.2 above.

7. Exception Group

Each university may admit a group of high school graduates who do not meet the requirements outlined in this policy to baccalaureate programs, at the university's discretion. However, such group may not be larger than three (3) percent of the previous year's freshman class.

8. Regents Scholars

South Dakota high school graduates completing the following high school courses with no final grade below a "C" (2.0 on a 4.0 scale) and an average grade of "B" (3.0 on a 4.0 scale) shall be designated as Regents Scholars and shall be eligible to receive a Regents Scholar Diploma upon request by a high school administrator to the Department of Education and Cultural Affairs. High school graduates designated as Regents Scholars automatically are admitted to all six public universities.

- 8.1. Four (4) Units of English: Courses with major emphasis upon grammar, composition, or literary analysis; one year of debate instruction may be included to meet this requirement.
- 8.2. Four (4) Units of Algebra or Higher Mathematics: Algebra, geometry, trigonometry or other advanced mathematics including accelerated or honors mathematics (algebra) provided at the 8th grade level; not included are arithmetic, business, consumer or general mathematics or other similar courses.
- 8.3. Four (4) Units of Science Including 3 Units of Approved Laboratory Science: Courses in biology, chemistry, or physics in which at least one (1) regular laboratory period is scheduled each week. Accelerated or honors science (biology, physics or chemistry) provided in the 8th grade shall be accepted. Qualifying physical science or earth science courses (with lab) shall be decided on a case by case basis.
- 8.4. Three (3) Units of Social Studies: History, economics, sociology, geography, government--including U.S. and South Dakota, American Problems, etc.
- 8.5. Two (2) Units of a Modern (including American Sign Language) or Classical Language OR Two (2) Units of Career and Technical Education (CTE) OR a combination of One (1) Unit of Modern or Classical Language and One (1) Unit of Career and Technical Education: If taking two language courses, the two units must be in the same language.
- 8.6. One (1) Unit of Fine Arts*: Art, theatre or music--appreciation, analysis, or performance.

9. Transfer Students

9.1. Students Who Transfer to Baccalaureate Programs

- 9.1.1. Students who are under the age of twenty-four (24) at the start of the term and who are transferring into baccalaureate degree programs with fewer than

twenty-four (24) transfer credit hours must meet the baccalaureate degree admission requirements.

- 9.1.2. Students with twenty-four (24) or more transfer credit hours with a cumulative GPA of at least 2.0 may transfer into baccalaureate degree programs and do not have to meet the baccalaureate degree admission requirements.
- 9.1.3. Specific degree programs may include additional admissions requirements.
- 9.2. Students Who Transfer to Associate Programs
 - 9.2.1. Students who are under the age of twenty-four (24) at the start of the term and who are transferring into associate degree programs with fewer than twelve (12) transfer credit hours must meet the associate degree admission requirements.
 - 9.2.2. Students with twelve (12) or more transfer credit hours with a cumulative GPA of at least 2.0 may transfer into associate degree programs and do not have to meet the associate degree admission requirements.
 - 9.2.3. Specific degree programs may include additional admissions requirements.
- 9.3. Students from Non-Regental Accredited Colleges or Universities
 - 9.3.1. Students may be accepted by transfer from other non Regental universities outside of the SD system. Preferential consideration shall be given to applicants from institutions which are accredited by their respective regional accrediting association. Advanced standing shall be allowed within the framework of existing rules in each college. (Refer to BOR policy 2:5, Transfer of Credit).
- 9.4. Students from Non-Accredited Colleges
 - 9.4.1. A university is not required to accept credits from a non-accredited college or university. The university may admit the applicant on a provisional basis and provide a means for the evaluation of some or all of the credits.
 - 9.4.2. Credits from colleges or universities which are not accredited by a regional accrediting association may be considered for transfer, subject to all other provisions in BOR Policy 2:5 and any conditions for validation which may be prescribed by the accepting institution.
 - 9.4.2.1. The validation period for credit from a non-accredited institution shall be no less than one (1) semester and no longer than one (1) academic year.
- 9.5. Former Students
 - 9.5.1. A student returning to the institution at the same academic level or a student who has attended another higher education institution in the Board of Regents system at the same academic level is not required to pay the application fee but he or she must submit an application for readmission and other required documents if he or she has interrupted attendance by one or more regular semesters (Fall or Spring).
 - 9.5.2. A former student shall be considered as a transfer student if he or she has attended a non-Regental university during the period of interruption of attendance.

9.6. Students Transferring Within the Regental System

- 9.6.1. Students transferring from a degree seeking program at one Regental university to a degree seeking program at another Regental university will be required to apply for admissions. (Refer to BOR policy 2:5, Transfer of Credit).
- 9.6.2. Students who have been admitted to a degree seeking or special program at one Regental university may register for courses at any Regental university without submitting another application.

9.7. Students on Probation/Suspension

- 9.7.1. Students enrolling in the Regental system for the first time with prior credit, including internal and external transfer students and dual credit students, shall not be placed on probation by their designated home institution until they have been enrolled at a Regental university for one (1) academic term. Once one (1) academic term has been completed, students are expected to meet the GPA requirements outlined in BOR Policy 2:10 for establishing Good Academic Standing.
- 9.7.2. If the last institution attended was outside the Regental system, and the transfer applicant left under academic suspension, the applicant shall not be considered for admission during the period of suspension or, if suspended for an indefinite period, until one (1) semester has passed since the last date of attendance at the previous school.
- 9.7.3. Students on academic suspension from a Regental university will not be allowed to register for any coursework at any Regental university except when an appeal has been approved by the Regental university from which the student is pursuing a degree. An approved appeal granted by one Regental university will be honored by all Regental universities. (Refer to BOR Policy 2:10).

9.8. Disciplined Students

- 9.8.1. A transfer applicant under disciplinary suspension shall not be considered for admission until a clearance and a statement of the reason for suspension is filed from the previous institution. The university shall take into account the fact of the previous suspension in considering the application.

10. Non-degree Seeking

- 10.1. Undergraduate students not admitted to a degree program are admitted with non-degree seeking student status.
- 10.2. A degree-seeking undergraduate student admitted at one Regental institution may apply to take classes under non-degree seeking admission status at any other Regental institution.

11. Applications and Procedures

- 11.1. Application for Tuition and Fee Reductions and Scholarships Established by the Legislature

- 11.1.1. Students should contact the Admissions Office at each university for information on eligibility for tuition and fee reductions and scholarships established by the Legislature.

11.2. Application Submission

- 11.2.1. An applicant for admission must submit the required application for admission and the necessary official transcript or transcripts and other required documents to the Enrollment Services Center.

11.3. Records Required

- 11.3.1. Applicants who are twenty-one (21) years of age or younger must submit: ACT (or SAT) results, an official high school transcript (if a high school graduate), or proof of GED and an official transcript for all previous college work as part of their application.

- 11.3.1.1. In those cases where an admission decision can be made based on the student's academic record, the requirement to submit ACT/SAT results may be waived.

- 11.3.2. Applicants who are older than twenty-one (21) years of age and who have valid ACT/SAT exam results (taken within the last five (5) years) must submit those scores, along with an official high school transcript or proof of GED/HiSet/TASC and an official transcript for all previous college work.

- 11.3.3. Applicants who are older than twenty-one (21) years of age and who do not have valid ACT/SAT exam results or who have not taken the exams are not expected to take the exam. However, they are required to submit an official high school transcript, if a high school graduate, and an official transcript for all previous college work. Applicants should also submit any other records, data or letters required to support eligibility for admission, including competency test scores.

- 11.3.4. SAT scores will be converted to ACT equivalences according to a table approved by the Board of Regents.

- 11.3.5. In rare cases, the requirement to submit ACT/SAT or GED/HiSet/TASC results may be waived for transfer students who have completed more than twenty-four (24) credit hours of transfer work since these scores are not required in the admission decision process.

- 11.3.6. The requirement to submit high school transcripts as well as ACT/SAT or GED/HiSet/TASC results may be waived for transfer students who have earned an associate or baccalaureate degree, regardless of the age of the student since these are not required in the admission decision process.

- 11.3.7. Transcripts: A paper official transcript must bear the original seal and signature of the official in charge of records at the institution and is transmitted directly between institutions. An electronic official transcript must be transmitted directly between institutions using the electronic transcript service authorized by the sending institution and acceptable to the receiving institution.

11.4. Preadmission Immunization Requirements

11.4.1. Terms in this section of the Policy mean:

11.4.1.1. "Public or private postsecondary educational institution" or "institution": Any entity permitted to offer postsecondary education credits or degrees in South Dakota under § 13-49-27.1.

11.4.1.2. "Student": any person born after 1956 who is registering for more than one class during an academic term, such as a quarter or a semester. The term includes any person who meets face-to-face at least once per week to receive instruction. The term does not include any person who receives non-credit-bearing or on-the-job training services.

11.4.2. Any student entering a public or private postsecondary education institution in this state for the first time after July 1, 2008, shall, within forty-five (45) days after the start of classes, present to the appropriate institution certification from a licensed physician that the student has received or is in the process of receiving the required two doses of immunization against measles, rubella, and mumps. As an alternative to the requirement for a physician's certification, the student may present:

11.4.2.1. Certification from a licensed physician stating the physical condition of the student would be such that immunization would endanger the student's life or health;

11.4.2.2. Certification from a licensed physician stating the student has experienced the natural disease against which the immunization protects;

11.4.2.3. Confirmation from a laboratory of the presence of adequate immunity; or

11.4.2.4. A written statement signed by the student that the student is an adherent to a religious doctrine whose teachings are opposed to such immunizations. If the student is under the age of eighteen, the written statement shall be signed by one parent or guardian.

11.4.3. The institution shall require that the documentation from the student, provided for by section 11.4.2 of this policy, be submitted within forty-five (45) days after the start of classes.

11.4.4. A student allowed to register while completing the round of required vaccinations who fails to provide satisfactory documentation of his or her immune status or of a medical excuse under section 11.4.2 of this policy shall not be permitted to attend classes after the forty-fifth (45th) day or, in the case of classes delivered in less than forty-five (45) days, to register for or to attend classes beginning in a subsequent term. Every attempt should be made to collect this information at the time of admission.

11.4.4.1. Students who are unable to ascertain their immunization status may obtain, at their own expense, the necessary tests and vaccination from the Student Health Service of their university.

- 11.4.5. In the event the South Dakota State Department of Health declares an epidemic of measles, mumps or rubella, the institution involved shall provide to the State Department of Health a list of students who have not submitted immunization documentation. Subsequent campus actions shall consider the advice and authority of the South Dakota State Department of Health. Students who have no vaccination or immunity against the required preventable infectious diseases may be dismissed from the campus.
- 11.4.6. Vaccination for hepatitis B is required for students before they can be admitted to certain health profession programs. Each institution will compile information about current program-related vaccination requirements and make this information available to students along with other curricular and registration materials. It will be the responsibility of the department of the specific health profession program to ensure that the vaccination requirement has been met.
- 11.4.7. Immunization for tetanus, diphtheria, poliomyelitis, varicella and meningitis is recommended, as is a tuberculin test. Vaccination for hepatitis B is also recommended, and an annual influenza vaccination is recommended for students living in residence halls to minimize disruption of routine activities during influenza outbreaks.

FORMS / APPENDICES:

None

SOURCE:

BOR April 1987; BOR October 1991; BOR June 1991; BOR August 1992; BOR December 1992; BOR June 1994; BOR March 1995; BOR March 1996; BOR May 1996; BOR October 1996; BOR December 1996; BOR March 1998; BOR December 1998; BOR January 1999; BOR March 1999; BOR August 1999; BOR December 1999; BOR March 2000; BOR January 2001; BOR March 2001; BOR June 2001; BOR October 2001, BOR March 2002; BOR May 2002; BOR June 2002; BOR March 2003; BOR October 2003; BOR August 2004; BOR May 2005; BOR August 2006; BOR October 2006; BOR May 2008; BOR June 2008; BOR December 2011; BOR December 2013; BOR August 2015; BOR December 2016; BOR August 2017; December 2017 (Clerical); BOR May 2018; July 2018 (Clerical).

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – C
DATE: October 2-4, 2018

SUBJECT

Naming Request – SDSMT – Creation of a New Department of Computer Science & Engineering

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 2:14](#) – Campus Organization Structure

BACKGROUND / DISCUSSION

The South Dakota School of Mines & Technology (SDSM&T) currently has a Department of Math and Computer Science, and a Department of Electrical and Computer Engineering. The university is reorganizing the departments to provide more visibility to the computational science part of the curriculum to increase the recruitment of students and to increase the amount of funded research. The new organization will have a Department of Computer Science & Engineering (CSE), a Department of Math, and a Department of Electrical Engineering (EE).

IMPACT AND RECOMMENDATIONS

The creation of the new department will have financial implications for SDSM&T resulting from additional administrative costs associated with: 1) converting a 9-month faculty position to a 12-month administrator position with reduced teaching expectations which will be shifted to adjunct faculty; and 2) the creation of a new administrative assistant position to assist with managing the department. Estimated costs are expected to be just under \$100,000 for these to FTE related adjustments.

The Executive Director recommends approval.

ATTACHMENTS

Attachment I – SDSM&T Creation of a Department of Computer Science & Engineering
Executive Summary

DRAFT MOTION 20181002_5-C:

I move to approve SDSMT's request to reorganize their current Department of Math and Computer Science and Department of Electrical and Computer Engineering to allow for the creation of a Department of Computer Science & Engineering (CSE), a Department of Math, and a Department of Electrical Engineering (EE).



CREATION OF A DEPARTMENT OF COMPUTER SCIENCE & ENGINEERING

EXECUTIVE SUMMARY

September 2018

Introduction

The South Dakota School of Mines & Technology (SDSMT) currently has a Department of Math and Computer Science, and a Department of Electrical and Computer Engineering. The university is reorganizing the departments to provide more visibility to the computational science part of the curriculum to increase the recruitment of students and to increase the amount of funded research. The new organization will have a Department of Computer Science & Engineering (CSE), a Department of Math, and a Department of Electrical Engineering (EE).

Opportunity

The formation of a combined Computer Science and Computer Engineering department is an important step forward for SDSMT. It brings together two related disciplines and fuses them into a technology powerhouse, which will contribute to the growth of the university and the region.

With the growth of Internet of Things (IOT), Mobile Devices, Robotics and Machine Intelligence, and Embedded Security, the need for advanced hardware and software working in tandem is greater than ever. Computer Engineering brings expertise in advanced new hardware systems. Computer Science encompasses cutting edge algorithms and software. In many domains, it is not sufficient to just understand one aspect of the digital system, but it is essential to understand it from the copper conductors to the abstracted artificial neural networks; from the sensor to the actuator or display.

Bringing these two programs together will allow students to better experience both aspects of the emerging technology. Computer Science and Engineering, CSE, can more effectively coordinate to keep pace with the extremely rapid changes in the field. The curriculum can stay at the forefront enabling the best preparation possible. Having the two together will foster the communication and cross-pollination that was lacking with in separate departments with different missions. The merger promotes better utilization of resources and allows a much better cross-over of faculty members. Faculty who can contribute to both programs will be able to cover critical courses, allowing both programs to more effectively cover the curriculum.

The combined department opens up possibilities for customizable computing degrees which are more closely aligned with students interests and skills. At a functional level, it will help students more quickly determine their career directions and streamline their path to graduation. This can

**OFFICE OF THE PRESIDENT**

help keep our students in school instead of leaving them without a degree and substantial student loans.

The specific skill set of the two programs makes this combination quite unique. The SDSMT Computer Science faculty have expertise in Machine Learning & Artificial Intelligence, Data Analytics, High Performance Computing, and Security. Computer Engineering brings in expertise in Embedded Systems, Custom and Application Specific Hardware, Computer Vision, Signal Processing, and Controls. The combination of these skill sets opens up a rich new set of application areas such as Embedded and IOT Security, Intelligent Sensors, and Embedded Intelligence, while enhancing the traditional areas of research in Robotics and Autonomous Systems, Motion Planning, Localization and Vehicle Routing, Virtual and Augmented Reality, and Biologically Inspired Computing.

The new CSE department will be uniquely positioned in the regional education market. Students will graduate with a greater diversity of skills and be more attractive to employers, because of the problem-solving skills and tools at their disposal. CSE allows for a fuller and richer degree experience for graduate students. The connection between the research groups will enhance innovation and foster greater entrepreneurship. The availability of broader expertise will enhance the ability of student driven startups to become successful. In addition, having a local expertise pool with students and faculty is advantageous in recruiting technology companies to relocate and expand their presence in western South Dakota. Expertise housed in the CSE department also can assist other institutions in their missions; whether it is custom hardware-software solutions or just assisting in the connection between the software and hardware domains.

Expanding the Masters program to include Computer Engineering as well as Computer Science will open the door to research opportunities that were not easily available before. This will almost certainly develop into a unique and valuable PhD program. This program will be much better positioned to attract significant federal funding from sources not open to either of the programs individually. The creation of the CSE department and investment in its growth will substantially contribute to developing a sustainable high-tech corridor in the Black Hills.

The institution and faculty are excited about the research and collaboration possibilities with the new combined department. The combination will free the groups from future stagnation and promote consistent innovation. The merger brings with it a renewed energy and optimism for growth in all things cyber. This program will house and grow essential expertise in the ever-expanding digital world.

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – D
DATE: October 2-4, 2018

SUBJECT

Banner Implementation Update

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:1](#) – General Authority, Powers, and Purpose of the Board ¹

[BOR Policy 1:7:6](#) – Technology and Telecommunications Council ²

BACKGROUND / DISCUSSION

In 2017, the Board of Regents approved both a Banner Version Upgrade for HR and Finance and a Banner Student and Financial Aid Implementation. Over the past year, the system stakeholders assigned to this project have been working toward the implementation of such technology upgrades.

IMPACT AND RECOMMENDATIONS

System personnel continue to pursue the established timeline with commitment toward success from both Ellucian and the Regental system. As with any implementation of this magnitude, there is a desire to have a complete utopia – meaning no challenges, no opportunity for change management, and no resource constraints. However, with any technology project implemented there are and will be challenges. It is that focus for resolution from key staff across the system that continues to serve the Board. This implementation is no different.

There have been difficulties, opportunities to grow and learn, change management required and needed synergies across either the system or internal to functional core teams. There is a need to come to consensus, make decisions, find solutions and move forward timely. At the end, the goal is to have a system to move past the day-to-day operational aspects of an information system to that of foundational transformation. This means the need to use data for not only information but strategy and decision-making, by having efficiencies based on the use of data. This does not occur in a vacuum and requires a significant amount of work (the bulk of which is to migrate from the legacy Colleague system to that of Banner). The teams continue to press forward knowing that this is not an easy task and

¹ Policy 1:1 outlines the constitutional authority the Board of Regents has to govern the University system. This governance includes full power, responsibility, and authority to supervise, coordinate, manage and regulate.

² Policy 1:7:6 outlines the goal to incorporate technology systems as outlined by the Board of Regents.

(Continued)

INFORMATIONAL ITEM

while there are challenges, all are working diligently to arrive at the outcome of the implementation.

HRFIS – Human Resource/Finance Version Upgrade.

To date the HR and Finance teams have had two major go-live dates (referenced below) for the version upgrade which included Luminis the portal to Banner and the Banner 9 upgrade, which have each been successful.

Luminis (Portal to Banner)	July 21, 2018
HRFIS Banner 9	August 3-6, 2018

Ellucian provided two additional technical resources to complete these upgrades in July and August. There continue to be a number of residual items that the teams are working through including training, documentation updates, report updates, technical patches for both Luminis and HRFIS Banner 9. Overall, this portion of the technology updates are moving forward with limited challenges. The major timelines have been implemented and now there will be maintenance and follow-up performed by various functional and technical staff.

SISFA – Student Information System and Financial Aid Implementation.

The timeline commitments for implementing SISFA include:

General Person	October 15, 2018
Financial Aid New Year Roll Deployment	October 22, 2018
Financial Aid Applications Deployment	November 5, 2018
General Student Deployment	January 19, 2019
Application Integration Phase I Deployment	January 19, 2019
Admissions Banner Deployment	January 22, 2019
Financial Aid Awarding Deployment	January 28, 2019
CRM Application Deployment	March 1, 2019
Summer/Fall Registration Deployment	March 15, 2019
Academic Affairs/Student Affairs Deployment	May 1, 2019
Accounts Receivable Deployment	May 1, 2019
Financial Aid Disbursements/COD Originations	May 6, 2019
DegreeWorks Deployment	August 19, 2019

There are several strategies being executed to be successful on this timeline. While the timeline is compacted, the following progression plans have been implemented by Ellucian and SD toward successful completion to remain on schedule and within budget. The goal of both Ellucian and SD continues to pursue the intended go-live schedule as outlined.

1. Additional Resources by Ellucian:

To be successful,

- Ellucian has provided a full-time Data Migration Consultant.
- Ellucian has provided technical and project consultant staff to find solutions to any opportunity provided.
- Ellucian holds calls with core Ellucian staff, project management and technical stakeholders 5x a week with SD.
- Ellucian has accommodated additional data migration/conversion rounds and additional data mining to assist in the conversion of Colleague data to Banner.
- Ellucian continues to provide a milestone timeline with additional resources to meet those objectives.

2. SD Focused Teams:

To be successful (SD may mean regents staff, campus staff, or a combination thereof),

- SD has moved from training several stakeholders to creating a more focus group review on migration and data mapping. Assignments have been provided to core areas in the system to avoid duplication of effort and the use of resources efficiently.
- SD has implemented several functional and technical meetings to discuss project status, cross-functional needs, and overall jeopardies, risks, issues to increase focus on resolution and increase communications.
- SD has created outlined tasks and objectives by the go-live dates to ensure that the go-live for 10/15 and 11/5 are successful in the short term and all of the long-term 2019 go live dates.
- SD has initiated several meetings with key staff to identify training needs for all stakeholders in the system: students, key department staff, super user staff, and those key functional end-users of Banner at the campuses
- SD has initiated discussions with all teams to start documenting their training need via manuals, reference guides, computer based training, PowerPoint training, and frequently asked questions etc.
- SD has now worked with their reporting and technical teams on critical integration of third parties and reporting needs. These key/critical items will be assigned timelines for specification, development and implementation. This will be managed by both the campuses for their third party needs and the Regents Information Systems for any central integration or reporting.

3. Communication:

During a project of this vast size, communication cannot be overstated. As the complexity and number of stakeholders increase there has been a need to modify some of the communication strategies.

- Updates to Councils: The schedule of Council meetings to major decision needs and timing may not always fit. Therefore, AAC will start to hold more regular

calls just on the topic of Banner. As Academic Affairs are the sponsors to this project this may increase communication at the VP level. Where other councils are not meeting as regular, SD has requested pop-up calls to provide updates to the councils as requested by SD or the council.

- Email Updates: Weekly email updates are provided on some of the critical decisions made or schedule changes or overall policy/procedure or technical needs. These emails serve as a good source to provide highlights of the project.
- Steering Committee and Campus Project Managers: Due to the amount of discussion occurring at the Steering Committee SD has now added the Campus Project Managers. This is to facilitate continual communication between functional departments, at the campus and across the system. These meetings are scheduled monthly.
- Additional monthly meetings are held with the Campus Project Managers to follow up on the Steering Committee items and needs of the project to reinforce active communication between the campuses, system office, across functional and technical areas, etc.

This is an informational update on the status of the Student Banner Project. It will be critical for SD to stay on track for our SISFA go-live schedule as outlined above. To create a more managed go-live schedule, SD teams have developed and worked to implement a phased approach. This assists each team to stay focused on the go-live dates as they approach in a more meaningful and manageable implementation. SD is leaning on this strategy to be on time, within budget and to mitigate additional costs.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 5 – E
DATE: October 2-4, 2018

SUBJECT

FY18 Research and Development Report

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 1:7:11](#) – Research Affairs Council

BACKGROUND / DISCUSSION

Goal 3 of the Regent's Strategic Plan pertains to research and economic development, seeking to increase the annual system research and contact expenditures to \$150M by 2020 to advance knowledge, enhance technology transfer, commercialization, and catalyze economic development. Within the broader goal, the plan aims to not only increase grant and contract expenditures, but also to increase the number of: (1) invention disclosures, (2) signed license agreements, (3) startup companies, and (4) graduates from STEM programs. Attachment I provides an overview of the System's R&D activity in FY18, providing detail on awards, expenditures, and commercialization activity, both at the campus and system level.

Although the majority of system research is federally funded, there are four ongoing state programs that support the System Research Enterprise: (1) Competitive Research Grant Program; (2) Research & Development Grant Program; (3) Governor Research Center Program; and (4) Proof of Concept Program. The programs exist independent of one another, with each striving to serve a different niche in the advancement of research in South Dakota.

1. Competitive Research Grant (CRG) Program – Attachment II

Annual Appropriation: \$450,000 (BOR)

The CRG program invests in new research faculty to further their research capabilities and capacity, with the ultimate goal of increasing their competitiveness for external funding. The CRG Program focuses on the individual faculty members, as opposed to the institution, and is only available to tenure track faculty in the first four years of their faculty appointment. Additional information on the CRG Program, to include recent and past award information, can found in Attachment II.

(Continued)

INFORMATIONAL ITEM

2. Research & Development (R&D) Grant Program – Attachment III

Annual Appropriation: \$1,000,000 (BOR)

The R&D Program provides funding for institutional projects, as opposed to individual researchers, with the goal of building institutional infrastructure and generating economic development in the state. The program is divided in to two track, with \$700,000 annually going for R&D Innovation and \$300,000 for R&D Collaboration. Additional information on the R&D Program, to include recent and past award information, can be found in Attachment III.

3. Governor Research Center Program – Attachment IV

Annual Appropriation: \$3,072,951 (GOED)

The Governor Research Center Program provides funding to large research centers, typically spanning 4-6 years. The objective of the research centers is to create recognized leaders in focused research areas and commercialize promising technologies in collaboration with private sector partners. Additional information on the Governor Research Center Program can be found in Attachment IV. A one page summary of key outcomes of the Governor's Research Center program since its inception in FY05 can be found in Attachment V.

4. Proof of Concept Program – Attachment VI

Annual Appropriation: \$250,000 (GOED)

The Proof of Concept (POC) Program provides funding to support innovations in close proximity to commercialization. POC funding for research, which may be up to \$25,000, goes to conduct research demonstrating the technical and economic feasibility of innovations. POC patent funding, which may be up to \$15,000, goes to assist universities in assessing and pursuing patenting of innovations. Additional information on the Proof of Concept Program can be found in Attachment VI.

IMPACT AND RECOMMENDATIONS

While it is apparent that reaching \$150M in research expenditures by 2020 is not feasible, it is important that we continue to make incremental steps to advance and grow the system's research enterprise. In FY18 the system surpassed \$97M in annual research expenditures for the first time since the expiration of ARRA funds in FY12, and obtained over \$107.5M in awards, an increase of 4.9% over FY17.

ATTACHMENTS

Attachment I – System FY18 R&D Activity

Attachment II – Competitive Research Grant Program

Attachment III – Research & Development Grant Program

Attachment IV – Governor’s Research Center Program

Attachment V – Governor’s Research Center Program

Attachment VI – Proof of Concept Update

System Grants and Contracts Award History

	# Submitted	\$ Submitted	# Awarded	\$ Awarded
FY02	920	\$172,736,872	702	\$54,395,567
FY03	885	\$177,736,225	633	\$59,110,719
FY04	918	\$212,950,005	703	\$63,920,373
FY05	963	\$208,539,995	670	\$55,530,671
FY06	912	\$203,703,022	704	\$86,918,745
FY07	1116	\$261,989,810	666	\$81,902,535
FY08	1138	\$267,533,545	618	\$89,753,649
FY09	1241	\$380,791,424	793	\$109,838,318
FY10	1266	\$421,355,302	823	\$154,047,942
FY11	1155	\$426,376,163	772	\$134,893,279
FY12	1243	\$290,295,364	820	\$98,968,151
FY13	1268	\$587,876,889	772	\$77,900,533
FY14	1348	\$410,594,395	814	\$77,842,593
FY15	1372	\$312,698,198	870	\$105,072,927
FY16	1349	\$264,767,675	877	\$102,563,284
FY17	1348	\$375,863,039	855	\$101,838,978
FY18	1196	\$385,655,999	829	\$107,631,138

Institutional Grants and Contracts Awards

	FY18	FY17	FY16	FY15	FY14
BHSU	\$2,068,105	\$5,314,879	\$5,772,334	\$3,541,500	\$3,287,661
DSU	\$15,722,022	\$6,204,973	\$3,849,768	\$6,524,626	\$1,910,495
NSU	\$919,176	\$1,649,810	\$1,338,912	\$1,605,942	\$2,124,211
SDSM&T	\$13,458,023	\$12,971,894	\$17,458,049	\$18,838,335	\$12,531,377
SDSU	\$45,771,735	\$47,605,074	\$51,467,177	\$53,152,847	\$37,943,254
USD	\$29,692,077	\$28,092,348	\$22,677,044	\$21,409,677	\$20,045,595

System Grants and Contracts Expenditure History

	State	Federal	Private	Total
FY02	\$2,547,098	\$38,452,975	\$9,182,672	\$50,182,745
FY03	\$3,112,349	\$43,020,045	\$8,086,344	\$54,218,738
FY04	\$1,636,948	\$51,356,888	\$7,496,790	\$60,490,626
FY05	\$4,385,361	\$56,862,794	\$8,193,674	\$69,441,829
FY06	\$6,935,326	\$59,411,904	\$8,868,567	\$75,215,797
FY07	\$7,039,778	\$59,642,209	\$8,586,682	\$75,268,669
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	\$69,989,587	\$13,444,170	\$94,605,834
FY18	\$15,619,093	\$69,160,121	\$12,620,436	\$97,399,650

Institutional Grants and Contracts Expenditures

	FY18	FY17	FY16	FY15	FY14
BHSU	\$4,109,916	\$3,885,286	\$3,513,965	\$3,057,683	\$3,043,146
DSU	\$11,433,255	\$5,423,789	\$3,541,050	\$2,392,885	\$4,002,828
NSU	\$1,323,174	\$2,172,326	\$2,323,533	\$2,980,642	\$1,418,312
SDSM&T	\$13,202,000	\$14,322,115	\$13,696,373	\$13,144,691	\$8,945,100
SDSU	\$43,131,804	\$44,036,330	\$45,256,203	\$42,186,062	\$42,649,505
USD	\$26,893,653	\$24,765,988	\$21,590,657	\$19,649,641	\$23,622,191
System Total	\$100,093,802	\$94,605,834	\$89,921,781	\$83,411,604	\$83,681,082

Table 1: Faculty/Staff Research Efforts (FTE's).*

Fiscal Year	BHSU	DSU	NSU	SDSM&T	SDSU	USD	System
<i>FY06**</i>	41.1	25.2	16.9	102.7	353.8	248.4	788.1
<i>FY07**</i>	50.9	23.1	16.2	106.1	261.2	237.1	694.6
<i>FY08</i>	31.9	22.1	14.9	82.6	273.5	249.0	674.0
<i>FY09</i>	32.1	21.8	14.3	80.5	308.4	212.9	670.0
<i>FY10</i>	44.3	35.4	27.5	116.7	465.5	259.2	948.6
<i>FY11</i>	48.3	46.0	25.5	134.8	505.1	311.5	1,071.2
<i>FY12</i>	36.2	34.8	11.5	82.3	397.4	244.4	806.6
<i>FY13</i>	26.4	14.9	12.3	46.8	319.9	187.3	607.6
<i>FY14</i>	21.7	25.6	17.5	52.6	326.4	209.5	653.3
<i>FY15</i>	24.0	19.6	19.2	95.5	340.7	179.7	678.7
<i>FY16</i>	32.1	23.9	21.6	87.4	329.1	192.1	686.2
<i>FY17</i>	28.1	20.5	22.0	46.3	334.7	152.4	604.0
<i>FY18</i>	32.2	24.2	20.5	37.6	319.6	221.8	655.9

*Data are from Banner HRIS system, and are reflective of the information included in the Fiscal Year FTE Utilization Reports which includes the Federal Restricted FTE totals for each institution including the Federal Appropriated FTE totals for CES & AES. SDSU FTE totals include SDSU, CES, & AES (Federal Restricted and Appropriated for each of these two designations). USD FTE totals include USD and USD Medical School. Data include all FTE attributed to federal, state, other grants and contract funding sources.

** Data depicted for FY06 and FY07 include graduate student FTE's which were reported to the state prior to FY08 as general employees. During the 2008 legislative session, student FTE were removed from agency and BOR FTE Utilization Reporting.

System Commercialization Data

	FY18	FY17	FY16	FY15	FY14	FY13	FY12	FY11	FY10	FY09
Disclosures	44	73	52	56	63	64	73	71	56	29
IP Filings	26	25	39	30	34	37	23	19	13	18
Patents Issued	14	11	9	9	7	1	2	3	4	5
Licenses	12	9	13	16	19	15	3	7	6	8
Licenses with Start-ups	3	6	3	4	9	8	0	0	1	0

Institutional FY18 Commercialization Data

	<i>Disclosures</i>	<i>IP Filings</i>	<i>Patents Issued</i>	<i>Licenses</i>	<i>Licenses w/ Start-ups</i>
SDSM&T	14	6	3	1	0
SDSU	24	10	6	10	3
USD	6	10	5	1	0

COMPETITIVE RESEARCH GRANT PROGRAM

The Competitive Research Grant Award program was established in collaboration with Governor Rounds in conjunction with his 2010 Research Initiative to strengthen South Dakota's research competitiveness and to generate commercial activity derived from research. The primary goal of the program was to give university faculty an opportunity to start a sustainable research program and to help build research capacity in their department. During the first year of the program, a total of 53 proposals were received. To provide release time from teaching, funding was requested for the top 19 proposals to represent 25% of the faculty members' nine month salary, plus one summer month (excluding all indirect costs). The funding was matched (25%) by the university to provide 50% release time and two summer months of salary to the awardees to do research. For FY07 and FY08 a similar approach was employed to award just under \$500,000 each year to approximately 20 faculty members throughout the Regental system.

For FY09, the Research Affairs Council recommended that a number of minor changes be applied to the annual Request for Proposals, most notably: 1) the total amount of the awards was increased to \$100,000 rather than aligning with 25% of a faculty member's salary; 2) allow funds to be used for faculty salaries, post-doctoral assistants, startup packages, graduate students, and equipment in support of the particular research project; and 3) give emphasis to awardees who do not have a record of success with external funding agencies or who are just getting started in their research career. In FY11, two other modifications were made to the RFP to eliminate the 1:1 match required by the institution and focus applicant eligibility toward those within the first four years of full-time tenure track employment. Most recently for FY14 the pool of funds split the CRG awards into two different amounts (\$25,000 and \$100,000) to provide a larger number of faculty an opportunity to compete for funding under this program.

FY19 CRG Awards

The Request for Proposals (RFP) for the FY19 Competitive Research Grant Awards was posted on February 9, 2018, and a total of 35 proposals were submitted by researchers within the Regental system by the April 9 deadline. Each proposal was assigned three reviewers to evaluate and provide feedback on the proposals. Reviews were completed on May 22nd, and letters to both award recipients and non-recipients were mailed on May 29th. Award winners for this year include:

Black Hills State University

- Dr. Justin Ramsey, Natural Sciences – “Heavy metal and salt resistance in wild yarrow (*Achillea millefolium*, Asteraceae) inhabiting toxic soils of South Dakota” (Grant Award: \$24,774)

Northern State University

- Dr. Andrew Russell, Science and Mathematics – “Analysis of *Pseudomonas syringae* Virulence Factors Inducing Host DNA Damage” (Grant Award: \$19,905)

South Dakota School of Mines & Technology

- Dr. Liangping Li, Geological Engineering – “Inverse Methods of Hydraulic Fracturing in Geothermal Applications” (Grant Award: \$25,000)

- Dr. Bamdad Lessani, Mechanical Engineering – “Numerical simulation of turbulent clouds” (Grant Award: \$25,000)

South Dakota State University

- Dr. Surtaj Iram, Chemistry and Biochemistry – “Discovery of novel drugs that selectively target multidrug resistant cancer cells” (Grant Award: \$89,943)
- Dr. Yue Zhou, Electrical Engineering – “Development of Novel Solid Polymer Electrolyte for Safe and High Performance Lithium Ion Batteries” (Grant Award: \$74,386)

University of South Dakota

- Dr. Bernard Wone, Biology – “Crassulacean Acid Metabolism (CAM) Specific Transcription Factor Based Genetic Engineering to Improve Drought Stress Response in C3 Plants” (Grant Award: \$89,992)
- Dr. Pere Miro Ramirez, Chemistry – “Aqueous Speciation of Molecular Metal Oxide Precursors for Thin Films” (Grant Award: \$90,000)

Since FY06 a total of 544 Competitive Research Grant proposals have been submitted with 130 awards totaling approximately \$6.3 million awarded over the past 14 years (see Table 1). Tables 2 and 3 provide institutional level grant proposal and award numbers since the program was developed.

Table 1
Total Submissions, Awards, and Funding Allocations for the Competitive Research Grant Award Program

<i>Fiscal Year</i>	<i>Total Submissions</i>	<i>Total Awards</i>	<i>Total Allocation</i>
<i>2006</i>	53	19	\$444,293
<i>2007</i>	35	20	\$441,760
<i>2008</i>	36	15	\$376,377
<i>2009</i>	31	6	\$499,450
<i>2010</i>	49	6	\$480,992
<i>2011</i>	35	7	\$528,351
<i>2012</i>	32	5	\$450,000
<i>2013</i>	52	6	\$438,375
<i>2014</i>	37	7	\$431,503
<i>2015</i>	46	8	\$432,232
<i>2016</i>	30	8	\$450,513
<i>2017</i>	34	7	\$453,095
<i>2018</i>	39	8	\$432,900
<i>2019</i>	35	8	\$439,000
<i>Total</i>	<i>544</i>	<i>130</i>	<i>\$6,298,841</i>

Table 2
Total Competitive Research Grant Requests by Each Regental Institution

<i>Fiscal Year</i>	<i>BHSU</i>	<i>DSU</i>	<i>NSU</i>	<i>SDSM&T</i>	<i>SDSU</i>	<i>USD</i>	<i>System</i>
2006	5	4	1	8	22	13	53
2007	1	5	2	5	12	10	35
2008	0	5	2	11	12	6	36
2009	1	2	1	10	9	8	31
2010	2	0	2	7	22	16	49
2011	3	3	0	7	10	12	35
2012	0	2	2	3	14	11	32
2013	2	0	2	12	19	17	52
2014	0	1	2	16	9	9	37
2015	3	3	2	7	20	11	46
2016	3	1	0	12	8	6	30
2017	0	1	1	12	12	8	34
2018	1	2	0	8	17	11	39
2019	2	4	2	9	9	9	35
Total	23	33	19	127	195	147	544

Table 3
Total Competitive Research Grant Allocations for Each Regental Institution

<i>Fiscal Year</i>	<i>BHSU</i>	<i>DSU</i>	<i>NSU</i>	<i>SDSM&T</i>	<i>SDSU</i>	<i>USD</i>	<i>System</i>
2006	\$15,600 ⁽¹⁾	**	**	\$107,611 ⁽⁵⁾	\$236,880 ⁽⁹⁾	\$84,202 ⁽⁴⁾	\$444,293 ⁽¹⁹⁾
2007	\$15,847 ⁽¹⁾	\$68,675 ⁽³⁾	\$15,925 ⁽¹⁾	\$119,703 ⁽⁵⁾	\$166,963 ⁽⁸⁾	\$54,647 ⁽²⁾	\$441,760 ⁽²⁰⁾
2008	**	\$71,628 ⁽³⁾	**	\$81,670 ⁽³⁾	\$208,054 ⁽⁸⁾	\$15,025 ⁽¹⁾	\$376,377 ⁽¹⁵⁾
2009	**	**	**	\$143,328 ⁽²⁾	\$183,668 ⁽²⁾	\$172,454 ⁽²⁾	\$499,450 ⁽⁶⁾
2010	**	**	\$37,710 ⁽¹⁾	\$82,463 ⁽¹⁾	\$160,819 ⁽²⁾	\$200,000 ⁽²⁾	\$480,992 ⁽⁶⁾
2011	\$123,509 ⁽²⁾	**	**	\$44,645 ⁽¹⁾	\$190,197 ⁽²⁾	\$170,000 ⁽²⁾	\$528,351 ⁽⁷⁾
2012	**	**	**	**	\$264,350 ⁽³⁾	\$185,650 ⁽²⁾	\$450,000 ⁽⁵⁾
2013	**	**	**	\$139,321 ⁽²⁾	\$199,054 ⁽³⁾	\$100,000 ⁽¹⁾	\$438,375 ⁽⁶⁾
2014	**	**	\$22,454 ⁽¹⁾	\$110,362 ⁽³⁾	\$198,687 ⁽²⁾	\$100,000 ⁽¹⁾	\$431,503 ⁽⁷⁾
2015	\$24,934 ⁽¹⁾	**	**	\$50,000 ⁽²⁾	\$165,781 ⁽²⁾	\$191,517 ⁽³⁾	\$432,232 ⁽⁸⁾
2016	\$47,683 ⁽²⁾	**	**	\$98,056 ⁽¹⁾	\$158,238 ⁽²⁾	\$146,536 ⁽³⁾	\$450,513 ⁽⁸⁾
2017	**	\$24,678 ⁽¹⁾	**	\$99,425 ⁽¹⁾	\$210,996 ⁽³⁾	\$117,996 ⁽²⁾	\$453,095 ⁽⁷⁾
2018	**	**	**	\$25,000 ⁽¹⁾	\$272,527 ⁽⁴⁾	\$135,373 ⁽³⁾	\$432,900 ⁽⁸⁾
2019	\$24,774 ⁽¹⁾	**	\$19,905 ⁽¹⁾	\$50,000 ⁽²⁾	\$164,329 ⁽²⁾	\$179,992 ⁽²⁾	\$439,000 ⁽⁸⁾
Total	\$252,347 ⁽⁸⁾	\$164,981 ⁽⁷⁾	\$95,994 ⁽⁴⁾	\$1,151,584 ⁽²⁹⁾	\$2,780,543 ⁽⁵²⁾	\$1,853,392 ⁽³⁰⁾	\$6,298,841 ⁽¹³⁰⁾

RESEARCH & DEVELOPMENT GRANT PROGRAM

I. R&D Innovation Grant Program

The Research & Development Innovation Grant program was established during the 2013 Legislative Session to provide grants to the campuses using a competitive process for research infrastructure investments in key industry sectors. Each year \$700,000 is available to facilitate research and development activities that strategically align an institution's research agenda with one, or a combination, of the seven key areas outlined in the [2020 Vision document](#)¹. These strategic investments should assist campuses with bridging translational research activities that have the potential to foster economic development and commercialization in the target industry sectors.

Proposals from individual researchers are not considered for this grant program, but must be submitted as part of a single campus-wide proposal package. Each campus may submit a single proposal for funding that will not exceed \$300,000 over a two year period, up to \$150,000 in any given fiscal year. Allowable expenditures may include one or a combination of any of the following: 1) required matching dollars in support of research proposals to federal or private entities; 2) new faculty start-up funds for tenure-track faculty hired in the current fiscal year; 3) new acquisitions of scientific equipment or campus-wide infrastructure necessary to enhance the capability of campus research laboratories to increase competitiveness for external research; 4) support for collaborative sponsored research with industry partners; and/or 5) technology transfer activity designed to expand the commercialization and economic development potential for existing research.

In addition to the individual campus proposals, each campus may participate in one multi-campus proposal. Multi-campus proposals must include at least three system institutions and may not exceed \$500,000 over a two year period, up to \$250,000 in any given fiscal year. Multi-campus proposals are intended to address common research infrastructure needs and are not intended to fund individual projects on multiple campuses.

FY19 R&D Innovation Grant Awards

The Request for Proposals (RFP) for the FY19 R&D Innovation Grant Awards was posted on April 2, 2018, with five proposals received (Multi-campus, NSU, SDSM&T, SDSU and USD) by the June 19th deadline, requesting \$1,203,891.50 in total funding. Each proposal was evaluated and reviewed by members of the external evaluation panel, consisting of representation from the Legislature, EPSCoR Office, BOR and Board Office. Reviews were completed on July 20th, and

¹ These research and development areas include: 1) Advanced Manufacturing & Materials; 2) Energy and Environment; 3) Human Health and Nutrition (including Medical Technology); 4) Information Technology/Cyber Security/Information Assurance; 5) Plant and Animal Bioscience; 6) Underground Science & Engineering; and 7) Visualization (from the molecular level to global systems).

award letters were mailed on July 30th. Five awards were issued totaling \$1,170,631.50 over the two year period. Award winners for the first round include:

Multi-campus (USD, DSU and SDSU)

- Upgrading the REED Network to 100G.
 - Amount Requested: \$500,000
 - Amount Awarded: \$500,000

Northern State University

- Acquisition and setup of two fluorescence microscopes and associated peripherals for the Department of Science.
 - Amount Requested: \$38,539
 - Amount Awarded: \$38,539

South Dakota School of Mines & Technology

- Acquisition of four pieces of equipment to enhance characterization of materials capabilities at SD Mines.
 - Amount Requested: \$192,520
 - Amount Awarded: \$192,520

South Dakota State University

- Acquisition of new equipment, expand/upgrade laboratory space and startup package for new hire with a focus on cancer research.
 - Amount Requested: \$278,111.50
 - Amount Awarded: \$278,111.50

University of South Dakota

- Project 1: Create Global Information Systems (GIS) laboratory within the Missouri River Institute.
- Project 2: Support technical personnel in the Center for Ultralow Background Experiments (CUBED).
 - Amount Requested: \$194,721
 - Amount Awarded: \$161,461

FY18 R&D Innovation Grant Awards

Northern State University

- Acquisition of a Nuclear Magnetic Resonance Spectrometer to help upgrade the equipment of the Science Department.
 - Amount Requested: \$52,991
 - Amount Awarded: \$52,991

South Dakota School of Mines & Technology

- Project 1: 3D Laser Scanning Confocal Microscope; and
- Project 2: Battery Cell Assembly and Testing.

- Amount Requested: \$200,000
- Amount Awarded: \$123,882

University of South Dakota

- Acquisition, deployment and maintenance of the South Dakota Data Store for use by all faculty, staff, postdocs, students and graduate students at USD.
 - Amount Requested: \$200,000
 - Amount Awarded: \$150,000

South Dakota State University

- Acquisition of new equipment to upgrade and enhance imaging capabilities at SDSU.
 - Amount Requested: \$200,000
 - Amount Awarded: \$152,209

Dakota State University

- Construction of a lab environment for researchers, students and learners to create a secure and isolated non-public cellular infrastructure to develop and expand upon cybersecurity research at DSU.
 - Amount Requested: \$198,245
 - Amount Awarded: \$120,363

FY17 R&D Innovation Grant Awards

Dakota State University

- Unclassified Research Lab: Partnering with NSA for Cyber Operations at DSU.
 - Amount Requested: \$191,600
 - Amount Awarded: \$191,600

South Dakota School of Mines & Technology

- Project 1: Selective Synthesis of High-Value Organic Products From Lignin and Biomass; Project 2: Radon Mitigation for Sanford Laboratory; and Project 3: Detectors of Alpha and Beta Radioactivity.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

South Dakota State University

- Sanford Health – SDSU Human Nutrition and Wellness Collaboration.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

University of South Dakota

- Large-Size Germanium Detector Development for Underground Experiments.
 - Amount Requested: \$200,000
 - Amount Awarded: \$120,400

FY16 R&D Innovation Grant Awards***Black Hills State University***

- BHSU Underground Campus – Strategic investments in equipment to outfit its campus at the 4850' Level of the Sanford Underground Research Facility.
 - Amount Requested: \$133,350
 - Amount Awarded: \$110,454

South Dakota School of Mines & Technology

- Project 1: Nano-Bio Microscopy Suite in support of BioSNTR; Project 2: Sono-Tek ExactaCoat Ultrasonic Coating System; and Project 3: Plasma Electrolytic Oxidation.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

South Dakota State University

- Sanford Health – SDSU Human Nutrition and Wellness Collaboration.
 - Amount Requested: \$200,000
 - Amount Awarded: \$189,546

University of South Dakota

- Acquisition of a high performance computing cluster.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

FY15 R&D Innovation Grant Awards***Black Hills State University***

- BHSU Underground Campus – Establish a Staging and Cleanroom Facility at the 4850' Level of the Sanford Underground Research Facility.
 - Amount Requested: \$197,950
 - Amount Awarded: \$125,000

Dakota State University

- A Cyber Security Research Infrastructure at DSU for Cloud and Big Data Security, and Digital Forensic Research.
 - Amount Requested: \$108,000
 - Amount Awarded: \$90,000

Northern State University

- Acquisition of a Real-time, Quantitative Polymerase Chain Reaction (qPCR) Machine to Strengthen the Research Capacity of the Science Department.
 - Amount Requested: \$13,000
 - Amount Awarded: \$13,000

South Dakota School of Mines & Technology

- Project 1: Rock Physical and Mechanical Property Testing; Project 2: Rock and Fluid Chemical Testing; and Project 3: Simulating Coupled Fluid-Rock Systems.
 - Amount Requested: \$200,000
 - Amount Awarded: \$150,000

South Dakota State University

- Sanford Health – SDSU Human Nutrition and Wellness Collaboration.
 - Amount Requested: \$200,000
 - Amount Awarded: \$170,000

University of South Dakota

- Acquisition of a Confocal Laser Scanning Microscope to Enhance Biomedical Research and Commercialization.
 - Amount Requested: \$200,000
 - Amount Awarded: \$152,000

FY14 R&D Innovation Grant Awards

Black Hills State University

- Acquisition of Equipment to Increase Research Capacity and Enhance Competitiveness for Extramural Funding in Biomedical Research at Black Hills State University.
 - Amount Requested: \$132,285
 - Amount Awarded: \$117,846

Dakota State University

- An Analytics Cyber-Infrastructure for Intelligent Weight-Loss Intervention.
 - Amount Requested: \$185,514
 - Amount Awarded: \$40,000

Northern State University

- Acquisition of a Gas Chromatograph and an Atomic Absorption Spectrometer to Upgrade the Equipment of the Science Department.
 - Amount Requested: \$42,154
 - Amount Awarded: \$42,154

South Dakota School of Mines & Technology

- Project 1: State-of-the-Art Laboratory for Larger-Scale Production of Electrospun Nanofibers; Project 2: Electrochemical Laboratory for Research & Development in Power Generation and Storage; and Project 3: Purchase of a Field-Portable Visible and Near-Infrared Spectroradiometer.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

South Dakota State University

- Acquisition of an in-vivo Imaging System for Small Animal and Plant Research.
 - Amount Requested: \$199,999
 - Amount Awarded: \$100,000

University of South Dakota

- Acquisition of State-of-the-Art Instrumentation for High-Resolution Visualization and Characterization of Advanced Materials and Processes.
 - Amount Requested: \$200,000
 - Amount Awarded: \$200,000

II. R&D Collaboration Grant Program

The Research & Development Collaboration Grant program was established during the 2013 Legislative Session to provide funding for significant infrastructure investments that will aid to foster institutional collaborations in seven key areas outlined in the *2020 Vision* document. Each year \$300,000 is available to support multi-institutional capacity building resources for research activity designed to become sustainable over a three year period. One award is issued every three years for a total of up to \$900,000.

Proposals from individual researchers are not considered, but each institution may submit a single proposal, representing a collaboration with at least one other Regental institution, for funding which may not exceed \$900,000, distributed over a three year period. Allowable expenditures may include one or any combination of the following: 1) formation of collaborative research activities or programs that seek to advance one of more of the seven R&D areas; 2) interdisciplinary partnerships that attempt to form connections across multiple R&D areas; 3) funding for research faculty positions and/or start-up packages for those engaged in R&D areas that become sustainable by the institutions at the end of the award cycle; and/or 4) required matching dollars to support the creation of endowed senior professorships or faculty research positions in designated R&D areas.

FY17 R&D Collaboration Grant Award

The Request for Proposals (RFP) for the FY17 R&D Collaboration Grant Awards was posted on November 6, 2015, with four proposals received (BHSU, SDSM&T, SDSU and USD) by the February 29th deadline. Each proposal was evaluated and reviewed by members of the external evaluation panel representing members of the REACH committee. Reviews were completed mid-April, and the award letter was mailed on April 21st, 2016.

The FY17 R&D Collaboration Award winner was ***South Dakota School of Mines & Technology***, in collaboration with South Dakota State University and the University of South Dakota for its proposal entitled “Surface Engineering Research Center.” The grant award totaled \$900,000 over a three year period (FY17, FY18 and FY19).

FY14 R&D Collaboration Grant Award

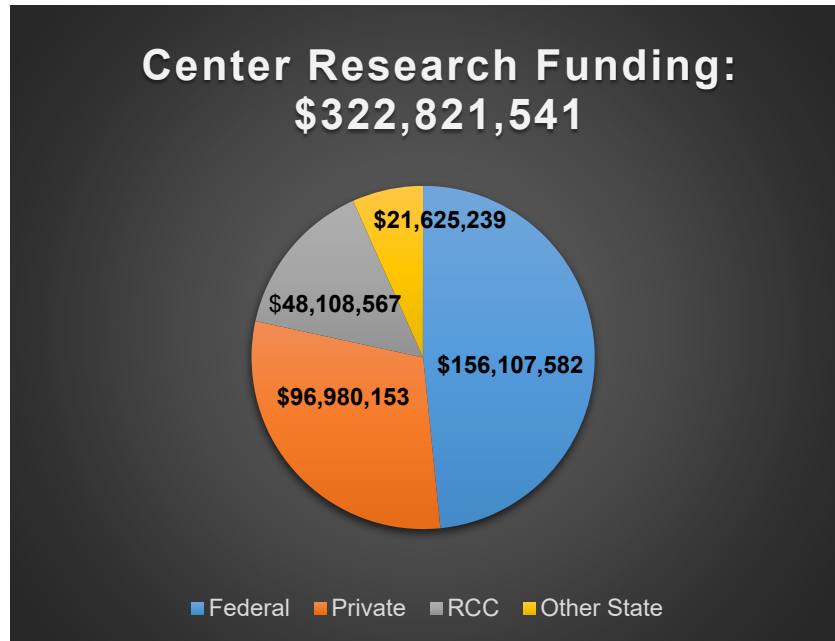
The FY14 R&D Collaboration Grant award winner was *South Dakota School of Mines & Technology*, in collaboration with South Dakota State University and the University of South Dakota for its proposal entitled “Security Printing and Anti-Counterfeiting Technology (SPACT) Center.” The grant award totaled \$900,000 over a three year period (FY14, FY15 and FY16).

GOVERNOR'S RESEARCH CENTER PROGRAM

In FY 2005 the state legislature began making an annual appropriation to fund state supported applied research centers designed to strengthen South Dakota's research competitiveness and generate commercial activity derived from research. The Research and Commercialization Council (RCC), comprised of five public members appointed by the Governor and four members serving by virtue of their positions, is charged with oversight and selection of the research centers. The program provides funding to research centers for 5-6 years to advance the following goals: 1) develop focused research centers that are competitive for external research funding; 2) develop and license inventions; and 3) support existing and spin off start-up companies. **The results of the evaluation of the state's investment of just over \$48.1M in the GRC Program since its inception in FY05 through FY18 follows.**

A Snapshot of the Success

Centers Funded:	17 ¹
Funding Leverage (ROI):	6:1
Students Trained:	1,149
Innovations Disclosed:	176
Patent Filings:	71
Patents Issued:	17
License Agreements:	25



Economic Development

The **22 startup companies** affiliated with the research centers have:

- ✓ Created **208 jobs** in South Dakota
- ✓ Received **31** federal small business research (SBIR) awards, totaling **\$8,129,759**
- ✓ Raised in excess of **\$23,000,000** in private equity

Broader Impact on University Research Statewide

FY05 Awards: \$55.5M	FY07* Disclosures: 21	FY07* Licenses: 3	FY07* Patent Filings: 11
FY18 Awards: \$107.6M	FY18 Disclosures: 44	FY18 Licenses: 12	FY18 Patent Filings: 26

¹ Center for Biologics Research & Commercialization (SDSU: FY18-FY22); Center for Fluorinated Function Materials (USD: FY18-FY22); Center for Genetics and Behavioral Health (USD: FY18-FY22); BioSystems Networks & Translational Research (SDSU, USD & SDSM&T: FY14-FY19); Advanced Manufacturing Process Technology Transition & Training Center (SDSM&T: FY14-FY18); Composite & Nanocomposite Advanced Manufacturing Center (SDSM&T: FY14-FY18); Repair, Refurbish & Service (SDSM&T: FY09-FY14); Translational Cancer Research (SDSU: FY09-FY14); Biological Control and Analysis by Applied Photonics (SDSU: FY09-FY14); Protection of the Financial Infrastructure (DSU: FY09-FY13); Center for Ultra-Low Background Experiments in the Dakotas (SDSM&T & USD: FY09-FY14); Center for Drought Tolerance Biotechnology (SDSU: FY07-FY09); Bioprocessing Research and Development (SDSM&T & SDSU: FY07-FY11); Center for Light-Activated Materials (USD: FY05-FY09); Accelerated Applications at the Nanoscale (SDSM&T: FY05-FY08); South Dakota Signal Transduction Center (USD: FY05-FY09); and Center for Infectious Disease and Vaccinology (SDSU: FY05-FY09).

* Earliest data available

PROOF OF CONCEPT UPDATE

The Governor's Office of Economic Development (GOED) started the Proof of Concept (POC) program in 2013. In its original form, POC funding provided up to \$25,000 to demonstrate the technical and economic viability of an innovation to significantly enhance the likelihood of commercialization of the innovation. This is now known as POC Research Funding. Eligible applicants for POC Research funding include: entrepreneurs, universities, existing SD companies or other entities committed to commercializing the results in SD. In mid-2014, GOED expanded the program to provide funding to universities for costs associated with patent prosecution (up to \$15,000) and market analysis (up to \$25,000), in addition to the original research funding. In 2016, the Legislature appropriated \$250,000 in base funding to support the program. Additional information on the program can be found at the following [link](#).

From the inception of the POC program in 2013 through the close of FY18, the program has funded 82 proposals, 40 of which were direct to system institutions and 12 to university-affiliated startups, providing a total of \$1,062,775 to advance university-derived technologies. The awards were distributed as follows:

	Patent Awards	Patent Funding	Research Awards	Research Funding	Affiliate Awards	Affiliate Funding
SDSU	5	\$35,600	0	0	4	\$100,000
USD	8	\$110,080	6	\$174,844	2	\$50,000
SDSM&T	11	\$165,000	10	\$317,251	6	\$110,000
Total	24	\$310,680	16	\$492,095	12	\$260,000

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – A
DATE: October 2-4, 2018

SUBJECT

FY2018 Public Service Activity (PSA) Report

CONTROLLING STATUTE, RULE, OR POLICY

Board of Regents [Policy 1:22 Self-Support Public Service Activities](#)

BACKGROUND/DISCUSSION

The National Association of College and University Business Officers define Public Service Activity as all expenditures for activities established to primarily provide non-instructional services beneficial to individuals and groups external to the institution. This includes community, cooperative extension, and public broadcasting services. BOR Policy 1:22 states:

1. The universities and special schools shall obtain approval to establish a public service activity that is intended to support its operations through revenue generated by sales of products or services. ...

IMPACT AND RECOMMENDATIONS

Each year the Board receives a report from the universities to determine whether institutions have complied with BOR Policy 1:22. Based on the internal auditor's review the following institutions were not in compliance with Board policy. Non-compliance included negative earnings and a negative cash balance.

SDSM&T: The Arbogast Materials Processing (AMP) had negative earnings of \$81,315.20 and a negative cash balance of \$7,878.81. However, an A/R balance exited of \$51,600 as of 6/30/18 which would make the cash balance a positive \$43,721.

Information only.

ATTACHMENTS

Attachment 1 – Public Service Activity Report

INFORMATIONAL ITEM

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
<u>Black Hills State University</u>							
Athletic Camps							
Revenue	238,880.52	226,688.19	299,541.09	385,146.69	412,438.48	27,291.79	7.1%
Expenditures	<u>250,132.57</u>	<u>243,382.17</u>	<u>169,288.63</u>	<u>326,306.15</u>	<u>289,268.98</u>	(37,037.17)	-11.4%
Change in Assets before Transfers	(11,252.05)	(16,693.98)	130,252.46	58,840.54	123,169.50	64,328.96	109.3%
Transfers In/(Out)	13,588.41		(49,678.25)	(48,357.00)	(84,595.86)	(36,238.86)	74.9%
Prior Balance Adjustment				52.42			
Ending Cash Balances	152,331.23	135,637.25	216,211.46	226,747.42	265,321.06	38,573.64	17.0%

Summer Institute of the Arts:

The Summer Institute of the Arts or the Black Hills Art and Folk Festival is an effort for BHSU to expand their role as a regional arts center.

Revenue	21,595.72	5,171.55					
Expenditures	<u>31,381.47</u>	<u>4,273.27</u>	<u>465.54</u>		<u>165.33</u>		
Change in Assets before Transfers	(9,785.75)	898.28	(465.54)		(165.33)		
Transfers In/(Out)							
Ending Cash Balances	7,707.34	8,605.62	8,140.08	8,140.08	7,974.75		

Stock Market Game:

The Stock Market Game has individuals and teams participate by "investing" in a mock stock market.

Revenue	4,060.00	4,650.00	4,290.00	4,130.00	3,680.00	(450.00)	-10.9%
Expenditures	<u>3,656.83</u>	<u>6,005.10</u>	<u>3,462.27</u>	<u>4,249.91</u>	<u>5,644.23</u>	1,394.32	32.8%
Change in Assets before Transfers	403.17	(1,355.10)	827.73	(119.91)	(1,964.23)	(1,844.32)	1538.1%
Transfers In/(Out)							
Ending Cash Balances	2,702.20	1,347.10	2,174.83	2,054.92	90.69	(1,964.23)	-95.6%

Center for the Advancement of Math and Science Education (CAMSE):

CAMSE provides innovative curriculum to school districts to advance math and science education in the K-12 school systems.

Revenue	10,295.84	5,984.24	303,434.22	283,521.91	100,917.68	(182,604.23)	-64.4%
Expenditures	<u>829.41</u>	<u>713.00</u>	<u>344,292.46</u>	<u>209,116.03</u>	<u>131,797.56</u>	(77,318.47)	-37.0%
Change in Assets before Transfers	9,466.43	5,271.24	(40,858.24)	74,405.88	(30,879.88)	(105,285.76)	-141.5%
Adjustment			566,826.10				
Transfers In/(Out)		(45,123.69)	7,204.42				
Ending Cash Balances	232,437.25	192,584.80	725,757.08	800,162.96	769,283.08	(30,879.88)	-3.9%

Consortium for Advanced Technological Education (CATE) Internet Electronics Program

The CATE program is a joint program with Western Dakota Tech to provide advanced electronics education to rural locations using the internet.

Revenue							
Expenditures							
Change in Assets before Transfers							
Transfers In/(Out)			(7,204.42)				
Ending Cash Balances	22,894.52	22,894.52	15,690.10	15,690.10	15,690.10		

Extension Office:

The Extension Office coordinates community wants with people's talents to offer non-credit adult community education classes. These classes short in duration and offer the basics in that enhance the personal knowledge of those taking the courses.

Revenue	15,074.00	13,966.00	6,751.00	1,747.25	886.00	(861.25)	-49.3%
Expenditures	<u>10,330.64</u>	<u>15,402.89</u>	<u>3,277.50</u>	<u>43.25</u>		(43.25)	-100.0%

UNIVERSITY/PROGRAM	FY14	FY15	FY16	FY17	FY18	DIFFERENCE	% CHANGE
Change in Assets before Transfers	4,743.36	(1,436.89)	3,473.50	1,704.00	886.00	(818.00)	-48.0%
Transfers In/(Out)		(12,000.00)		(4,000.00) (1.40)		4,000.00	-100.0%
Ending Cash Balances	13,774.61	337.72	3,811.22	1,513.82	2,399.82	886.00	58.5%

Center for Business, Enterprise and Tourism - CBET:

Online Customer Service Training program is a joint program with the SD Department of Tourism that provides the first people who come into contact with travelers to the state, SD employees and employers, with a training that promotes awareness and ideas to make the best possible first impression.

Revenue	8,295.06	7,393.17	18,083.19	8,688.72	9,355.03	666.31	7.7%
Expenditures	-	-	1,383.17	406.57	199.81	(206.76)	-50.9%
Change in Assets before Transfers	8,295.06	7,393.17	16,700.02	8,282.15	9,155.22	873.07	10.5%
Transfers In/(Out)		(17,000.00)	(11,000.00)	(561.35)		561.35	-100.0%
Ending Cash Balances	58,518.80	48,911.97	54,611.99	62,332.79	71,488.01	9,155.22	14.7%

Summer Academic Camps:

Summer academic camps are designed to educate and inspire middle and high school students.

Revenue	4,563.00	4,820.00	5,254.50	2,181.00	6,244.00	4,063.00	186.3%
Expenditures	1,531.95	3,330.79	4,788.01	6,378.39	4,272.83	(2,105.56)	-33.0%
Change in Assets before Transfers	3,031.05	1,489.21	466.49	(4,197.39)	1,971.17	6,168.56	-147.0%
Ending Cash Balances	5,051.05	6,540.26	7,006.75	2,809.36	4,780.53	1,971.17	70.2%

Outdoor Education Programs:

The Outdoor Education program offers courses in outdoor leadership, wilderness training, and wilderness medicine courses. Participants have the opportunity to achieve (re)certification in wilderness first response and medical certification.

Revenue	21,414.75	-	30,265.00	19,192.50	19,561.63	369.13	1.9%
Expenditures	17,670.26	2,812.48	23,526.79	24,324.17	19,285.97	(5,038.20)	-20.7%
Change in Assets before Transfers	3,744.49	(2,812.48)	6,738.21	(5,131.67)	275.66	5,407.33	-105.4%
Transfers			2,430.94	(297.80)	101.58	399.38	-134.1%
Ending Cash Balances	3,744.49	932.01	10,101.16	4,671.69	5,048.93	377.24	8.1%

Dakota State University**Center for Advancement of Health Information Technology (CAHIT):**

CAHIT provides public service activities assisting a variety of clients in the health care industry. Assistance is focused on Health IT and services related to implementation of electronic health records. Several of these activities are related to the Regional Health Center (REC), HealthPoint, which is a component of CAHIT and a grant funded activity. One of the outcomes of this grant is to create a self-sustaining service to continue Health IT support. The CAHIT PSA stems from this grant directive. This PSA was discontinued was FY16.

Revenue	477,037.69	270,169.41	190,891.25				
Expenditures	492,501.69	728,016.72	258,690.71				
Change in Assets before Transfers	(15,464.00)	(457,847.31)	(67,799.46)				
Transfers In/(Out)			219,727.29				
Ending Cash Balances	316,483.72	(141,363.59)	10,564.24				

Athletic Camps:

Revenue	43,481.66	49,484.75	71,549.00	59,939.67	76,011.00	(11,609.33)	-16.2%
Expenditures	35,987.90	36,648.09	81,867.96	35,040.15	85,688.45	(46,827.81)	-57.2%
Change in Assets before Transfers	7,493.76	12,836.66	(10,318.96)	24,899.52	(9,677.45)	35,218.48	-341.3%
Ending Cash Balances	19,844.48	32,681.14	22,362.18	47,261.70	37,584.25	24,899.52	111.3%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
<u>Northern State University</u>							
Athletic Camps							
Revenue	139,191.11	97,387.08	97,561.00	123,156.07	149,122.74	25,595.07	26.2%
Expenditures	<u>95,150.83</u>	<u>101,787.49</u>	<u>79,323.56</u>	<u>107,216.17</u>	<u>69,411.01</u>	27,892.61	35.2%
Change in Assets before Transfers	44,040.28	(4,400.41)	18,237.44	15,939.90	79,711.73	(2,297.54)	-12.6%
Transfers In/(Out)	(29,338.80)	(25,730.94)	(24,434.11)	(19,061.23)	(45,294.12)	5,372.88	-22.0%
Adjustment		(180.00)					
Ending Cash Balances	69,943.14	39,631.79	33,435.12	30,313.79	64,731.40	(3,121.33)	-9.3%

South Dakota International Business Institute (SDIBI): Discontinued in FY10

The SDIBI program is to facilitate and enhance international trade opportunities in conjunction with the Governor's Office of Economic Development. SDIBI has an agreement with GOED to provide educational workshops for businesses interested in competing in the International marketplace.

Revenue

Expenditures

Change in Assets before Transfers

Transfers In/(Out) (4,784.97)

Ending Cash Balances 4,784.97 4,784.97 -

Vocal Jazz Camp:

Students have the chance to play in various jazz groups; take lessons and learn about improvisation; participate in nightly jam sessions.

Revenue	4,091.00	5,365.00	6,200.00	4,350.00	3,685.00	(1,850.00)	-29.8%
Expenditures	<u>1,417.72</u>	<u>2,878.72</u>	<u>7,654.40</u>	<u>5,070.42</u>	<u>5,531.74</u>	(2,583.98)	-33.8%
Change in Assets before Transfers	2,673.28	2,486.28	(1,454.40)	(720.42)	(1,846.74)	733.98	-50.5%
Transfers In/(Out)							
Ending Cash Balances	5,220.78	7,707.06	6,252.66	5,532.24	3,685.50	(720.42)	-11.5%

Conferences: Leadership and International Business:

Revenue		18,690.00	19,275.00	300.00	12,873.00	(18,975.00)	-98.4%
Expenditures		<u>16,600.79</u>	<u>12,846.62</u>	<u>9,264.04</u>	<u>7,924.80</u>	(3,582.58)	-27.9%
Change in Assets before Transfers		2,089.21	6,428.38	(8,964.04)	4,948.20	(15,392.42)	-239.4%
Transfers In/(Out)		999.99	(121.72)	-	4,046.50	121.72	-100.0%
Ending Cash Balances	(4,986.53)	(1,897.33)	4,409.33	(4,554.71)	4,439.99	(8,964.04)	-203.3%

South Dakota School of Mines & Technology**Engineering and Mining Experiment Station (EMES):**

EMES is to provide analytical and technical services for students and faculty at SDSM&T as well as for off-campus clients in the public/private sectors.

Revenues	48,529.50	59,514.99	61,915.09	36,020.69	61,152.29	25,131.60	69.8%
Expenditures	<u>71,487.02</u>	<u>83,694.32</u>	<u>19,468.87</u>	<u>(1,212.21)</u>	<u>71,395.52</u>	72,607.73	-5989.7%
Change in Assets before Transfers	(22,957.52)	(24,179.33)	42,446.22	37,232.90	(10,243.23)	(47,476.13)	-127.5%
Transfers In/(Out)	(7,674.45)	(5,951.51)					
Adjust Prior Balance			(1,585.93)	1,280.87	498.38	(782.49)	-61.1%
Ending Cash Balances	66,518.39	36,387.55	77,247.84	115,761.61	106,016.76	(9,744.85)	-8.4%

Department Sales & Services (Geology Map):

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Departmental services and product sales to private corporation or general public.

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Revenue	391.39	304.73	391.79	222.81	10,097.40	9,874.59	4431.8%
Expenditures	<u>(1,404.77)</u>	<u>0.96</u>	<u>-</u>	<u>-</u>	<u>-</u>		
Change in Assets before Transfers	1,796.16	303.77	391.79	222.81	10,097.40	9,874.59	4431.8%
Adjust Prior Balance					3,545.27		
Ending Cash Balances	4,124.46	4,428.23	4,820.02	5,042.83	18,685.50	13,642.67	270.5%

Workshops/Conferences (ESRI-ALC, Science Fair and Concrete Conference & Athletic):

Workshops and conferences held by campus departments for high school students and professionals.

Revenue	151,175.11	109,640.88	49,282.30	31,579.46	447,535.27	415,955.81	1317.2%
Expenditures	<u>177,268.53</u>	<u>51,052.86</u>	<u>20,197.70</u>	<u>28,969.13</u>	<u>178,080.82</u>	149,111.69	514.7%
Change in Assets before Transfers	(26,093.42)	58,588.02	29,084.60	2,610.33	269,454.45	266,844.12	10222.6%
Transfers In/(Out)	(3,889.07)					-	
Adjust Prior Balance			(6,193.14)	(78.00)	(3,545.27)	(3,467.27)	4445.2%
Ending Cash Balances	21,995.45	80,583.47	103,474.93	106,007.26	371,916.44	265,909.18	250.8%

Fire Prediction Management

Weather prediction services for the Forest Service fire protection efforts and on-site assistance during fires.

General Fund Appropriations	86,329.52	10,406.65	2,312.00			-	
Institutional Budget	7,186.31		4,229.04		7,670.51	7,670.51	
Revenue	<u>7,960.64</u>	<u>1,927.68</u>	<u>11,519.42</u>	<u>24,440.34</u>	<u>27,952.62</u>	3,512.28	14.4%
Total Revenue	101,476.47	12,334.33	18,060.46	24,440.34	35,623.13	11,182.79	45.8%
Expenditures	<u>103,139.17</u>	<u>19,255.74</u>	<u>6,541.04</u>	<u>18,787.41</u>	<u>28,441.57</u>	9,654.16	51.4%
Change in Assets before Transfers	(1,662.70)	(6,921.41)	11,519.42	5,652.93	7,181.56	1,528.63	27.0%
Ending Cash Balances	15,171.89	8,250.48	19,769.90	25,422.83	32,604.39	7,181.56	28.2%

Composite & Polymer Engineering Lab (CAPE)

Conducts standardized testing of polymers and composites .

Revenue	244,020.33	211,379.18	(37,978.04)	78,560.33	19,832.65	(58,727.68)	-74.8%
Expenditures	<u>319,753.97</u>	<u>84,566.17</u>	<u>66,572.50</u>	<u>51,751.75</u>	<u>22,869.48</u>	(28,882.27)	-55.8%
Change in Assets before Transfers	(75,733.64)	126,813.01	(104,550.54)	26,808.58	(3,036.83)	131,359.12	-125.6%
Transfers In/(Out)							
Ending Cash Balances	(1,620.51)	125,192.50	20,641.96	47,450.54	44,413.71	(3,036.83)	-6.4%

Arbegast Materials Processing (AMP)

Uses materials deposition and joining technologies coupled with advanced manufacturing process controls and automation to aid research and industry in bol:

Revenue	47,206.50	91,008.84	263,056.91	290,327.29	414,985.63	124,658.34	42.9%
Expenditures	<u>82,009.61</u>	<u>59,829.87</u>	<u>219,117.91</u>	<u>292,149.72</u>	<u>496,300.83</u>	204,151.11	69.9%
Change in Assets before Transfers	(34,803.11)	31,178.97	43,939.00	(1,822.43)	(81,315.20)	(45,761.43)	-104.1%
Transfers In (Out)		(2.94)					
Ending Cash Balances	143.79	31,319.82	75,258.82	73,436.39	(7,878.81)	(81,315.20)	-110.7%

Note: A/R balance at 6/30/18 equals \$51,600 to make a positive \$43,721.19 at 6/30/18.

South Dakota State University**Music Camps and Conferences**

Revenue	42,681.89	47,166.27	44,779.50	49,454.74	42,004.75	(7,449.99)	-15.1%
Expenditures	<u>39,180.03</u>	<u>42,585.82</u>	<u>51,898.79</u>	<u>41,117.93</u>	<u>52,425.51</u>	11,307.58	27.5%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Change in Assets before Transfers	3,501.86	4,580.45	(7,119.29)	8,336.81	(10,420.76)	(18,757.57)	-225.0%
Ending Cash Balances	27,056.46	31,636.91	24,517.62	32,854.43	22,433.67	(10,420.76)	-31.7%
Human Development, Consumer and Family Sciences:							
This activity provides non-credit public training courses on infant and toddler care.							
Revenue	14,555.90	19,042.84	22,760.35	13,456.75	11,666.90	(1,789.85)	-13.3%
Expenditures	<u>10,213.40</u>	<u>19,432.42</u>	<u>20,215.34</u>	<u>10,652.11</u>	<u>21,825.97</u>	11,173.86	104.9%
Change in Assets before Transfers	4,342.50	(389.58)	2,545.01	2,804.64	(10,159.07)	(12,963.71)	-462.2%
Transfers In/(Out)	6,868.33	6,335.45					
Adjustments							
Ending Cash Balances	27,576.78	33,522.65	36,067.66	38,872.30	28,713.23	(10,159.07)	-26.1%
Nutrition Food Science and Hospitality - Food Analysis (NFSH-FD)							
NFSH-FD conducts product analysis, research and service products.							
Revenue						-	
Expenditures	<u>9,853.61</u>	<u>2,500.00</u>					
Change in Assets before Transfers	(9,853.61)	(2,500.00)					
Ending Cash Balances	8,464.86	5,964.86	5,964.86	5,964.86			
Performing Arts Center:							
The Performing Arts Center offers theatrical and musical performances to the general public.							
Revenue	14,121.72	11,286.42	19,042.72	17,985.60	10,386.28	(7,599.32)	-42.3%
Expenditures	<u>25,970.93</u>	<u>17,788.02</u>	<u>4,070.85</u>	<u>(6,131.34)</u>	<u>15,324.57</u>	21,455.91	-349.9%
Change in Assets before Transfers	(11,849.21)	(6,501.60)	14,971.87	24,116.94	(4,938.29)	(29,055.23)	-120.5%
Ending Cash Balances	57,784.02	51,282.42	66,254.29	90,371.23	85,432.94	(4,938.29)	-5.5%
South Dakota Wetlands Maps							
Revenue							
Expenditures	<u>12,219.06</u>	<u>60.00</u>	<u>5.00</u>				
Change in Assets before Transfers	(12,219.06)	(60.00)	(5.00)				
Transfer In (out)					10.44		
Ending Cash Balances	54.56	(5.44)	(10.44)	(10.44)	(0.00)		
Pharmacy Days:							
The College of Pharmacy hosts a Career Fair and invites Pharmacy companies to participate.							
Revenue	4,050.00	4,200.00	6,250.00	4,650.00	6,082.70	1,432.70	30.8%
Expenditures	<u>4,972.30</u>	<u>3,691.48</u>	<u>62.56</u>	<u>5,374.85</u>	<u>5,102.53</u>	(272.32)	-5.1%
Change in Assets before Transfers	(922.30)	508.52	6,187.44	(724.85)	980.17	1,705.02	-235.2%
Transfers In/(Out)							
Adjustments							
Ending Cash Balances	13,680.82	14,189.34	20,376.78	19,651.93	20,632.10	980.17	5.0%
Engineering Expo/Phonathon:							
The SDSU students manage the expo and fair with booths rented by engineering companies. The phonathon involves contacting alumni for funding in the Engineering Department.							
Revenue	53,196.93	63,443.58	68,865.22	63,957.67	80,622.00	16,664.33	26.1%
Expenditures	<u>53,266.02</u>	<u>56,700.02</u>	<u>62,015.62</u>	<u>80,883.33</u>	<u>67,303.91</u>	(13,579.42)	-16.8%
Change in Assets before Transfers	(69.09)	6,743.56	6,849.60	(16,925.66)	13,318.09	30,243.75	-178.7%
Transfers In/(Out)	(660.00)	(5,900.00)	(3,400.00)	10,089.00	(10,089.00)	(20,178.00)	-200.0%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Adjustments							
Ending Cash Balances	3,161.45	4,005.01	7,454.61	617.95	3,847.04	3,229.09	522.5%
Engineer Shops and Service:							
This activity provides repair and maintenance of SDSU Engineering equipment/tools and repair requests by other SDSU departments.							
Revenue	42,722.15	2,373.18	22,875.17	22,873.27	1,682.81	(21,190.46)	-92.6%
Expenditures	<u>14,676.95</u>	<u>27,424.47</u>	<u>42,909.97</u>	<u>6,754.14</u>	<u>34,994.27</u>	28,240.13	418.1%
Change in Assets before Transfers	28,045.20	(25,051.29)	(20,034.80)	16,119.13	(33,311.46)	(49,430.59)	-306.7%
Transfers In/(Out)	108.91	27.20	217.72	1,121.43		(1,121.43)	-100.0%
Ending Cash Balances	71,477.58	46,453.49	26,636.41	43,876.97	10,565.51	(33,311.46)	-75.9%
Conference Instruction Outreach:							
This activity provides various non-credit outreach conferences.							
Revenue	55,208.25	55,100.00	66,417.67	62,277.11	50,467.25	(11,809.86)	-19.0%
Expenditures	<u>48,569.79</u>	<u>65,665.39</u>	<u>84,686.45</u>	<u>85,484.97</u>	<u>47,323.39</u>	(38,161.58)	-44.6%
Change in Assets before Transfers	6,638.46	(10,565.39)	(18,268.78)	(23,207.86)	3,143.86	26,351.72	-113.5%
Transfers In/(Out)							
Adjustment			(32,413.94)				
Ending Cash Balances	154,483.93	143,918.54	93,235.82	70,027.96	73,171.82	3,143.86	4.5%
Nutrition Seminar:							
Annual seminar that provides nutrition related information and training to registered dieticians, students and educators.							
Revenue	3,635.00					-	
Expenditures	<u>4,266.55</u>	<u>68.00</u>					
Change in Assets before Transfers	(631.55)	(68.00)					
Transfers In/(Out)				(7,966.88)			
Ending Cash Balances	8,034.88	7,966.88	7,966.88	-			
Great Plains Rapid Prototyping Consortium (GPRPC):							
GPRPC offers membership to industries and offers prototyping services.							
Revenue	-	9,545.00	6,630.00				
Expenditures	<u>310.00</u>	<u>21,904.59</u>	<u>11,420.89</u>				
Change in Assets before Transfers	(310.00)	(12,359.59)	(4,790.89)				
Transfers In/(Out)	(421.70)	10,834.48		(1,121.43)			
Ending Cash Balances	7,437.43	5,912.32	1,121.43	(0.00)			
Civil and Environmental Engineering Seminars/Conferences:							
This activity provides various certification and seminars for the engineers in the state.							
Revenue	45,710.00	52,512.92	43,811.63	17,525.00	11,925.00	(5,600.00)	-32.0%
Expenditures	<u>23,080.31</u>	<u>37,261.90</u>	<u>33,091.12</u>	<u>3,492.25</u>	<u>13,688.53</u>	10,196.28	292.0%
Change in Assets before Transfers	22,629.69	15,251.02	10,720.51	14,032.75	(1,763.53)	(15,796.28)	-112.6%
Transfers In/(Out)		(16,175.42)					
Adjustment			(45,239.99)				
Ending Cash Balances	51,804.54	50,880.14	16,360.66	30,393.41	28,629.88	(1,763.53)	-5.8%
Institute for School Fund:							
This is the South Dakota High School Press Institute. The purpose of this activity is for recruiting and for providing workshops for high school students.							
Revenue	5,661.00		920.00	-	380.78	380.78	

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Expenditures	4,997.96	1,864.58	574.38	383.14	491.50	108.36	28.3%
Change in Assets before Transfers	663.04	(1,864.58)	345.62	(383.14)	(110.72)	272.42	-71.1%
Transfers In/(Out)							
Adjustments							
Ending Cash Balances	2,171.92	307.34	652.96	269.82	159.10	(110.72)	-41.0%

Plant Field Guide:

This activity involves the publishing and sale of books about the Grasslands and the Black Hills written by Johnson & Larson.

Revenue		2,014.00	1,491.00	-		-	
Expenditures	2,188.07	3,571.03	2,272.17	1,356.85	9.90	(1,346.95)	-99.3%
Change in Assets before Transfers	(2,188.07)	(1,557.03)	(781.17)	(1,356.85)	(9.90)	1,346.95	-99.3%
Transfers In/(Out)	1,015.00						
Ending Cash Balances	6,566.42	5,009.39	4,228.22	2,871.37	2,861.47	(9.90)	-0.3%

Chem/Biochem Research:

This activity provides consulting services to industrial companies.

Revenue			1,600.00	-		-	
Expenditures	50.00	9.12	765.72	798.52		(798.52)	-100.0%
Change in Assets before Transfers	(50.00)	(9.12)	834.28	(798.52)		798.52	-100.0%
Ending Cash Balances	150.67	141.55	975.83	177.31	177.31	-	0.0%

Horse Club Livery:

The activity provides training to adults regarding horse nutrition, management and riding.

Revenue	3,235.32	4,287.23	9,380.41	8,460.00	8,160.00	(300.00)	-3.5%
Expenditures	1,753.78	837.89	7,138.98	19,077.99	5,217.29	(13,860.70)	-72.7%
Change in Assets before Transfers	1,481.54	3,449.34	2,241.43	(10,617.99)	2,942.71	13,560.70	-127.7%
Transfers In/(Out)							
Ending Cash Balances	885.47	4,334.81	6,576.24	(4,041.75)	(1,099.04)	2,942.71	-72.8%

Summer Sports Camps

Revenue	640,625.80	702,369.64	537,414.04	769,193.05	649,356.63	(119,836.42)	-15.6%
Expenditures	556,981.27	547,003.91	552,846.62	704,353.00	746,981.23	42,628.23	6.1%
Change in Assets before Transfers	83,644.53	155,365.73	(15,432.58)	64,840.05	(97,624.60)	(162,464.65)	-250.6%
Transfers In/(Out)	2,780.49	(43,398.33)		(2,986.12)	1,281.20	4,267.32	-142.9%
Adjustment (Add Camp)			1,462.79	1,344.56		(1,344.56)	-100.0%
Add Science Camp Beg. Cash							
ADD ACE Camp Beg. Cash							
Ending Cash Balances	357,571.03	469,538.43	455,568.64	518,767.13	422,423.73	(96,343.40)	-18.6%

Continuing Education Unit Program:

Continuing Education which can include any area of teaching within the university that is offering a continuing education course.

Revenue	995.00	980.00	745.00	7,146.94	925.00	(6,221.94)	-87.1%
Expenditures	(149.52)	(119.59)	14,116.81	5,121.94	(45.00)	(5,166.94)	-100.9%
Change in Assets before Transfers	1,144.52	1,099.59	(13,371.81)	2,025.00	970.00	(1,055.00)	-52.1%
Ending Cash Balances	19,099.54	20,199.13	6,827.32	8,852.32	9,822.32	970.00	11.0%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Animal Disease Research:							
The state vet lab provides animal testing for the livestock of SD. The proceeds of the tax fund the vet school slots and the operating cost of the vet lab at SD.							
General Fund Appropriation	1,742,928.38	1,731,342.86	1,742,023.92	1,849,169.44	1,824,125.85	(25,043.59)	-1.4%
Endo/Ecto Parasiticide Tax	250,000.00	250,000.00	250,000.00	250,000.00	250,000.00	-	0.0%
Other Revenue	4,119,864.35	4,220,747.58	4,556,854.10	4,941,677.64	4,713,564.06	(228,113.58)	-4.6%
Total Revenue	6,112,792.73	6,202,090.44	6,548,878.02	7,040,847.08	6,787,689.91	(253,157.17)	-3.6%
Expenditures	5,089,089.64	5,048,300.39	4,683,937.97	4,574,980.33	6,463,641.45	1,888,661.12	41.3%
Change in Assets before Transfers	1,023,703.09	1,153,790.05	1,864,940.05	2,465,866.75	324,048.46	(2,141,818.29)	-86.9%
Transfers In/(Out)			(1,500,000.00)	(4,296,899.78)	(75,140.97)	4,221,758.81	-98.3%
Previous Year Adjustment			13,714.43				
Ending Cash Balances	1,594,203.34	2,747,993.39	3,126,647.87	1,295,614.84	1,544,522.33	248,907.49	19.2%
Engineering Extension Conference:							
Engineering Extension holds many conferences throughout the state for business and industry.							
Revenue	69,499.00	13,031.24	17,722.66	18,879.67	4,859.44	(14,020.23)	-74.3%
Expenditures	15,376.05	14,323.66	127,761.67	(65,713.87)	5,913.18	71,627.05	-109.0%
Change in Assets before Transfers	54,122.95	(1,292.42)	(110,039.01)	84,593.54	(1,053.74)	(85,647.28)	-101.2%
Transfers In/(Out)	(500.00)	(815.77)	(270.96)	(407.68)	(111.65)	296.03	-72.6%
Adjustments							
Ending Cash Balances	142,822.38	140,714.19	30,404.22	114,590.08	113,424.69	(1,165.39)	-1.0%
Special Events:							
Activity provides sports banquets and also children's activities before athletic events.							
Revenue	129,432.00						
Expenditures	22,640.54						
Change in Assets before Transfers	106,791.46						
Transfers In/(Out)	(106,791.46)						
Ending Cash Balances	-						
Family and Consumer Sciences - Out of School Revolving:							
FCS offers a kindergarten program.							
Revenue	17,388.46	9,610.25	10,441.25	11,415.50	13,533.37	2,117.87	18.6%
Expenditures	19,512.62	14,036.19	9,497.71	12,013.63	11,568.15	(445.48)	-3.7%
Change in Assets before Transfers	(2,124.16)	(4,425.94)	943.54	(598.13)	1,965.22	2,563.35	-428.6%
Ending Cash Balances	4,937.32	511.38	1,454.92	856.79	2,822.01	1,965.22	229.4%
CEE Structures Lab:							
Testing service to public from the Lohr Structures Lab.							
Revenue	6,267.50	1,062.75	3,810.79	268.12	1,065.19	797.07	297.3%
Expenditures	7,468.68	3,602.67	576.58	5,899.44	795.88	(5,103.56)	-86.5%
Change in Assets before Transfers	(1,201.18)	(2,539.92)	3,234.21	(5,631.32)	269.31	5,900.63	-104.8%
Transfers In/(Out)							
Adjustments							
Ending Cash Balances	6,107.85	3,567.93	6,802.14	1,170.82	1,440.13	269.31	23.0%
County Road Conference - LTAP:							
Annual conference for County Highway Department Officials to learn new methods or road maintenance.							
Revenue	28,175.00	39,910.00	40,370.00	46,150.00	55,875.00	9,725.00	21.1%
Expenditures	27,625.01	29,895.03	30,603.97	25,477.21	32,278.53	6,801.32	26.7%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Change in Assets before Transfers	549.99	10,014.97	9,766.03	20,672.79	23,596.47	2,923.68	14.1%
Transfers In/(Out)	(1,000.00)	(2,885.08)			(374.91)		
Ending Cash Balances	34,539.90	41,669.79	51,435.82	72,108.61	95,330.17	23,221.56	32.2%

Flow Cytometry-Vet Science:

Offers testing to researchers using flow cytometry. This program has not provide public services since FY07 so is no longer determined as a PSA.

Revenue				45.00		(45.00)	-100.0%
Expenditures	<u>1,541.21</u>	<u>338.64</u>	<u>415.88</u>	<u>-</u>		-	
Change in Assets before Transfers	(1,541.21)	(338.64)	(415.88)	45.00		(45.00)	-100.0%
Transfers In/(Out)						-	
Ending Cash Balances	1,982.95	1,644.31	1,228.43	1,273.43	1,273.43	-	0.0%

Counseling and Human Resource Development (CHRD):

Offers conferences to the public in the area of CHRD.

Revenue	2,005.00	1,049.24	1,290.00		9,725.00	9,725.00	
Expenditures	<u>6,767.70</u>	<u>4,092.40</u>	<u>2,973.27</u>		<u>4,169.95</u>	4,169.95	
Change in Assets before Transfers	(4,762.70)	(3,043.16)	(1,683.27)		5,555.05	5,555.05	
Transfers In/(Out)	(6,028.06)						
Adjustment							
Ending Cash Balances	4,795.18	1,752.02	68.75	68.75	5,623.80	5,555.05	8080.1%

Office of Climate and Weather Information (OCWI):

The OCWI will collect fees and sales tax for weather data to external and internal customers.

Revenue	3,935.12	1,393.14	180.00	100.00		(100.00)	-100.0%
Expenditures	<u>11,054.00</u>	<u>623.74</u>	<u>2,283.88</u>	<u>10.00</u>		(10.00)	-100.0%
Change in Assets before Transfers	(7,118.88)	769.40	(2,103.88)	90.00		(90.00)	-100.0%
Adjustments/Transfers In				577.46			
Ending Cash Balances	667.02	1,436.42	(667.46)	(0.00)		0.00	-100.0%

Eastern SD Water Conference

The conference brings together researchers from Federal, State University, local government and private organizations to provide a forum to discuss topics dealing with water and water quality in SD.

Revenue	3,700.00	3,240.00	12,508.11	5,529.00	4,585.00	(944.00)	-17.1%
Expenditures	<u>2,728.36</u>	<u>3,814.93</u>	<u>5,836.97</u>	<u>5,730.03</u>	<u>4,374.62</u>	(1,355.41)	-23.7%
Change in Assets before Transfers	971.64	(574.93)	6,671.14	(201.03)	210.38	411.41	-204.7%
Transfers In (Out)				(5,951.14)		5,951.14	-100.0%
Ending Cash Balances	6,165.70	5,590.77	12,261.91	6,109.74	6,320.12	210.38	3.4%

I-29 Dairy Conference

The conference provides information on dairy nutrition, dairy cow comfort/housing and dairy facilities to producers along the I-19 corridor.

Revenue	-	-	2,220.57	4,308.16	5,009.20	701.04	16.3%
Expenditures	<u>1,728.66</u>	<u>1,089.40</u>	<u>4,116.79</u>	<u>3,315.44</u>	<u>5,820.04</u>	2,504.60	75.5%
Change in Assets before Transfers	(1,728.66)	(1,089.40)	(1,896.22)	992.72	(810.84)	(1,803.56)	-181.7%
Transfers In/(Out)	1,009.20						
Ending Cash Balances	7,970.64	6,881.24	4,985.02	5,977.74	5,166.90	(810.84)	-13.6%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Wellness Program:							
The Wellness Program provides physical fitness programs and awareness to the public.							
Revenue	568,544.59	555,571.67	575,930.47	620,208.94	545,309.48	(74,899.46)	-12.1%
Expenditures	<u>427,083.75</u>	<u>554,164.56</u>	<u>495,876.94</u>	<u>483,381.30</u>	<u>323,993.36</u>	(159,387.94)	-33.0%
Change in Assets before Transfers	141,460.84	1,407.11	80,053.53	136,827.64	221,316.12	84,488.48	61.7%
Transfers In/(Out)	(33,575.54)	(49,953.17)	(67,954.02)	(64,623.53)	(743.02)	63,880.51	-98.9%
Adjustment			(66,281.91)				
Ending Cash Balances	161,793.33	113,247.27	59,064.87	131,268.98	351,842.08	220,573.10	168.0%

Music - String Project:

The String project is when parents pay a fee for string lessons for their children. This fund helps pay for items the students would need during the year.

Revenue	2,575.25	46.97	2,955.20	3,327.50	5,040.00	1,712.50	51.5%
Expenditures	<u>3,055.48</u>	<u>-</u>	<u>3,780.12</u>	<u>5,030.35</u>	<u>2,367.18</u>	(2,663.17)	-52.9%
Change in Assets before Transfers	(480.23)	46.97	(824.92)	(1,702.85)	2,672.82	4,375.67	-257.0%
Ending Cash Balances	1,515.07	1,562.04	737.12	(965.73)	1,707.09	2,672.82	-276.8%

Extension Master Gardener:

Revenue			7,796.00		14,318.69	14,318.69	
Expenditures			<u>7,511.44</u>	<u>15,654.17</u>	<u>17,465.30</u>	1,811.13	11.6%
Change in Assets before Transfers			284.56	(15,654.17)	(3,146.61)	12,507.56	-79.9%
Ending Cash Balances		25,027.89	25,312.45	9,658.28	6,511.67	(3,146.61)	-32.6%

Precision Ag:

Revenue				3,080.86		(3,080.86)	-100.0%
Expenditures			<u>2,800.00</u>	<u>2.67</u>		(2.67)	-100.0%
Change in Assets before Transfers			(2,800.00)	3,078.19		(3,078.19)	-100.0%
Transfer In (Out)					2.67		
Ending Cash Balances		(280.86)	(3,080.86)	(2.67)	(0.00)	2.67	-100.0%

University of South Dakota**Athletic Association Clinics**

The activities classified in this category include various athletic sports clinics for K-12 students.

Revenue	245,211.77	245,322.97	247,282.42	254,698.36	295,036.17	40,337.81	15.8%
Expenditures	<u>300,599.84</u>	<u>222,046.51</u>	<u>253,089.75</u>	<u>261,625.34</u>	<u>265,412.80</u>	3,787.46	1.4%
Change in Assets before Transfers	(55,388.07)	23,276.46	(5,807.33)	(6,926.98)	29,623.37	36,550.35	-527.7%
Transfers In/(Out)							
Ending Cash Balances	99,541.09	122,817.55	117,010.22	110,083.24	139,706.61	29,623.37	26.9%

Other Camps (Summer Camp and Music Camp)

The activities are for summer music, educational and governs camps.

Revenue	239,358.75	309,139.42	234,401.57	265,282.41	162,008.86	(103,273.55)	-38.9%
Expenditures	<u>232,067.47</u>	<u>249,187.17</u>	<u>217,023.00</u>	<u>220,643.59</u>	<u>220,287.89</u>	(355.70)	-0.2%
Change in Assets before Transfers	7,291.28	59,952.25	17,378.57	44,638.82	(58,279.03)	(102,917.85)	-230.6%
Transfers In/(Out)			134.21			-	0.0%
Ending Cash Balances	125,864.39	185,816.64	203,329.42	247,968.24	189,689.21	(58,279.03)	-23.5%

<u>UNIVERSITY/PROGRAM</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>DIFFERENCE</u>	<u>% CHANGE</u>
Education Outreach:							
The activities classified in this category include Quad State Marching Band, Law School Profession Workshop, Jazz Festival and the TTL Education.							
Revenue	73,617.88	50,478.08	126,727.86	105,801.24	91,985.97	(13,815.27)	-13.1%
Expenditures	<u>72,383.70</u>	<u>47,279.16</u>	<u>60,282.53</u>	<u>109,137.30</u>	<u>89,268.22</u>	(19,869.08)	-18.2%
Change in Assets before Transfers	1,234.18	3,198.92	66,445.33	(3,336.06)	2,717.75	6,053.81	-181.5%
Transfers In/(Out)	(250.23)		1,592.54	(15,000.00)	714.83	15,714.83	-104.8%
Adjustment for missed programs		83.83				-	
Ending Cash Balances	49,355.68	52,638.43	120,676.30	102,340.24	105,772.82	3,432.58	3.4%

Small Business Administration (SBA):

SBA provides services for outside agencies on a fee for service basis. Some services provided by SBA include statistical data research, such as census, revenue, gaming, etc...

Revenue	782,170.03	750,105.66	999,898.18	1,018,767.24	889,507.57	(129,259.67)	-12.7%
Expenditures	<u>635,144.09</u>	<u>777,805.33</u>	<u>1,057,147.91</u>	<u>946,291.29</u>	<u>906,970.09</u>	(39,321.20)	-4.2%
Change in Assets before Transfers	147,025.94	(27,699.67)	(57,249.73)	72,475.95	(17,462.52)	(89,938.47)	-124.1%
Transfers In/(Out)							
Add missed programs beg. Cash							
Add MTS Service							
Ending Cash Balances	227,592.65	199,892.98	142,643.25	215,119.20	197,656.68	(17,462.52)	-8.1%

Centers for Disabilities:

Centers for Disabilities provides services for individuals and families with individuals with disabilities to make their lives as normal as possible.

Revenue	193,498.78	207,481.86	105,719.53	162,655.09	232,743.74	70,088.65	43.1%
Expenditures	<u>195,300.23</u>	<u>245,533.45</u>	<u>170,190.21</u>	<u>185,050.31</u>	<u>233,212.07</u>	48,161.76	26.0%
Change in Assets before Transfers	(1,801.45)	(38,051.59)	(64,470.68)	(22,395.22)	(468.33)	21,926.89	-97.9%
Adjustments			386,356.29				
Transfers In/(Out)			28,466.81	30,000.00	42,000.00	12,000.00	40.0%
Add Nutrition Services							
Ending Cash Balances	261,355.99	223,304.40	573,656.82	581,261.60	622,793.27	41,531.67	7.1%

Note: Transfer in of \$42,000 was indirect revenues from grants and contracts awarded and transferred in from the Centers for Disabilities.

Building Bridges Conference:

The conference is provided by Student Life for the exchange students as a good will gesture.

Revenue	1,000.00	60.00	255.00	1,250.00	500.00	(750.00)	-60.0%
Expenditures	<u>(785.95)</u>	<u>(75.71)</u>	<u>233.81</u>	<u>2,727.39</u>	<u>227.45</u>	(2,499.94)	-91.7%
Change in Assets before Transfers	1,785.95	135.71	21.19	(1,477.39)	272.55	1,749.94	-118.4%
Ending Cash Balances	3,458.90	3,594.61	3,615.80	2,138.41	2,410.96	272.55	12.7%

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – B
DATE: October 2-4, 2018

SUBJECT:

BOR Policy 4:49 – Multi-Year Employment Contract Revisions (Second Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 4:49](#) – Multi-Year Employment Contracts

[BOR Policy 4:1](#) – General Personnel Policy

BACKGROUND / DISCUSSION

BOR Policy 4:49 was approved in [March 2016](#) to allow for multi-year contracts for NCAA Division I head coaches and athletic directors, and university presidents. The first reading of this policy was approved at the [August 2018](#) BOR meeting without any recommendations for further revisions.

This policy was established in response to the market demands for NCAA Division I athletics. Currently, the policy allows, but does not require, three (3) year contracts. The ability to provide these longer term contracts has assisted both USD and SDSU in their ability to recruit and retain head coaches. Currently, there are nine coaches and one athletic director in the Regental system that have multi-year contracts.

The Board Athletic Committee discussed with the SDSU and USD presidents and athletic directors about the opportunity to change the policy to allow for a five (5) year contract. The market for college athletics continues to evolve and it is commonplace for head coaches and athletic directors to have contracts of five (5) years or more in the conferences that SDSU and USD compete in.

University presidents have also voiced that this policy change would facilitate more continuity for student-athletes. This is important not only as a part of student athlete recruitment, but also for the student's academic success. In addition, the longer term contracts provide a larger buyout if a coach or athletic director resigns prior to the end of the contract term.

(Continued)

DRAFT MOTION 20181002_6-B:

I move to approve the second and final reading of the proposed revisions to BOR Policy 4:49 – Multi-Year Employment Contracts as presented.

IMPACT AND RECOMMENDATIONS

The recommended changes to BOR policy 4:49 can be found in Attachment I. The substantive changes include the following:

1. Changing the language to allow for a contract term of more than one (1) year, but not more than five (5) years, except to extend by the minimum amount of time required to align with the end of the fiscal year;
2. A definitions section has been added to align with new BOR policy template requirements;
3. Language has been added to clarify the funding information that is required by the Board when a new contract is being requested:
 - a. A summary by account of uncommitted, unrestricted non-appropriated funds that would be available for a termination for convenience payout;
 - b. A ratio between the uncommitted, unrestricted non-appropriated funds and the liability of a termination for convenience by the university on the largest contract.

The board staff recommends approval of the recommended policy changes to align BOR policy with the labor market requirements in Division I athletics.

ATTACHMENTS

Attachment I – Proposed Changes to BOR Policy 4:49

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Multi-Year Employment Contracts

NUMBER: 4:49

A. **Preamble****PURPOSE**

~~To This policy allows, but does not require, allow~~ multi-year employment contracts for the positions identified in this policy. Employment contracts for the positions identified in this policy may be offered for a term of one or more years up to the maximum term allowed by this policy. ~~Employment contracts for a term of one year are governed by Board Policy 4.1.1 (for institutional presidents) or Board Policy 4.1 (for all other employees).~~

In the event of a termination for convenience by the University, any early termination payout shall be paid from the University's ~~non-restricted~~unrestricted, non-unappropriated funds.

B. **DEFINITIONS**

- 1. University:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines & Technology, South Dakota State University, and the University of South Dakota.
- 2. President:** The chief executive officer of a SD Board of Regents university.
- 3. Unrestricted non-appropriated funds:** Funds received from tuition and fees, indirect cost recovery, campus auxiliary operations and enterprises, and other miscellaneous sources.
- 4. Guaranteed Supplemental Compensation:** Compensation that is contractually guaranteed, but not included in the contractual base salary.

1.C. POLICY

1. Multi-Year Employment Contracts for NCAA Division I Head Coaches and Athletic Directors

The President of an institution may offer to enter into, or renew, subject to approval by the Board of Regents, a contract for the services of non-faculty exempt NCAA Division I Head Coaches and one NCAA Division I Athletic Director for a term of more than one year, but not more than ~~three-five~~ years, except that such contracts may extend beyond ~~three-five~~ years by the minimum amount of time required to align it with the fiscal year calendar.

2. Multi-Year Employment Contracts for University Presidents

The South Dakota Board of Regents may enter into, or renew, a contract, for the services of University Presidents for a term of more than one year, but less than four years.

2.3. Multi-Year Employment Contract Requirements

All employment contracts shall define the entire employment relationship between the Board of Regents and the employee, and may incorporate by reference applicable Board of Regents and institutional policies and rules, and applicable law.

3.1. All multi-year employment contracts for the services shall follow the Board approved model contract that corresponds to the position type. Should there be any proposed deviations from the Board-approved model contract, such proposed deviations shall be clearly and specifically identified.

3.2. Multi-year employment contracts submitted for Board approval shall include the following supporting documentation:

3.2.1. Base salary and guaranteed supplemental compensation;

3.2.2. All supplemental compensation incentives and their monetary value;

3.2.3. Base salaries, guaranteed supplemental compensation and incentive payments of similar positions from peer institutions (for institutional presidents) or conference institutions (for NCAA Division I Head Coaches and NCAA Division I Athletic Directors).

3.2.4. A summary of all current University multi-year contracts, including remainder of terms and compensation obligations in the event of a termination for convenience by the University.

3.2.5. A summary by account of all uncommitted, unrestricted non-appropriated funds that would be available for a termination for convenience payout.

1) — The ratio between the uncommitted, unrestricted non-appropriated funds and the liability of a termination for convenience by the University on the largest potential multi-year contract payout.

2) — A summary of University non-restricted unappropriated funds.

FORMS / APPENDICES:

None

SOURCE:

BOR March 2016; BOR October 2018.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

REVISED
AGENDA ITEM: 6 – C
DATE: October 2-4, 2018

SUBJECT

Student Accounts Receivable Report

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5:5](#) Tuition and Fees General Procedures

[BOR Policy 5:21](#) System Collection Policy

[SDCL 1-55](#) Obligation Recovery Center

[ARSD 10: 11](#) Obligation Recovery Center

BACKGROUND/DISCUSSION

A report of outstanding student receivables is presented to the Board annually. While debt can be taken off the books, the debt remains on the students' record indefinitely. It should be noted that the receivables represent less than 1% of total student revenues for years FY15 through FY18. According to a NACUBO 2010 survey, the benchmark for bad debt collections runs at 3.5% nationally.

There are a number of reasons a student might owe the institution money and the account would go into collection. Not all students have their financial aid in place when they start school. Students may be admitted assuming they will have sufficient aid or family contribution, and in the end, they are short. Students who pay a majority of their bill are usually retained, but if they do not return the next term, they may end up with an amount due. Students who incur fines and fees throughout the semester may not have funds to pay until the following semester. Again, if they do not return the following term, they end up owing money. There are many circumstances that arise, and the campuses have discretion to manage the exceptions.

A common way to gauge receivables is to compare them with the total dollars collected. The BOR institutions have very good collection rates with receivables below one percent for the fiscal years reported. The overall outstanding receivables rate for the four-year period is 0.51% of total student revenues. The table on page two identifies the total amounts uncollected for FY2015 through FY2018 as of the end of the spring 2018 term. The receivables amounts include all student debt prior to any write-offs.

(Continued)

INFORMATIONAL ITEM

Student Account Receivable Report

October 2-4, 2018

Page 2 of 4

		Grand Total of Receivables	Total Student Revenues	% of Receivables to Total Revenue
BHSU	FY15	\$95,610	\$29,723,805	0.32%
	FY16	\$223,992	\$30,746,475	0.73%
	FY17	\$220,577	\$30,725,399	0.72%
	FY18	\$333,007	\$31,311,990	1.06%
DSU	FY15	\$99,773	\$21,368,408	0.47%
	FY16	\$122,908	\$23,729,692	0.52%
	FY17	\$175,848	\$24,720,535	0.71%
	FY18	\$312,821	\$26,432,837	1.18%
NSU	FY15	\$108,749	\$20,866,371	0.52%
	FY16	\$73,191	\$20,209,370	0.36%
	FY17	\$92,372	\$19,565,777	0.47%
	FY18	\$140,211	\$20,647,948	0.68%
SDSM&T	FY15	\$46,638	\$35,029,520	0.13%
	FY16	\$55,398	\$37,070,507	0.15%
	FY17	\$120,762	\$38,389,289	0.31%
	FY18	\$167,103	\$38,113,837	0.44%
SDSU	FY15	\$392,735	\$135,273,429	0.29%
	FY16	\$569,434	\$142,380,855	0.40%
	FY17	\$722,364	\$142,110,670	0.51%
	FY18	\$1,366,137	\$144,015,502	0.95%
USD	FY15	\$240,071	\$98,675,474	0.24%
	FY16	\$318,574	\$103,096,610	0.31%
	FY17	\$460,526	\$103,446,867	0.45%
	FY18	\$867,353	\$105,482,833	0.82%
SYSTEM TOTAL		\$7,326,154	\$1,423,134,000	0.51%

Note: There are outstanding receivables from prior terms that are not reflected so the total outstanding will not match the totals on page 3.

Student Account Receivable Report

October 2-4, 2018

Page 3 of 4

Student Accounts Receivable Activity

Throughout the year the universities use in-house collections, third-party collection agencies for older accounts, and the services of the Obligation Recovery Center (ORC) to collect outstanding student receivables. BOR 5:21, System Collection Policy, provides that when in-house and Obligation Recovery Center (ORC) collection efforts are exhausted and the account is at least two years delinquent, the account will be submitted to the South Dakota Board of Finance for write-off. Note that the bad accounts are written off the financial statements while the receivable remains on the student's account in Colleague with a HOLD marker.

The time frame in which institutions submit requests to the Board of Finance varies. The institutions usually submit write-offs annually.

Using Colleague data, the table below compares the June 30, 2015, year-end AR balance to the June 30, 2018, balance and the percentage change in receivables. It also reports the student receivable write-off amounts approved by the Board of Finance and the proportion of debt written-off to the AR balances. The change in total receivables and the proportion written-off are indicators of each institution's success in collections.

Student Accounts Receivable Activity						
As of June 30, 2018						
	BHSU	DSU	NSU	SDSMT	SDSU	USD
AR Balance 06/30/2015	\$1,487,378	\$1,002,431	\$921,126	\$351,243	\$3,165,117	\$2,753,794
AR Balance 06/30/2018	\$2,008,796	\$1,300,844	\$1,043,010	\$596,573	\$4,687,838	\$3,749,153
Inc./Dec. in Receivables	\$521,418	\$298,413	\$121,885	\$245,331	\$1,522,722	\$995,359
Percentage Change in Receivables	35.06%	29.77%	13.23%	69.85%	48.11%	36.14%
FY18 AR Balance	\$2,008,796	\$1,300,844	\$1,043,010	\$596,573	\$4,687,838	\$3,749,153
Write-Offs	\$789,311	\$257,724	\$414,006	\$135,033	\$719,619	\$1,219,665
Proportion of Debt Written-Off	39.29%	19.81%	39.69%	22.63%	15.35%	32.53%

Even with improved collection success with ORC and writing off bad debt, the universities show growing receivables.

Obligation Recovery Center Activity

BOR 5:21, System Collection Policy, provides that when in-house collections have been exhausted, accounts under \$250 may be referred and accounts over \$250 shall be referred to the State of South Dakota's Obligation Recovery Center (ORC) collection efforts. Institutions have been using ORC services for a year or more. The table on the next page summarizes the activity to-date with ORC.

Student Account Receivable Report

October 2-4, 2018

Page 4 of 4

Obligation Recovery Center Activity with the Regental Institutions					
As of June 30, 2018					
		Debts Referred	Debts Paid in Full	Net Payments	Payment Agreements Established
BHSU	Number	679	78	2,028	259
	Amount	\$1,122,379	\$95,168	\$232,006	\$584,170
DSU	Number	570	68	1,086	161
	Amount	\$865,871	\$71,341	\$164,552	\$360,900
NSU	Number	527	71	1,167	180
	Amount	\$670,992	\$71,967	\$138,842	\$360,285
SDSM&T	Number	199	31	398	56
	Amount	\$322,981	\$25,452	\$54,216	\$126,307
SDSU	Number	1,179	99	2,657	395
	Amount	\$2,851,691	\$140,830	\$378,511	\$1,160,387
USD	Number	1,351	232	3,677	495
	Amount	2,643,521	\$336,852	\$604,375	\$1,240,574
Total	Number	4,505	579	11,013	1,546
	Amount	\$8,477,435	\$741,610	\$1,572,502	\$3,832,624

The ORC was created to be a central repository for the collection of debts owed to any agency or department of the State of South Dakota. The center works to collect those bad debts and determines the appropriate method of collection through powers granted by codified law. For debt equal to or greater than \$1,000, the center shall provide notice to the licensing agency that the debtor may not renew, obtain, or maintain any motor vehicle registration, motor cycle registration, boat registration, or driver license unless the debt and cost recovery fee is paid in full or the debtor has entered into a payment plan and the plan remains current. For debt equal to or greater than \$50, the center shall provide notice to the licensing agency that the debtor may not obtain any hunting or fishing license, or state park or camping permit unless the debt and cost recovery fee is paid in full or the debtor has entered into a payment plan and the plan remains current.

IMPACT AND RECOMMENDATIONS

The BOR institutions have very good collection rates with receivables below one percent for the fiscal years reported. The overall outstanding system receivables for the four-year period of FY15 – FY18 is 0.51% of total student revenues.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – D
DATE: October 2-4, 2018

SUBJECT

HEFF Cash Flow Statement

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL 13-51-2](#) Educational Facilities Fund

[SDCL 13-53-15](#) Receipt by State Treasurer of Institutional Moneys

[SDCL 13-53-15.3](#) Medical School Funds

BACKGROUND / DISCUSSION

The primary source of dollars to fund construction, maintenance and renovation of university academic facilities is the tuition dollars placed into the Higher Education Facilities Fund (HEFF). Starting in FY17, the percentage contributed to HEFF is 11.5% of all tuition dollars, with the exception of the first \$1,521,740 of medical school tuition revenue which is not subject to HEFF. HEFF is also assessed on all self-support credit hours as of 2009. The reduction from 20% to 11.5% reflects the pay-off of the HEFF Series 2008 bond (\$8,612,640) and redirecting the \$704,077 payment to the tuition freeze, and increasing the tuition fee base by rolling the university support fee into tuition. While the percentage was reduced from 20% to 11.5%, the same amount of revenue to support HEFF debt and maintenance and repair is generated because it is assessed on a much larger base.

Attachment I is a cash flow statement for the Higher Education Facilities Fund as of August 2018. The statement presents actual and planned revenues and expenditures for FY17 through FY35. The statement includes the following data and assumptions:

- FY17 and FY18 are actuals, and FY19 through FY35 are projections;
- FY19 tuition revenue estimates are based upon FY18 actuals with a 2.6% weighted average tuition increase;
- Interest earnings of 3% on the unobligated cash balance plus \$4.0M of unspent maintenance and repair funds;
- FY20 and beyond assumes a 2% tuition increase and stable enrollments;
- A change from principal only payments on the SDSU Performing Arts Center to principal and interest in FY22.
- Bonding \$10.5M in capital projects in FY22 and \$12.5M in FY27 at 4.0% interest and for 25 years. This bonding would complete the 2012 Ten-Year Capital Plan.

(Continued)

INFORMATIONAL ITEM

The HEFF revenues generated for FY18 were \$127,628 lower than the projection. Interest earnings were up \$69,753 over the projection, resulting in a total revenue shortfall of only \$57,875 or a difference of 0.2%. The difference in the HEFF revenue appears to be due to growth in dual credit hours which generate less HEFF per credit, and a slight decline in overall credit hours.

The cash flow statements all show a fairly large unobligated balance at the end of each year even with additional debt financing plans. Because annual revenues do not come in until September, the cash balance at fiscal year-end must be sufficient to pay approximately one-half of the annual lease payment which is due in August. Projection of debt capacity and cash flows must both be considered prior to issuing new debt. We would only fund projects when capacity is available to debt service the leases and when sufficient cash is available to meet the annual payment.

IMPACT AND RECOMMENDATIONS

The remaining projects on the 2012 Ten-Year Plan can be found in Attachment II. Based on current assumptions and revenues, \$10.5M of projects can be bonded in FY22 and \$12.5M in FY27. If this happens, it will have taken us 15 years to complete the projects that we thought we had the cash flow to complete in 10 years.

ATTACHMENTS

Attachment I – HEFF Cash Flow Statement (August 2018)

Attachment II – 2012 Ten-Year Plan

Board of Regents
HEFF Cash Flow Statement
August 2018

Fiscal Year	Beginning Balance July	Net 11.5% Tuition	Interest Revenue	Total Revenue	FY M&R Expenditures	Lease Payment	Total Expenditures	Obligated Unexpended	Ending Cash	Unobligated Funds
2017	27,573,130	26,874,770	796,177	27,670,947	13,905,136	13,754,120	27,659,256	16,134,768	27,584,821	11,450,053
2018	27,584,821	27,015,890	533,255	27,549,144	14,624,633	14,075,654	28,700,287	16,921,710	26,433,678	9,511,968
2019	26,433,678	27,718,303	405,359	28,123,662	28,003,400	14,048,716	42,052,115	4,000,000	12,505,224	8,505,224
2020	12,505,224	28,272,669	375,157	28,647,826	15,399,735	14,054,162	29,453,897	4,000,000	11,699,153	7,699,153
2021	11,699,153	28,838,122	350,975	29,189,097	15,724,560	13,530,254	29,254,814	4,000,000	11,633,436	7,633,436
2022	11,633,436	29,414,885	349,003	29,763,888	16,057,307	14,739,307	30,796,614	4,000,000	10,600,709	6,600,709
2023	10,600,709	30,003,183	318,021	30,321,204	16,397,497	14,718,873	31,116,370	4,000,000	9,805,543	5,805,543
2024	9,805,543	30,603,246	294,166	30,897,413	16,741,658	14,740,661	31,482,319	4,000,000	9,220,637	5,220,637
2025	9,220,637	31,215,311	276,619	31,491,930	17,095,255	14,547,188	31,642,443	4,000,000	9,070,124	5,070,124
2026	9,070,124	31,839,617	272,104	32,111,721	17,452,488	14,548,881	32,001,369	4,000,000	9,180,476	5,180,476
2027	9,180,476	32,476,410	275,414	32,751,824	19,011,619	14,190,679	33,202,298	4,000,000	8,730,001	4,730,001
2028	8,730,001	33,125,938	261,900	33,387,838	19,384,974	13,578,537	32,963,511	4,000,000	9,154,328	5,154,328
2029	9,154,328	33,788,457	274,630	34,063,087	19,765,796	13,570,355	33,336,151	4,000,000	9,881,264	5,881,264
2030	9,881,264	34,464,226	296,438	34,760,664	20,154,235	12,580,538	32,734,773	4,000,000	11,907,154	7,907,154
2031	11,907,154	35,153,510	476,286	35,629,796	24,550,442	12,088,850	36,639,292	4,000,000	10,897,659	6,897,659
2032	10,897,659	35,856,581	435,906	36,292,487	24,954,573	12,069,451	37,024,024	4,000,000	10,166,122	6,166,122
2033	10,166,122	36,573,712	406,645	36,980,357	25,366,788	9,186,543	34,553,331	4,000,000	12,593,148	8,593,148
2034	12,593,148	37,305,186	503,726	37,808,912	25,787,246	9,181,173	34,968,419	4,000,000	15,433,642	11,433,642
2035	15,433,642	38,051,290	617,346	38,668,636	26,216,114	8,219,979	34,436,093	4,000,000	19,666,184	15,666,184

Notes:

1. Fiscal years 2017 and 2018 are actuals.
2. 3.0% interest earnings calculation based on the ending cash balance plus \$4,000,000 for unexpended M&R funds.
3. Stable enrollments for FY19 and beyond. FY19 tuition increase is an average of 2.6%, each year thereafter the tuition increase projection is 2%.
4. Additional capital projects of \$10.5M would be bonded in FY22 and \$12.5M in FY27. This would complete the 2012 Ten-Year Capital Plan.
5. All figures for periods after June 30, 2018 are estimates.

**2012 Ten-Year Plan Proposed Funding Schedule
September 2018**

<u>Project</u>		Fund Sources				Proposed HEFF Bonding			
		HEFF Bonds	Other Bonds	Other Funds	Project Total	FY2014	FY2015	FY2017	TBD
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 &	\$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
	Totals	\$28,615,000		\$18,477,000	\$47,092,000	\$23,615,000	\$0	\$0	\$5,000,000
** Other funds will come from campus HEFF M&R allocations.									
Building Projects									
BHSU	Jonas Science Renovation	\$1,250,000		\$2,950,000	\$4,200,000	\$1,250,000			\$0
BHSU	E. Y. Berry Library Renovation	\$3,000,000		\$1,500,000	\$4,500,000	\$0			\$3,000,000
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		\$8,800,000	\$13,800,000	\$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		\$7,082,800	\$17,082,800	\$10,000,000			\$0
SDSU	Precision Ag & Berg Hall Remodel*	\$7,500,000		\$4,900,000	\$12,400,000	\$0			\$7,500,000
SDSU	Performing Arts Center	\$13,000,000		\$20,103,713	\$33,103,713	\$0		\$13,000,000	\$0
SDSU	New Cow-Calf Research & Education Unit - Volga	\$900,000	\$2,000,000	\$806,000	\$3,706,000	\$900,000			\$0
USD	Science, Health, and Research Lab Building*	\$8,695,000		\$3,405,000	\$12,100,000	\$8,695,000			\$0
USD	Patterson Hall Renovation	\$6,500,000		\$0	\$6,500,000	\$6,500,000			\$0
USD	Dakota Hall	\$7,500,000		\$0	\$7,500,000	\$0			\$7,500,000
	Totals	\$76,385,000	\$2,000,000	\$58,880,513	\$137,265,513	\$33,345,000	\$12,040,000	\$13,000,000	\$18,000,000
Total Infrastructure Plus Building Projects		\$105,000,000	\$2,000,000	\$77,357,513	\$184,357,513	\$56,960,000	\$12,040,000	\$13,000,000	\$23,000,000

* Requires a change to legislation

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – E
DATE: October 2-4, 2018

SUBJECT

DSU Housing Acquisition

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 6:2](#) Acquisition and Disposal of Real Property
[SDCL 13-51A-2](#) Power to Acquire Property

BACKGROUND / DISCUSSION

Dakota State University requests Board of Regents' authorization to acquire a property from the St. Thomas Aquinas Catholic Church from housing and auxiliary facilities system (Revenue System) funds. The property is near campus and is identified as follows:

Address: 321 N. Van Eps Avenue
Madison, SD 57042
Purchase Price: \$189,000

The property is southwest of the DSU campus. While not adjacent to the current main campus, the property is within a desirable proximity of the new Madison Cyber Labs building and downtown Madison. The facility is currently used by the church to house some DSU students, office space, and other activity space.

DSU plans to renovate the building, providing additional student housing that will be available for the fall 2019 semester. The preliminary estimate is 18 beds with a combination of single and double rooms.

IMPACT AND RECOMMENDATIONS

The acquisition will be made in accordance with applicable law and Board of Regents Policy 6:2 regarding acquisition of real property, which requires the following elements that are addressed after each element is identified:

- A. The certificate of the General Counsel that the proposed structure for the transaction conforms to the legal limitations on the Board's authority;

(Continued)

DRAFT MOTION 20181002_6-E:

I move to authorize DSU to acquire the property located at 321 N. Van Eps, Madison, from the St. Thomas Aquinas Catholic Church using housing and auxiliary revenue funds and to place it into the revenue system.

The General Counsel has reviewed the proposed structure for the transaction and is of the opinion that it conforms to the legal limitations on the Board's authority. The Board has ongoing legislative authority under SDCL 13-51A-2 to acquire, own, operate, maintain, and dispose of revenue producing buildings, structures, and facilities in or for the Revenue System; therefore, no additional legislative authorization is needed for this acquisition.

- B. A statement of the business rationale for the acquisition referencing the land acquisition plan set forth in 6:2(1) and identifying any additional actions or expenditures that shall be needed to make use of the property;

The acquisition will allow DSU to provide additional housing and a different style of housing. The estimated cost per bed (all in cost – purchase and renovation) is substantially less than building new and the pro forma with very conservative estimates shows a positive cash flow. The location is not immediately adjacent to campus, but the university believes that will not be a concern as it is still close enough to the main campus and is attractive due to proximity to downtown.

- C. A report from an independent appraiser stating a fair market price for the property;

An independent appraisal was completed for the property. The appraised value is \$195,000. The full report is available from DSU upon request.

- D. An environmental audit report, including any action plan required to abate identified environmental hazards; and

The property has had an environmental assessment completed. No lead-based paint was identified. Materials identified as asbestos containing were: spray on ceiling, plaster ceiling in the boiler room, flue insulation (of former boiler), packed pipe fittings, mastic of 1'x1' ceiling/wall tiles, and insulation in 4 of 6 types of light fixtures. University trained personnel or external contractors will mitigate these in the renovation of the facility. The report is available from DSU upon request.

- E. A financial plan and acquisition budget addressing (1) the land price; (2) incidental expenses and (3) costs for related improvements or services need to make the property serviceable.

(1) The cost of the property is \$189,000.

(2) The estimated cost for miscellaneous expenses are:

- a) 50% of title insurance costs and transfer fee
- b) Buyer agent fee
- c) Environmental assessment costs were funded through a Brownsfields Fund grant (no cost to the university)

d) Appraisal fee of \$895

- (3) Improvements to the property will be needed to update to a modern residence hall environment. An estimate of \$100,000 of improvements has been used for budgeting purposes, which will include abatement, restroom and shower improvements, kitchen remodel, and room refinishing. Abatement costs may be negotiated with the seller if deemed significant (reduction in price). Furniture, fixtures and equipment budget of \$3000 per bed has been used as an estimate, with 18 beds for a total of \$54,000.

Financial Plan and Acquisition Budget:

Facility Costs:

Purchase Price	\$189,000	
Improvements	\$100,000	
Misc. Costs	<u>\$2,000</u>	
Total Facility Costs:		\$291,000

Furnishings cost:

Cost per bed	\$3,000	
# of Beds	<u>x 18</u>	
Total Furnishing Costs		<u>\$54,000</u>
Total Investment - Facility & Furnishings		<u><u>\$345,000</u></u>

Total Investment Per Bed	\$19,167
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ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – F
DATE: October 2-4, 2018

SUBJECT

Iowa Reduced Tuition Program Results

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL 13-39A-12 - Tuition and Fees](#)

BACKGROUND / DISCUSSION

The Board gave final approval in March of 2016 to an Iowa undergraduate tuition rate that matched the resident tuition rate for DSU, NSU, SDSU and USD. New freshman and new transfers were to be offered the rate. The program has been in place for two years and we can now look back at the program to determine if we brought in enough new students to counter the lower tuition rates.

Prior to approval of the Iowa program, Iowa residents were assessed 150% of the resident rate. A comparison of the nonresident rates for FY17 compared to the new reduced rates provides the annual benefit to a student, assuming a 30 credit hour student load:

	<u>FY17 Nonresident Rate</u>	<u>FY17 Iowa Rate</u>	<u>Difference Based on 30 Hours</u>
DSU & NSU	\$330.00	\$232.80	\$2,916
SDSU & USD	\$346.20	\$238.50	\$3,231

Considering the change in rates and using only tuition and GAF revenue, a breakeven analysis using the first-time freshman and new transfer numbers from Iowa from 2016 shows the number of credit hours and FTE growth necessary for each school to breakeven:

(Continued)

INFORMATIONAL ITEM

Iowa Reduced Tuition Program Results

October 2-4, 2018

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Comparison of Base Students and Number Needed to Break Even							
Campus	FY17 Nonresident Rate plus GAF	FY16 Base Credit Hours	Base Student FTE	FY17 Iowa Rate plus GAF	Credit Hours to Break Even	Student FTE to Break Even	New Full-time Students to Break Even
DSU	\$368.75	197	7	\$271.55	268	9	2
NSU	\$360.10	42	1	\$262.90	58	2	1
SDSU	\$380.10	4,362	145	\$272.40	6,087	203	57
USD	\$389.60	4,605	154	\$281.90	6,364	212	59
Totals		9,206	307		12,776	426	119

The following table shows that the system actually experienced a revenue loss of \$465,591.25 for FY17. Because the Board approved the program at the beginning of April, the campuses did not really have time to market the program in 2017 and many students had made up their minds about where they were going by that date. The table provides a summary of the base credit hours for first-time freshman and new transfer students from FY16, compared to the same for FY17, along with the change in the rates and loss in tuition and GAF revenues:

FY16 to FY17 Iowa First-time Freshman and New Transfers

Campus	FY17 Nonresident Rate plus GAF	FY16 Base Credit Hours	FY17 Iowa Rate plus GAF	FY17 Credit Hours	Gain or Loss in Tuition & Fee Revenue	Gain or Loss in FTE
DSU	\$368.75	197	\$271.55	480	\$57,700.25	9
NSU	\$360.10	42	\$262.90	34	(\$6,185.60)	0
SDSU	\$380.10	4,374	\$272.40	4,936	(\$317,991.00)	19
USD	\$389.60	4,639	\$281.90	5,705	(\$199,114.90)	36
Totals		9,252		11,155	(\$465,591.25)	63

Given a full year to market the program and recruit students, the number of students is now ahead of the breakeven point for all schools. All schools are showing positive revenue flows due to the change. The numbers do not include room and board revenues or other miscellaneous revenues generated from the new students.

Iowa Reduced Tuition Program Results

October 2-4, 2018

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FY16 Base to FY18 Iowa First-time Freshman and New Transfers

Campus	FY18 Nonresident Rate plus GAF	FY16 Base Credit Hours	FY18 Iowa Rate	FY18 Credit Hours	Gain or Loss in Tuition & GAF Revenue	Gain or Loss in FTE
DSU	\$376.35	197	\$278.70	716	\$125,408.25	17
NSU	\$373.65	42	\$276.00	130	\$20,186.70	3
SDSU	\$389.60	4,374	\$281.35	6,243	\$52,357.65	62
USD	\$400.65	4,639	\$292.40	7,372	\$296,957.45	91
Totals		9,252		14,461	\$494,910.05	174

IMPACT AND RECOMMENDATIONS

The Iowa reduced tuition program has proven to be a great success in year two. All of the schools show a tuition and fee revenue gain in the second year. All schools but SDSU show a positive return over the two-year period except for SDSU which showed a \$265,633 revenue loss in tuition and GAF.

ATTACHMENTS

None

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – G
DATE: October 3-4, 2018

SUBJECT

Year-end Center Operating Statements

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

The operating statements for University Center - Sioux Falls, BHSU – Rapid City and Capital University Center as of June 30 for the last five years are attached. This information is provided annually to the Government Audit and Operations Committee and was last provided in July.

The University Center - Sioux Falls (UCSF) instructional expenses reported follow the operating model agreed upon by the partner universities. The reimbursement available for teaching a class depends on the number of students in a class and the revenue generated: *The direct instructional cost maximum reimbursement for a 100/200 level course may not exceed 40% of the tuition generated for that course; the direct instructional cost maximum reimbursement for a 300/400 level course may not exceed 50%. The purpose of the maximum reimbursement is to discourage the use of high cost instructors so as to keep instructional costs and the cost per credit hour low.*

The instructional costs reported for BHSU – Rapid City (BHRC) are determined based on the proportionate costs of the salary and teaching load of the faculty member or the direct costs for an adjunct or overload costs.

The operating statement does not include the higher education facilities fund revenues collected or the expense related to the annual capital debt. This is consistent with the HEFF revenues and debt for the universities which are not reported as part of the standalone financials for the universities. The debt and related revenues are “owned” by the Board.

IMPACT AND RECOMMENDATIONS

The credit hours at UCSF had a slight increase of around 2.4% for FY18 related to the growth in the associates degree program, but revenue declined because the credits are being discounted by \$64.65 per credit.

(Continued)

INFORMATIONAL ITEM

The credit hours at BHRC declined for the fifth year in a row. The decline for FY18 is estimated to be 8.6%.

The statement for CUC now excludes the Foundation support. A number of the operating costs were assumed by the Foundation starting in January 2018. Staffing costs paid by the universities will be eliminated in FY19. The CUC operation is being taken over by the Foundation and USD will continue to offer nursing at the location. The site is really no longer a Center operated by the institutions, and instead is a rented facility where the campuses will offer courses. Starting in FY19, the cost to deliver courses, any administrative costs, rental costs, and the revenues generated will be the only items tracked.

ATTACHMENTS

Attachment I – UCSF Operating Statement

Attachment II – BHSU Operating Statement

Attachment III – CUC Operating Statement

University Center - Sioux Falls
Operating Statement for Fiscal Year Ended June 30

Enrollment Data	Actual FY13	Actual FY14	Actual FY15	Actual FY16	Actual FY17	Actual FY18
Student Headcount Served	2,802	2,557	2,106	1,791	1,571	1,526
Full-Time Equivalent Students	980.7	916.8	751.9	612.0	524.9	536.4
Credit Hours Generated	29,144	27,330	22,436	18,256	15,659	16,045

Revenues						
Tuition Revenue (after HEFF)	\$6,372,514	\$6,113,654	\$6,187,677	\$5,342,418	\$4,539,365	\$4,382,975
Rentals	\$272,529	\$254,975	\$273,702	\$263,505	\$229,155	\$206,078
Testing Services	\$7,621	\$6,411	\$5,328	\$85,559	\$47,858	\$54,791
Auxiliary Operations	\$177,955	\$147,721	\$74,629	\$45,275	\$136,993	\$147,703
Total Revenues	\$6,830,619	\$6,522,761	\$6,541,336	\$5,736,757	\$4,953,371	\$4,791,547
Per Credit	\$234	\$239	\$292	\$314	\$316	\$299

Expenses						
Instructional Costs	\$3,008,780	\$2,932,751	\$2,593,047	\$2,389,951	\$1,592,406	\$1,529,871
UCSF Operating Costs	\$3,201,009	\$2,834,679	\$2,536,210	\$2,494,619	\$2,886,908	\$2,906,471
Total Expenses	\$6,209,789	\$5,767,430	\$5,129,256	\$4,884,570	\$4,479,314	\$4,436,342
Per Credit	\$213	\$211	\$229	\$268	\$286	\$276
Contribution to Campus Support Costs	\$620,830	\$755,331	\$1,412,080	\$852,187	\$474,057	\$355,205
Per Credit	\$21	\$28	\$63	\$47	\$30	\$22
Total Expenses Plus Contribution	\$6,830,619	\$6,522,761	\$6,541,336	\$5,736,757	\$4,953,371	\$4,791,547
Per Credit	\$234	\$239	\$292	\$314	\$316	\$299

Footnotes:

- 1) Basis of Accounting: Cash
- 2) Explanation and Uses of Campus Support Costs: Costs associated with supporting UCSF, such as HR, ITS, Finance, etc.
- 3) Includes all self-support credit hours offered at the Center.
- 4) Instructional expenses reported follow the operating model agreed upon by the partner universities.
- 5) The revenues and expenses for the capital debt are held by the Regents.

Source: Financial data provided by institutions. Enrollment data RIS: UCCoursesTaughtByUnivFY13-FY18

University Center - University of South Dakota
Operating Statement for Fiscal Year Ended June 30

	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues						
Tuition Revenue (Net of HEFF)	\$2,184,743	\$1,912,128	\$1,966,622	\$1,773,417	\$2,054,204	\$2,351,615
Rentals	\$0	\$0	\$0	\$0	\$0	\$0
Testing Services	\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$2,184,743	\$1,912,128	\$1,966,622	\$1,773,417	\$2,054,204	\$2,351,615
Expenses						
Instructional Costs	\$1,132,295	\$1,089,262	\$925,662	\$777,456	\$650,790	\$760,099
UCSF Operating Costs	\$1,070,961	\$766,336	\$553,799	\$697,625	\$977,697	\$1,122,113
Total Expenses	\$2,203,256	\$1,855,598	\$1,479,461	\$1,475,081	\$1,628,487	\$1,882,212
Contribution to Campus Support Costs	(\$18,513)	\$56,530	\$487,161	\$298,336	\$425,717	\$469,403
Total Expenses Plus Contribution	\$2,184,743	\$1,912,128	\$1,966,622	\$1,773,417	\$2,054,204	\$2,351,615

University Center - South Dakota State University
Operating Statement for Fiscal Year Ended June 30

	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues						
Tuition Revenue (Net of HEFF)	\$2,838,547	\$2,894,828	\$2,791,448	\$2,358,538	\$1,627,519	\$1,414,674
Rentals	\$0	\$0	\$0	\$0	\$0	\$0
Testing Services	\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$2,838,547	\$2,894,828	\$2,791,448	\$2,358,538	\$1,627,519	\$1,414,674
Expenses						
Instructional Costs	\$1,276,274	\$1,314,656	\$1,220,975	\$1,176,371	\$542,694	\$497,554
UCSF Operating Costs	\$1,346,472	\$1,111,768	\$946,506	\$897,553	\$977,697	\$1,122,113
Total Expenses	\$2,622,746	\$2,426,424	\$2,167,481	\$2,073,924	\$1,520,391	\$1,619,667
Contribution to Campus Support Costs	\$215,801	\$468,404	\$623,967	\$284,614	\$107,128	(\$204,993)
Total Expenses Plus Contribution	\$2,838,547	\$2,894,828	\$2,791,448	\$2,358,538	\$1,627,519	\$1,414,674

University Center - Dakota State University
Operating Statement for Fiscal Year Ended June 30

	Actual FY13	Actual FY14	Actual FY15	Actual FY16	Actual FY17	Actual FY18
Revenues						
Tuition Revenue (Net of HEFF)	\$1,318,768	\$1,300,294	\$1,316,594	\$1,143,250	\$674,520	\$565,441
Rentals	\$0	\$0	\$0	\$0	\$0	\$0
Testing Services	\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$1,318,768	\$1,300,294	\$1,316,594	\$1,143,250	\$674,520	\$565,441
Expenses						
Instructional Costs	\$568,418	\$525,309	\$443,535	\$427,493	\$398,922	\$272,217
UCSF Operating Costs	\$709,754	\$553,719	\$567,637	\$572,103	\$266,645	\$306,031
Total Expenses	\$1,278,172	\$1,079,028	\$1,011,172	\$999,596	\$665,567	\$578,248
Contribution to Campus Support Costs	\$40,596	\$221,266	\$305,422	\$143,654	\$8,953	(\$12,807)
Total Expenses Plus Contribution	\$1,318,768	\$1,300,294	\$1,316,594	\$1,143,250	\$674,520	\$565,441

University Center - Other Campuses
Operating Statement for Fiscal Year Ended June 30

	Actual FY13	Actual FY14	Actual FY15	Actual FY16	Actual FY17	Actual FY18
Revenues						
Tuition Revenue (Net of HEFF)	\$30,456	\$6,404	\$6,235	\$10,428	\$0	\$0
Rentals	\$0	\$0	\$0	\$0	\$0	\$0
Testing Services	\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$30,456	\$6,404	\$6,235	\$10,428	\$0	\$0
Expenses						
Instructional Costs	\$31,793	\$3,524	\$2,875	\$8,631	\$0	\$0
UCSF Operating Costs	\$0	\$2,038	(\$2,360)	(\$3,109)	\$0	\$0
Total Expenses	\$31,793	\$5,562	\$515	\$5,522	\$0	\$0
Contribution to Campus Support Costs	(\$1,337)	\$842	\$5,720	\$4,906	\$0	\$0
Total Expenses Plus Contribution	\$30,456	\$6,404	\$6,235	\$10,428	\$0	\$0

University Center - UC Specific
Operating Statement for Fiscal Year Ended June 30

	Actual FY13	Actual FY14	Actual FY15	Actual FY16	Actual FY17	Actual FY18
Revenues						
Dedicated Revenue	\$0	\$0	\$106,778	\$56,785	\$183,122	\$51,245
Rentals	\$272,529	\$254,975	\$273,702	\$263,505	\$229,155	\$206,078
Testing Services	\$7,621	\$6,411	\$5,328	\$85,559	\$47,858	\$54,791
Auxiliary Operations	\$177,955	\$147,721	\$74,629	\$45,275	\$136,993	\$147,703
Total Revenues	\$458,105	\$409,107	\$460,437	\$451,124	\$597,128	\$459,817
Expenses						
Instructional Costs	\$0	\$0	\$0	\$0	\$0	\$0
UCSF Operating Costs	\$73,822	\$400,818	\$470,627	\$330,447	\$664,869	\$356,214
Total Expenses	\$73,822	\$400,818	\$470,627	\$330,447	\$664,869	\$356,214

Black Hills State University Center - Rapid City
Operating Statement for Fiscal Year Ended June 30

	Actual FY13	Actual FY14	Actual FY15	Actual FY16	Actual FY17	Actual FY18
Enrollment Data						
Student Headcount Served	2,041	1,914	1,843	1,659	1,502	1,378
Full-Time Equivalent Students	735	713	668	626	566	517
Credit Hours Generated	21,582	20,890	19,610	18,409	16,709	15,280
Revenues						
Tuition Revenue (after HEFF)	\$5,923,619	\$6,297,014	\$5,923,288	\$5,180,387	\$4,922,456	\$4,776,722
Rentals	\$0	\$0	\$9,788	\$13,272	\$24,707	\$7,158
Testing Services	\$8,571	\$7,148	\$10,769	\$9,398	\$8,209	\$25,889
Auxiliary Operations	\$0	\$0	\$965	\$496	\$1,214	\$65,664
Total Revenues	\$5,932,190	\$6,304,162	\$5,944,810	\$5,203,553	\$4,956,586	\$4,875,433
Per Credit	\$275	\$302	\$303	\$283	\$297	\$319
Expenses						
Instructional Costs	\$2,210,752	\$2,279,735	\$2,032,672	\$1,778,011	\$1,680,275	\$1,748,322
Center Operating Costs	\$1,099,530	\$1,275,337	\$1,415,771	\$1,435,940	\$1,468,257	\$1,280,425
Total Expenses	\$3,310,282	\$3,555,072	\$3,448,443	\$3,213,951	\$3,148,532	\$3,028,747
Per Credit	\$153	\$170	\$176	\$175	\$188	\$198
Contribution to Campus Support Costs	\$2,621,908	\$2,749,090	\$2,496,367	\$1,989,601	\$1,808,054	\$1,846,686
Total Expenses Plus Contribution	\$5,932,190	\$6,304,162	\$5,944,810	\$5,203,553	\$4,956,586	\$4,875,433
Per Credit	\$275	\$302	\$303	\$283	\$297	\$319

Footnotes:

1) Basis of Accounting: Cash

2) Explanation and Uses of Campus Support Costs:

The main campus provides additional support through a variety of instructional, supervisory, and accounting functions. The revenue generated above the noted direct expense is retained on campus to fund the additional support the center requires.

3) Includes all self-support credit hours generated at the Center.

4) Instructional costs are determined based on the proportion of faculty workload or overload costs.

5) The revenues and expenses for the capital debt are held by the Regents.

Source: Financial data provided by institutions. Enrollment data RIS: UC CoursesTaughtByUnivFY13-FY18

BHSU - Rapid City
Operating Statement for Fiscal Year Ended June 30

	<u>FY</u>	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues							
Tuition Revenue (after HEFF)		\$4,999,088	\$5,516,017	\$5,270,498	\$4,687,662	\$4,511,842	\$4,401,664
Rentals		\$0	\$0	\$9,788	\$13,272	\$24,707	\$7,158
Testing Services		\$0	\$0	\$4,815	\$4,278	\$4,244	\$20,659
Auxiliary Operations		\$0	\$0	\$0	\$0	\$426	\$65,187
Total Revenues		\$4,999,088	\$5,516,017	\$5,285,101	\$4,705,212	\$4,541,219	\$4,494,668
Expenses							
Instructional Costs		\$1,710,406	\$1,834,484	\$1,700,974	\$1,507,625	\$1,464,767	\$1,469,410
Center Operating Costs		\$848,626	\$1,029,828	\$1,214,920	\$1,351,841	\$1,369,456	\$1,219,305
Total Expenses		\$2,559,032	\$2,864,312	\$2,915,894	\$2,859,466	\$2,834,223	\$2,688,715
Contribution to Campus Support Costs		\$2,440,056	\$2,651,705	\$2,369,207	\$1,845,746	\$1,706,996	\$1,805,953
Total Expenses Plus Contribution		\$4,999,088	\$5,516,017	\$5,285,101	\$4,705,212	\$4,541,219	\$4,494,668

SDSU - Rapid City
Operating Statement for Fiscal Year Ended June 30

	<u>FY</u>	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues							
Tuition Revenue (after HEFF)		\$389,658	\$436,657	\$385,708	\$336,435	\$294,245	\$281,459
Rentals		\$0	\$0	\$0	\$0	\$0	\$0
Testing Services		\$8,571	\$7,148	\$5,954	\$5,120	\$3,965	\$5,230
Auxiliary Operations		\$0	\$0	\$965	\$496	\$788	\$477
Total Revenues		\$398,229	\$443,805	\$392,627	\$342,051	\$298,998	\$287,166
Expenses							
Instructional Costs		\$280,762	\$295,306	\$199,101	\$193,660	\$174,804	\$244,775
Center Operating Costs		\$147,384	\$126,692	\$124,586	\$84,099	\$98,801	\$61,120
Total Expenses		\$428,146	\$421,998	\$323,687	\$277,759	\$273,605	\$305,895
Contribution to Campus Support Costs		(\$29,917)	\$21,807	\$68,940	\$64,292	\$25,393	(\$18,729)
Total Expenses Plus Contribution		\$398,229	\$443,805	\$392,627	\$342,051	\$298,998	\$287,166

NSU - Rapid City
Operating Statement for Fiscal Year Ended June 30

	<u>FY</u>	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues							
Tuition Revenue (after HEFF)		\$10,302	\$9,967	\$24,050	\$5,355	\$0	\$0
Rentals		\$0	\$0	\$0	\$0	\$0	\$0
Testing Services		\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations		\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues		\$10,302	\$9,967	\$24,050	\$5,355	\$0	\$0
Expenses							
Instructional Costs		\$7,004	\$21,890	\$37,015	\$11,424	\$0	\$0
Center Operating Costs		\$3,238	\$17,943	\$2,678	\$0	\$0	\$0
Total Expenses		\$10,242	\$39,833	\$39,693	\$11,424	\$0	\$0
Contribution to Campus Support Costs		\$60	(\$29,866)	(\$15,643)	(\$6,069)	\$0	\$0
Total Expenses Plus Contribution		\$10,302	\$9,967	\$24,050	\$5,355	\$0	\$0

USD - Rapid City
Operating Statement for Fiscal Year Ended June 30

	<u>FY</u>	<u>Actual FY13</u>	<u>Actual FY14</u>	<u>Actual FY15</u>	<u>Actual FY16</u>	<u>Actual FY17</u>	<u>Actual FY18</u>
Revenues							
Tuition Revenue (after HEFF)		\$524,571	\$334,373	\$243,032	\$150,935	\$116,369	\$93,599
Rentals		\$0	\$0	\$0	\$0	\$0	\$0
Testing Services		\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Operations		\$0	\$0	\$0	\$0	\$0	\$0
Total Revenues		\$524,571	\$334,373	\$243,032	\$150,935	\$116,369	\$93,599
Expenses							
Instructional Costs		\$212,580	\$128,055	\$95,582	\$65,302	\$40,704	\$34,137
Center Operating Costs		\$100,282	\$100,874	\$73,587	\$0	\$0	\$0
Total Expenses		\$312,862	\$228,929	\$169,169	\$65,302	\$40,704	\$34,137
Contribution to Campus Support Costs		\$211,709	\$105,444	\$73,863	\$85,633	\$75,665	\$59,462
Total Expenses Plus Contribution		\$524,571	\$334,373	\$243,032	\$150,935	\$116,369	\$93,599

Capital University Center - Pierre
Operating Statement for Fiscal Year Ended June June 30

	Actual*	Actual	Actual	Actual	Actual
Enrollment Data	FY13	FY14	FY15	FY16	FY17
Student Headcount Served	170	167	157	138	120
Full-Time Equivalent Students	66	62	49	49	35
Credit Hours Generated	1,957	1,845	1,446	1,456	1,050
Revenues					
Tuition Revenue (after HEFF)	\$504,574	\$530,296	\$439,699	\$509,135	\$287,441
General Fund Rent Support	\$34,768	\$34,768	\$34,768	\$34,768	\$34,768
HEFF Revenue	\$65,566	\$68,909	\$57,136	\$66,159	\$37,351
Testing Revenue	\$1,018	\$1,157	\$1,752	\$3,673	\$6,847
Nursing Support from General Funds	\$109,010	\$102,659	\$81,417	\$83,836	\$69,486
Auxiliary Operations (Bookstore)	\$56,326	\$51,433	\$34,226	\$32,062	\$18,827
Total Revenues	\$771,262	\$789,222	\$648,998	\$729,633	\$454,720
Per Credit	\$394	\$428	\$449	\$501	\$433
Expenses					
Instructional Costs	\$491,272	\$513,142	\$520,861	\$559,502	\$397,341
Center Operating Costs	\$435,551	\$420,003	\$369,632	\$343,076	\$308,120
Rent	\$84,768	\$84,768	\$84,768	\$84,768	\$84,768
Total Expenses	\$1,011,591	\$1,017,913	\$975,261	\$987,346	\$790,229
Per Credit	\$517	\$552	\$674	\$678	\$753
Net Income (Loss) from Operations	(\$240,329)	(\$228,691)	(\$326,263)	(\$257,713)	(\$335,509)
Per Credit	(\$123)	(\$124)	(\$226)	(\$177)	(\$320)
Net Income / (Loss) by Campus					
USD Gain/(Loss) - Self Support & Nursing	(\$45,549)	(\$57,829)	(\$116,364)	(\$109,429)	(\$209,178)
SDSU Gain/(Loss) - Self Support & Admin	(\$132,346)	(\$108,644)	(\$113,191)	(\$93,552)	(\$144,586)
HEFF Gain or Loss	\$15,566	\$18,909	\$7,136	\$16,159	(\$12,649)
	(\$162,329)	(\$147,564)	(\$222,419)	(\$186,822)	(\$366,413)
BOR Contribution to SDSU	\$0	\$0	\$113,191	\$93,552	\$143,980
CUC Adjusted Net Income (Loss)	(\$162,329)	(\$147,564)	(\$109,228)	(\$93,270)	(\$222,433)

Footnotes:

1) Basis of Accounting: Cash

2) The Foundation Support is not included in the statement.

3) The HEFF revenue is estimated based on tuition collected. Hours include state-support and self-support so the average HEFF rate used was 11.5%.

Source: Financial information provided by the campuses. Enrollment data for self-support from RIS: UCCoursesTaughtByUnivFY13-FY18; state-suppo

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

**REVISED
AGENDA ITEM: 6 – H
DATE: October 2-4, 2018**

SUBJECT

SDSU Football Stadium Pro Forma

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

At the December 2013 Board Meeting, the Board approved the SDSU football stadium project. A provision within the approval was that SDSU had to provide the Board with annual updates of how the stadium was performing compared to the pro forma. The pro forma that was approved in 2013 is provided in Attachment I. Guiding elements of the original pro forma included the expectation of a 1.20 coverage ratio, self-funding of maintenance and repair, and a reserve equal to one year's debt service payment. Originally, Board approval was premised on keeping profits within the facility to address potential down years, but SDSU requested that a one-year debt service reserve be put in place instead.

The second year of actuals as compared to the second year of the original pro forma can be found in Attachment I. While revenues were down by \$1,093,000 from the projection, \$400k of that was planned; when the debt service decreased by \$303,000 the Premium Seating Stadium Gifts of \$400 were not contributed to the project. Total operating expenses were down by \$292k. The coverage ratio ended up being 1.13 instead of the planned 1.28. M&R was estimated at \$428,000 but actual need was only \$244,000.

The stadium is currently operating in its third fiscal year and SDSU is requesting that the original pro forma be replaced with more accurate revenue and expense data based on actuals from the last two fiscal years. Further, that the annual report go to the Athletic Committee instead of the Board; that the basis for the M&R calculation be based on the

(Continued)

DRAFT MOTION 20181002_6-H:

I move to: 1) approve the revised pro forma for the SDSU Stadium, 2) change the reserve requirement from one full year of debt service, to a reserve of \$125,000 for every basis point below 1.20, and 3) move the annual reporting from the full Board to the Audit Committee.

construction cost of the roofed facility; and finally, that the debt service reserve requirement be changed. The original pro forma is included as Attachment II along with the proposed pro forma which is Attachment III.

Major changes proposed in the updated pro forma include updating the debt service, revenue, expenditures, and maintenance and repair needs. When the pro forma was developed in 2013, the bonds had not yet been issued and as a result, interest rates were estimated. Upon issuance, the bond interest rates were very favorable. The resulting bond payment was about \$300K less. Because of this lower debt requirement, the university has not needed to apply "Premium Seating Stadium Gifts" of \$400k to the pro forma as was originally projected in 2013. They would like to adjust the debt service and remove the Premium Seating Stadium Gifts as a fund source.

Other major proposed changes include increasing revenue projections for general ticket sales and including a sixth game ticket sales in each year going forward. The revenue from these games is expected to exceed original projections. Demand game revenue has been lower than the original pro forma projected and has been adjusted accordingly. Based on experience, the revenue for premium seating has been lower than projected. This is a result of remaining premium seating inventory yet to be sold. The original pro forma had the premium seating being nearly sold out very early in the pro forma. We continue to sell additional premium seats every year. As a result, the growth in premium seating revenue is phased in over a longer period in the proposed pro forma. While growth in premium seats is extended in the proposed pro forma, many of the current premium seats are on 10-year contracts, which provide a very solid financial base going forward. The net change in ticket revenue and premium seat leases is \$997k less than originally projected for FY19. Other items within the pro forma have had slight variances from the original pro forma, both positive (interest income) and negative (ticket sales for other events and other revenue) as can be seen in Attachment III. Overall revenues will go down by \$1,527,000, or \$1,127,000 after excluding the planned loss of \$400k for Premium Seating Stadium Gifts.

Expenses have also been reduced as some of the actual costs are lower than projected in 2013 and others, such as permanent staff for the stadium, have not been required and are eliminated. Instead of dedicated staff specifically for the stadium, custodial and security, for example, are paid for in the general and administrative line. This allows SDSU to adjust workload for the stadium more efficiently than having full-time personnel dedicated solely to the stadium. Additionally, other costs such as utilities have been less than the 2013 projection and specific event insurance and advertising expenses have not been required. A reduction in expenses for FY19 from the original pro forma to the proposed is \$646K, including the \$300k reduction in the bond payment. The coverage ratio will go from 1.40 down to a projected 1.10.

The total stadium cost was \$65,000,000. The original projections for maintenance and repair costs were based on this number. The actual construction costs for the roofed

facilities and turf were \$30,933,335. The bulk of the remaining costs were soft costs and the cost of the stadium seating. The 2% is now being calculated based on the construction cost. It is believed that this level of M&R will be sufficient due to the majority of the building material in the stadium being steel and concrete. The updated pro forma phases in annual maintenance and repair needs during the first five years of the stadium and then is inflated by three percent each year after.

SDSU is also requesting that they no longer be required to carry a reserve equal to one full year's debt service. A proposal has been discussed that would reduce the \$2.5 million reserve balance by \$125,000 for every basis point that SDSU's coverage ratio is below 1.20. This would allow for the elimination of the fund when SDSU gets to or above 1.20. It would be reduced to \$875,000 based on the FY18 coverage ratio of 1.13.

In summary, the proposed updated pro forma adjusts projections based on additional knowledge gained over the last five years, with two of those years providing actual revenue and expense data.

IMPACT AND RECOMMENDATIONS

SDSU would like to use the adjusted pro forma going forward. They feel that it provides a better view of future activity based on their experience over the last two years. SDSU would like to adjust the debt service reserve fund based on their annual coverage ratio. Finally, the original item called for annual updates to the Board. With the creation of the Athletic Committee, SDSU has requested that the annual report go to the Athletic Committee.

Using a pro forma that more closely aligns with the actual revenues and expenses from the first two years of operations may give a better picture of the operation. This approach is recommended.

There is no legally required coverage ratio for the stadium. The Board felt that the 1.20 ratio was an appropriate goal with appropriate risk coverage. Allowing the coverage ratio to go to 1.10 (the lowest point in the proposed pro forma) will still provide that all expenses are covered. This can be revisited in any given year should the projections not be met. This approach is recommended.

Changing the debt service reserve requirement to track with the coverage ratio provides risk coverage without requiring significant amounts of cash to be unproductive. This change is also recommended.

Having the report go to the Athletic Committee may be appropriate, but having it go to the Audit Committee may make even more sense. It is recommended that the report go to the Audit Committee in the future.

ATTACHMENTS

Attachment I – Original SDSU Football Stadium Pro Forma

Attachment II – FY18 Actual to Pro Forma Comparison

Attachment III – Proposed SDSU Football Stadium Pro Forma

Original Pro Forma from December 2013 BOR Item

SDSU Football Stadium Incremental Financial Projection (in \$000's)
\$36M bonds (4.55% over 25 years with first two year's interest capitalized)
Athletic Department Current Budget Incremental Funding

<i>Ref</i>		2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	Operating Revenue										
1	Ticket Sales - SDSU Football	\$410	\$410	\$443	\$443	\$443	\$476	\$476	\$476	\$509	\$509
2	Ticket Sales - SDSU Football (Sixth Game)	\$137		\$148	\$148		\$159	\$159		\$170	\$170
3	Ticket Sales SDSU Football-Demand Games	\$1,193	\$1,193	\$1,299	\$1,299	\$1,299	\$1,405	\$1,405	\$1,405	\$1,511	\$1,511
4	Facility Fee (\$2/ticket sold)	97	86	97	97	86	97	97	86	97	97
5	Premium Seating Leases	2,251	2,296	2,342	2,389	2,437	2,485	2,535	2,586	2,637	2,690
6	Premium Seating Stadium Gifts	400	400	400	400	400	400				
7	Advertising & Sponsorship	43	268	275	281	289	296	303	311	318	326
8	Ticket Sales - Other Events	53	55	58	60	63	64	66	68	69	71
9	Gross Concessions	115	100	128	136	120	150	156	135	168	174
10	Net Catering	35	39	43	46	50	51	52	54	55	56
11	Net Novelties	3	3	3	3	3	3	4	4	4	4
12	Gross Game Day Parking	58	59	73	67	68	84	77	78	95	85
13	Other Revenue	77	81	87	91	97	102	103	104	105	107
14	Total Revenue	5,072	4,990	5,396	5,460	5,355	5,772	5,433	5,307	5,738	5,800
15											
16	Resources Designated for non football Athletic Operating Expenses										
17	Existing Football Ticket Sales	(649)	(662)	(675)	(689)	(702)	(717)	(731)	(745)	(760)	(776)
18	Existing Football Concessions	(40)	(41)	(42)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
19	Existing Football Event Parking	(38)	(39)	(40)	(40)	(41)	(42)	(43)	(44)	(45)	(45)
20	Net Resources Available to Stadium	4,345	4,248	4,640	4,688	4,568	4,970	4,614	4,472	4,887	4,931
21											
22	Operating Expense										
23	Salary - Permanent Staff	\$80	\$82	\$84	\$86	\$88	\$91	\$93	\$95	\$97	\$100
24	Benefits - Permanent Staff	26	27	27	28	29	29	30	31	32	32
25	General & Administrative	68	70	71	73	75	77	79	81	83	85
26	Utilities	160	164	168	172	177	181	186	190	195	200
27	Annual Maintenance & Repairs (M&R)	12	32	52	190	197	204	210	217	224	232
28	Event Insurance	20	21	21	22	22	23	23	24	24	25
29	Advertising	36	40	41	42	43	44	45	47	48	49
30	Miscellaneous	20	21	21	22	22	23	23	24	24	25
31	Gameday Expenses	128	109	138	145	127	156	161	137	169	174
32	Insurance/Service Fee (3% Bldg Authority)	84	84	84	84	84	84	84	84	84	84
33	Total Operating Expenses	634	650	707	864	864	912	934	930	980	1,006
34											
35	Excess of Operating Rev Over Operating Exp	3,711	3,598	3,933	3,824	3,704	4,058	3,680	3,542	3,907	3,925
36											
37	Annual Debt Service	2,813	2,813	2,813	2,813	2,813	2,813	2,813	2,813	2,813	2,813
38											
39	Coverage Ratio	1.32	1.28	1.40	1.36	1.32	1.44	1.31	1.26	1.39	1.40
40											
41	Excess of Op Rev Over Op Exp and Debt Service	898	785	1,120	1,011	891	1,245	867	729	1,094	1,112
42	M&R Requirement (Per BOR 6:6:7)	208	428	662	909	1,171	1,206	1,242	1,279	1,317	1,357
43											
44	Projected Avg Interest Earnings on Res Balance		17	17	17	17	17	17	17	17	17
45											
46	Amount Above (Below) Requirement	690	374	475	119	(263)	56	(358)	(533)	(207)	(228)
47											
48	Cumulative Above M&R Requirement	690	1,064	1,539	1,658	1,395	1,451	1,093	560	353	125

See Assumptions and Footnotes on next page.

Assumptions:

\$36M Debt Financed (annual debt service reduce \$78,000 for each \$1M reduction in financing)

\$2 Facility Fee on Non-Premium Tickets Sold

Non-Premium Ticket Sales at \$25 game x 3 x 5,470 per game (non-demand games) \$2 Increase Yrs 3, 6, 9

Non-Premium Ticket Sales at \$45 game x 2 x 13,251 per game (demand games) \$4 increase Yrs 3, 6, 9

Total Non-Premium ticket sales for 5 games = 42,912 = 8,583 average

Premium Seating assumes 100% of Community and Executive Suites and 85% of Loge and Club seats in year 1

Sixth game (non-demand) added in years 1, 3, 4, 6, 7, 9, 10 - Concessions, Parking revenues and Game Day Expenses also adjusted

Repairs and Maintenance assumes annual maintenance only - major M&R from RRR reserves

Facility cost assumed to increase by 3% each year for calculation of M&R requirement

Footnotes:

#1 \$25 Ticket no volume increase; \$2 ticket Yr 3,6,9

#2 Non-demand game

#3 \$45 Ticket no volume increase; \$4 ticket Yr 3,6,9

#4 On non-premium ticket sales

#5 2% annual growth

#6 \$2.4 M from Foundation seating agreements

#7 Growth 10% initial, then 2-3% increase

#8 HS events, concert, Growth 2-5%

#9 Growth 4-7% thru Yr 5, then 4%

#10 Growth 7-11% thru Yr 5, then 2-4%

#12 Growth 1-3% with periodic rate increase

#13 Club room and other rentals by non-university groups

#23 2-3% inflation

#24 3-4% inflation

#25 1-3% inflation

#26 2-3% inflation

#27 Annual Maint Only - Major M&R from Reserves

#29 11% Yr 2, then 2-4% inflation

#31 2-6% inflation

#32 SDBA 3% of Debt Service

#35 Line 20 minus Line 33

#39 Line 35 divided by Line 37

#41 Line 35 minus Line 37

#42 5 Year Phase In to 2% - \$52M Total Cost

#44 Assuming Investment Council 3.3% Average Rate

#46 Line 41 minus Line 42 plus Line 44

SDSU Football Stadium
FY18 Pro Forma to Actual Comparison

ATTACHMENT II 6

	2017-18 Pro Forma*	2017-18 Actuals	Difference
Operating Revenue			
Ticket Sales - SDSU Football	410,000	489,000	79,000
Ticket Sales - SDSU Football (sixth game)	0	107,000	107,000
Ticket Sales - SDSU Football - Demand Games	1,193,000	832,000	(361,000)
Facility Fee (\$2/ticket sold)	86,000	105,000	19,000
Premium Seating Leases	2,296,000	1,883,000	(413,000)
Foundation Gifts	400,000	0	(400,000)
Advertising & Sponsorship	268,000	268,000	0
Ticket Sales - Other Events	55,000	0	(55,000)
Gross Concessions	100,000	98,000	(2,000)
Net Catering	39,000	45,000	6,000
Net Novelties	3,000	0	(3,000)
Gross Game Day Parking	59,000	30,000	(29,000)
Other Revenue	81,000	40,000	(41,000)
Total Revenue	4,990,000	3,897,000	(1,093,000)

Resources Designated for non-football Athletic

Operating Expenses			
Existing Football Ticket Sales	(662,000)	(662,000)	0
Existing Football Concessions	(41,000)	(41,000)	0
Existing Football Even Parking	(39,000)	(39,000)	0
Additional Transfer to Athletic Operations	0	0	0
Net Resources Available to Stadium	4,248,000	3,155,000	(1,093,000)

Operating Expenses			
Salary Permanent Staff	82,000	0	(82,000)
Benefits Permanent Staff	27,000	0	(27,000)
General and Administrative	70,000	110,000	40,000
Utilities	164,000	58,000	(106,000)
Annual Maintenance & Repairs	32,000	20,000	(12,000)
Stadium Capital Expenditures	0	0	0
Event Insurance	21,000	0	(21,000)
Advertising	40,000	0	(40,000)
Miscellaneous	21,000	28,000	7,000
Gameday Expenses	109,000	64,000	(45,000)
Insurance/Service Fee (3% SDBA)	84,000	78,000	(6,000)
Total Operating Expenses	650,000	358,000	(292,000)

Excess of Gain (Loss)	3,598,000	2,797,000	(801,000)
Plus: Interest Earned on Bonded Funds	17,000	31,000	14,000
Amount Available For Debt Service	3,615,000	2,828,000	(787,000)

Annual Debt Service	2,813,000	2,510,000	(303,000)
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Coverage Ratio	1.28	1.13	
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Excess of Gain (Loss) over Debt Service	802,000	318,000	(484,000)
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M&R Requirement	428,000	244,000	(184,000)
Remaining Funds	374,000	74,000	(300,000)

SDSU Football Stadium Financial Projection Update (in \$000's)

Ref		2016-17 Original	FY17 Actuals	FY18 Actuals		FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
	Operating Revenue												
1	Ticket Sales - SDSU Football	410	447	489		489	528	528	528	567	567	567	606
2	Ticket Sales - SDSU Football (Sixth Game)	137	141	107		107	116	116	116	124	124	124	133
3	Ticket Sales SDSU Football- Demand Games	1,193	712	832		748	874	785	917	824	963	865	1,011
4	Facility Fee (\$2/ticket sold)	97	83	105		105	105	105	105	105	105	105	105
5	Premium Seating Leases	2,251	2,169	1,883		1,883	1,921	1,959	1,998	2,038	2,079	2,121	2,163
6	Premium Seating Stadium Gifts	400											
7	Advertising & Sponsorship	43	-	268		275	283	292	300	310	319	328	338
7a	Interest Revenue		201	31		26	13	13	-	-	-	-	-
8	Ticket Sales - Other Events	53	-	-		-	-	-	-	-	-	-	-
9	Gross Concessions	115	217	98		103	108	113	119	125	131	138	145
10	Net Catering	35	44	45		47	50	52	55	57	60	63	66
11	Net Novelties	3	-	-		-	-	-	-	-	-	-	-
12	Gross Game Day Parking	58	29	30		31	32	33	34	35	36	37	38
13	Other Revenue	77	47	40		55	58	61	64	67	70	74	77
14	Total Revenue	4,872	4,090	3,928		3,869	4,086	4,056	4,236	4,252	4,455	4,423	4,683
15													
	Resources Designated for non football Athletic												
16	Operating Expenses												
17	Existing Football Ticket Sales	(649)	(649)	(662)		(675)	(689)	(702)	(717)	(731)	(745)	(760)	(776)
18	Existing Football Concessions	(40)	(40)	(41)		(42)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
19	Existing Football Event Parking	(38)	(38)	(39)		(40)	(40)	(41)	(42)	(43)	(44)	(45)	(45)
19a	Additional Transfer to Athletic Operations		(280)										
20	Net Resources Available to Stadium	4,145	3,083	3,186		3,112	3,315	3,270	3,433	3,434	3,620	3,571	3,814
21													
22	Operating Expense												
23	Salary - Permanent Staff	80	-	-		-	-	-	-	-	-	-	-
24	Benefits - Permanent Staff	26	-	-		-	-	-	-	-	-	-	-
25	General & Administrative	68	29	110		111	112	113	114	116	117	118	119
26	Utilities	160	48	58		60	62	63	65	67	69	71	73
27	Annual Maintenance & Repairs (M&R)	12	19	20		21	21	22	23	23	24	25	25
28	Event Insurance	20	-	-		-	-	-	-	-	-	-	-
29	Advertising	36	-	-		-	-	-	-	-	-	-	-
29a	Stadium Capital Expenditures		142										
30	Miscellaneous	20	23	28		28	29	29	29	29	30	30	30
31	Gameday Expenses	128	57	64		66	68	70	72	74	76	79	81
32	Insurance/Service Fee (3% Bldg Authority)	84	78	78		77	77	77	77	77	77	77	77
33	Total Operating Expenses	634	396	358		363	368	374	380	387	393	400	406
34													
35	Excess of Operating Rev Over Operating Exp	3,511	2,687	2,828		2,750	2,947	2,895	3,053	3,047	3,227	3,171	3,408
36													
37	Annual Debt Service	2,813	2,514	2,510		2,511	2,511	2,513	2,514	2,511	2,512	2,514	2,514
38													
39	Coverage Ratio	1.25	1.07	1.13		1.10	1.17	1.15	1.21	1.21	1.28	1.26	1.36
40													
41	Excess of Op Rev Over Op Exp and Debt Service	698	173	318		239	436	382	539	536	715	657	894
42	M&R Contribution	208		244		247	371	494	618	637	656	675	696
43													
44	Projected Avg Interest Earnings on Res Balance					-	-	-	-	-	-	-	-
45													
46	Amount Above (Below) Requirement	490	173	74		(8)	65	(112)	(79)	(101)	59	(18)	198
47													
48	Cumulative Above M&R Requirement	490	173	247		239	303	191	112	11	70	52	250

	Notes (and assumptions)													
	Ref													
1	\$25 ticket with no volume increase from FY18, but price increases of \$2 after years 3,6, and 9 (similar assumptions to original pro forma)													
2	\$25 ticket with no volume increase from FY18, but price increases of \$2 after years 3,6, and 9 (similar assumptions to original pro forma)													
3	5% total growth (for either price or volume) from FY17 & FY18 actuals depending on opponent for 2nd demand game (USD or NDSU)													
4	Flat with FY18													
5	2% annual growth													
6	Stadium gifts were not needed as annual debt service was lower than expected due to favorable interest rates													
7	2-3% annual increase (similar assumption to original pro forma)													
7a	FY17 & FY18 were interest from bond proceeds during construction, FY19 forward is interest from Debt Service Reserve Balance													
8	This revenue has been rolled into other revenue													
9	5% annual growth on actuals (similar to original pro forma), spike in FY17 was due to concert													
10	5% annual growth on actuals (similar to original pro forma)													
11	This revenue has been rolled into other revenue													
12	3% annual growth on FY18 actuals													
13	Rentals (club room,...), as well as any other revenue. In FY18 Student Affairs will begin renting kitchen space permanently.													
14														
15														
16														
17	Matches original pro forma commitment to football operations													
18	Matches original pro forma commitment to football operations													
19	Matches original pro forma commitment to football operations													
19a														
20														
21														
22														
23	No additional staff dedicated to the stadium													
24	No additional staff dedicated to the stadium													
25	Includes custodial and other general expenses, inflated at 1% annually													
26	3% annual inflation from FY18 actuals													
27	3% annual inflation from FY18 actuals													
28														
29														
29a	One-time stadium technology expense in FY17													
30	1% annual inflation from FY18 actuals													
31	3% annual inflation from FY18 actuals													
32	SDBA 3% of Debt Service													
33														
34														
35	Line 20 minus Line 33													
36														
37														
38														
39	Line 35 divided by Line 37													
40														
41	Line 35 minus Line 37													
42	Adjusted M&R plan to increase annual M&R to \$830k by year 10													
43														
44														
45														
46	Line 41 minus Line 42 plus Line 44													
47														
48														

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – I
DATE: October 2-4, 2018

SUBJECT: USD Dakota Dome Renovation Facility Design Plan

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

USD is submitting its Facility Design Plan for the Renovation of the Dakota Dome. The Facility Program Plan for the Dakota Dome Renovation was approved by the Board in December 2017.

The Dakota Dome Renovation is split into two phases. The first phase is the Outdoor Football Practice Field, which the building committee and Board of Regents has already approved at a total cost of \$2,115,000. The second phase will be an interior renovation of the spaces primarily on the west side of the Dakota Dome.

The interior renovations at the west side of the Dakota Dome will provide upgrades to plumbing, mechanical, and electrical systems. It will include a new fire protection system and fire alarm system. The project will also include new LED field lighting, new sound system, and new electrical service and lighting throughout the west side spaces. The project will incorporate new football locker rooms and lounge spaces at the west side, new restrooms, concessions, commercial kitchen, two new entrances from the west side, football coaches' offices, football meeting rooms, and new suites and loge boxes for a premium seating area incorporated at approx. 8'-0" above the playing surface. The project will add a new elevator and will add ADA seating and access to the west side of the Dakota Dome. The project will include all new precast stadia structure to the west side for new fixed back seating, adding approx. 4,300 seats to the west side of the Dakota Dome. These

(Continued)

DRAFT MOTION 20181002_6-I:

I move to approve USD's Dakota Dome Facility Design Plan for Phase II, Interior Renovations with a total estimated price of \$24,205,000.

renovations will update the facility to meet current ADA, International Building Code, and Fire Code requirements.

ESTIMATED PROBABLE COSTS

Total Construction Costs	\$	20,500,000
AV/IT	\$	800,000
FF&E	\$	500,000
A & E Fee	\$	1,440,000
Commissioning	\$	87,700
Testing/LEED	\$	80,000
OSE/USD Fees	\$	275,000
<u>Owner's Contingency</u>	<u>\$</u>	<u>522,300</u>
Project Total	\$	24,205,000

Additional details of this Facility Design Plan can be reviewed in Attachment I.

IMPACT AND RECOMMENDATIONS

USD requests approval of the Facility Design Plan and a total budget of approximately \$26.32M for design and construction of the Dakota Dome Renovation with funding for the project as follows:

FUNDING FOR THE PROJECT

Debt Financed *	\$	14,500,000
USD local other funds	\$	6,419,602
HEFF M&R Proceeds	\$	5,400,398
Total	\$	26,320,000

* Debt to be repaid with private funds from the Foundation

ATTACHMENTS

Attachment I – USD Dakota Dome Renovation FDP

FACILITY DESIGN PLAN

Dakota Dome Renovation – Phase 2: Interior Renovations

THE UNIVERSITY OF SOUTH DAKOTA

Introduction:

The Facility Program Plan for the Dakota Dome Renovation was approved by the board in December 2017.

The Dakota Dome Renovation is split into two phases. The first phase is the Outdoor Football Practice Field, which the building committee and Board of Regents has already approved at a total cost of \$2,115,000. The second phase will be an Interior Renovation of the spaces primarily on the west side of the Dakota Dome.

The Interior Renovations at the west side of the Dakota Dome will provide upgrades to plumbing, mechanical, and electrical systems. It will include a new fire protection system and fire alarm system. The project will include new LED field lighting, new sound system, and new electrical service and lighting throughout the west side spaces. The project will incorporate new football locker rooms and lounge spaces at the west side, new restrooms, concessions, commercial kitchen, two new entrances from the west side, football coaches offices, football meeting rooms, and new suites and loge boxes for a premium seating area incorporated at approx. 8'-0" above the playing surface. The project will add a new elevator and will add ADA seating and access to the west side of the Dakota Dome. The project will include all new precast stadia structure to the west side for new fixed back seating, adding approx. 4,300 seats to the west side of the Dakota Dome. These renovations will update the facility to meet current ADA, International Building Code, and Fire Code requirements.

a. Architectural, mechanical, and electrical schematic design:

The renovation will include new football locker rooms, football lounge spaces at the 100 level. New suites and loge boxes at the 200 level. A west side concourse with restrooms, concessions, commercial kitchen, and two new entrances from the west side of the Dome at the 300 level. The project will build a new 400 level, which will house football coaches/staff offices, football meeting rooms for the players and coaches, and new restrooms at that level. The project will also incorporate a new 500 level, which will be used as a large open club area for now, until a future project that would add additional suites at this level. The project will include all new precast stadia seating at the west side, with fixed back seats. This will add approximately 4,300 additional seats to the west side of the Dakota Dome. Finally, the project will

incorporate new fire protection and fire alarm systems at the west side, new plumbing and HVAC systems at the west side, a new sound system for the playing field, and new west side electrical systems, including new energy efficient LED field lighting.

Mechanical systems:

The project will remove the existing two (2) air handlers on the west side of the building and install four (4) new, energy efficient air handlers that will serve the entire west side along with the main bowl of the Dome. The project will also replace the existing chiller on the west side and install a new, more energy efficient chiller. The project will incorporate Variable Air Volume (VAV) boxes for individual controls of the heating/cooling systems within each area/room. Finally, the project will incorporate all new Building Automation System (BAS) for controls of the heating, cooling, and lighting systems within the building via the campus wide BAS system.

Electrical systems:

The project will incorporate new electrical service for the west side of the Dome. It will also incorporate new energy efficient LED lighting systems at all areas on the west side of the Dome, including new LED athletic field lighting. The project will incorporate occupancy sensors, new electrical panels, breakers, wiring, switching, etc.

b. Changes from Facility Program Plan:

The only change is that this is a phased project, with the first phase of the project being the outdoor football practice field (Previously approved by the Building Committee and the Board of Regents) and the second phase being the indoor renovations (mainly at the west side) to the Dakota Dome.

c. Impact to existing building or campus-wide heating/cooling/electrical systems:

The Dakota Dome 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 Dakota Dome Renovation project cost is \$26,320,000. Phase 1: Outdoor Practice Football Field project cost is \$2,115,000 (Previously approved by Building Committee and Board of Regents). Phase 2: Interior Renovation project cost is \$24,205,000. The following presents the breakdown of the cost estimate for Phase 2.

\Total Estimate Of Probable Construction Costs	\$20,500,000
AV/IT	\$800,000
FF&E	\$500,000
A & E Fee	\$1,440,000
Commissioning	\$87,700
Testing/LEED	\$80,000
OSE/USD Fees	\$275,000
Owner's Contingency:	\$522,300
PROJECT TOTAL	\$24,205,000

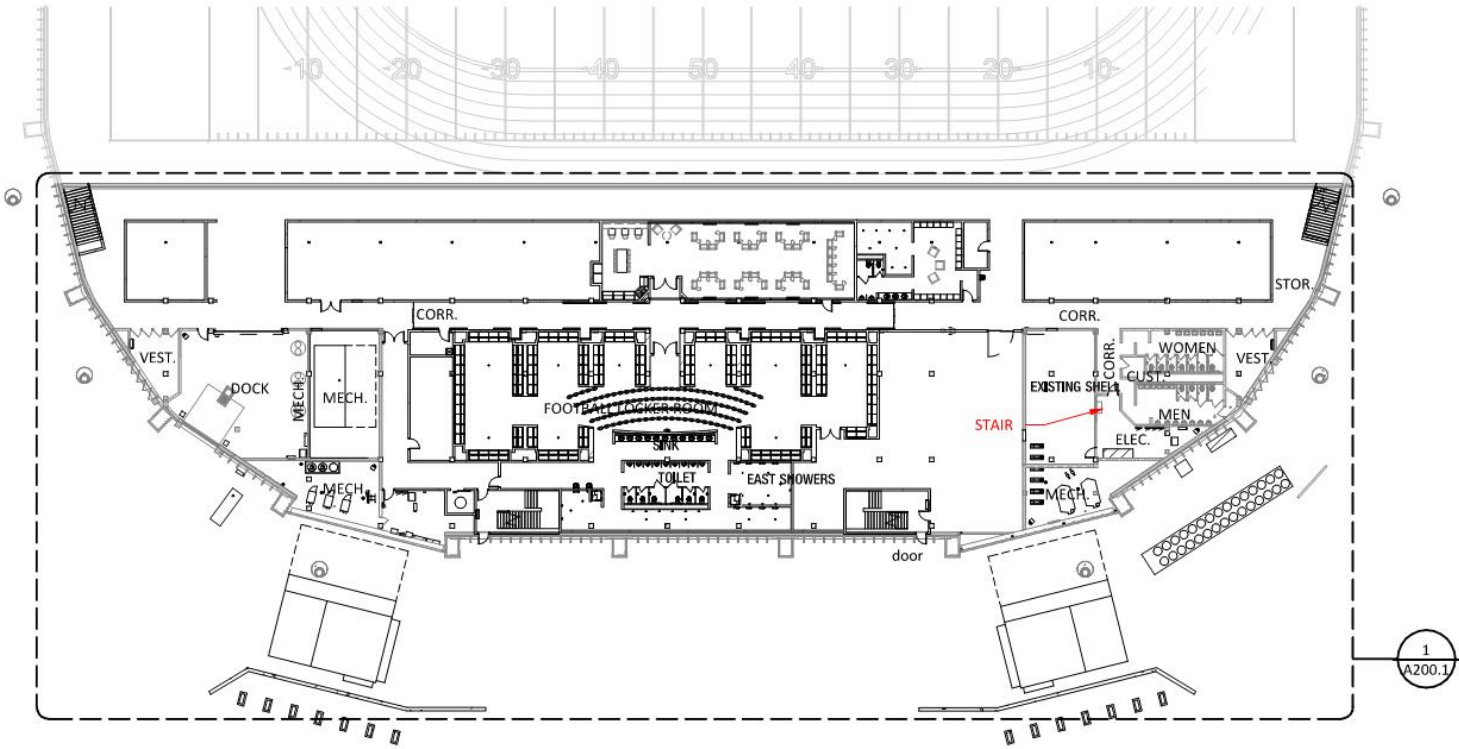
FUNDING FOR THE PROJECT	Facility Design Plan March 2018
Private donations	\$14,500,000
USD local other funds	\$6,419,602
HEFF M&R Proceeds	\$5,400,398
Total	\$26,320,000

e. Changes from cost estimate for operational or M&R expenses:

There are no changes from Facility Program Plan

Attachments:

See following pages

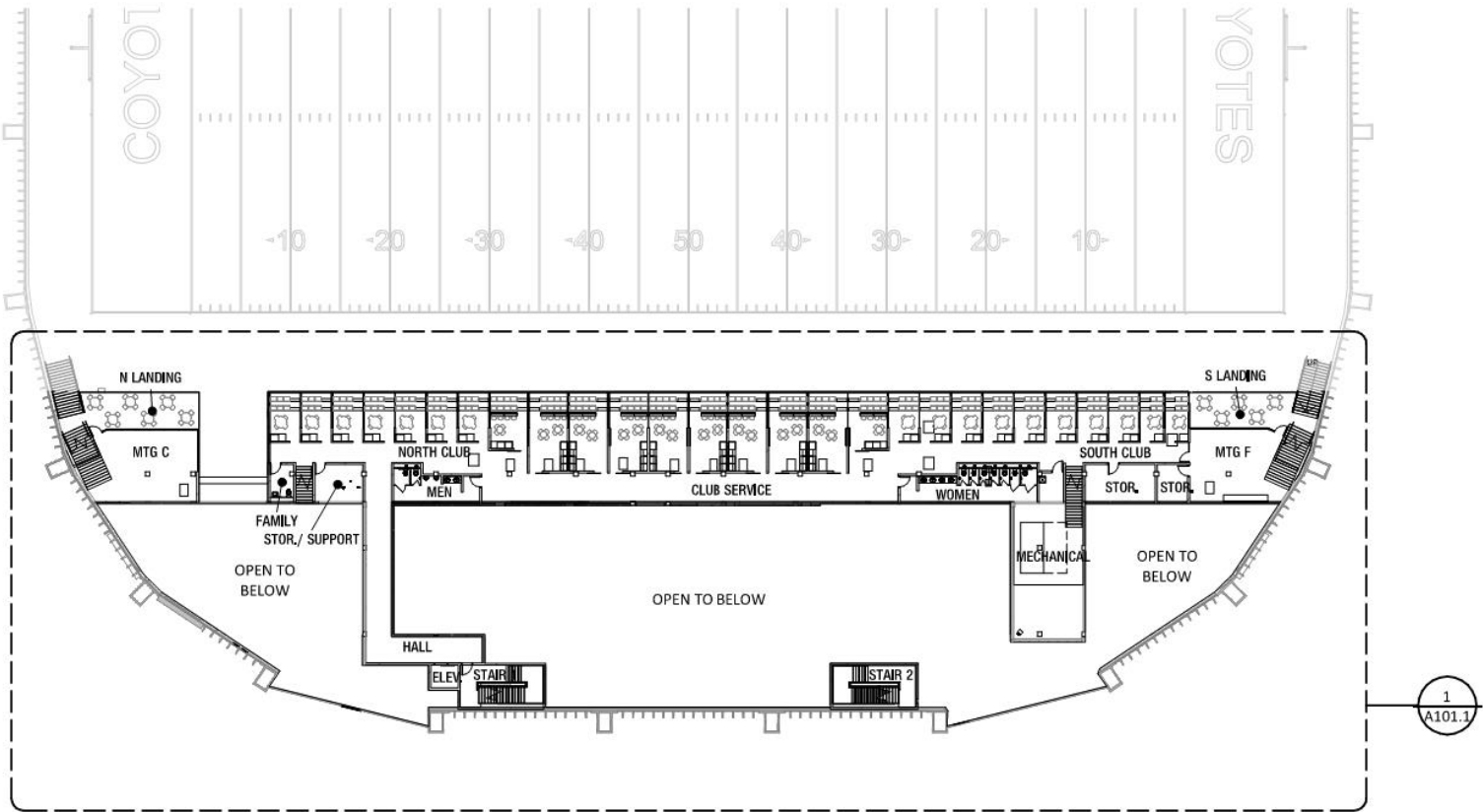


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DOC - 100 LEVEL - OVERALL PLAN

SCALE: 1" = 40'-0"



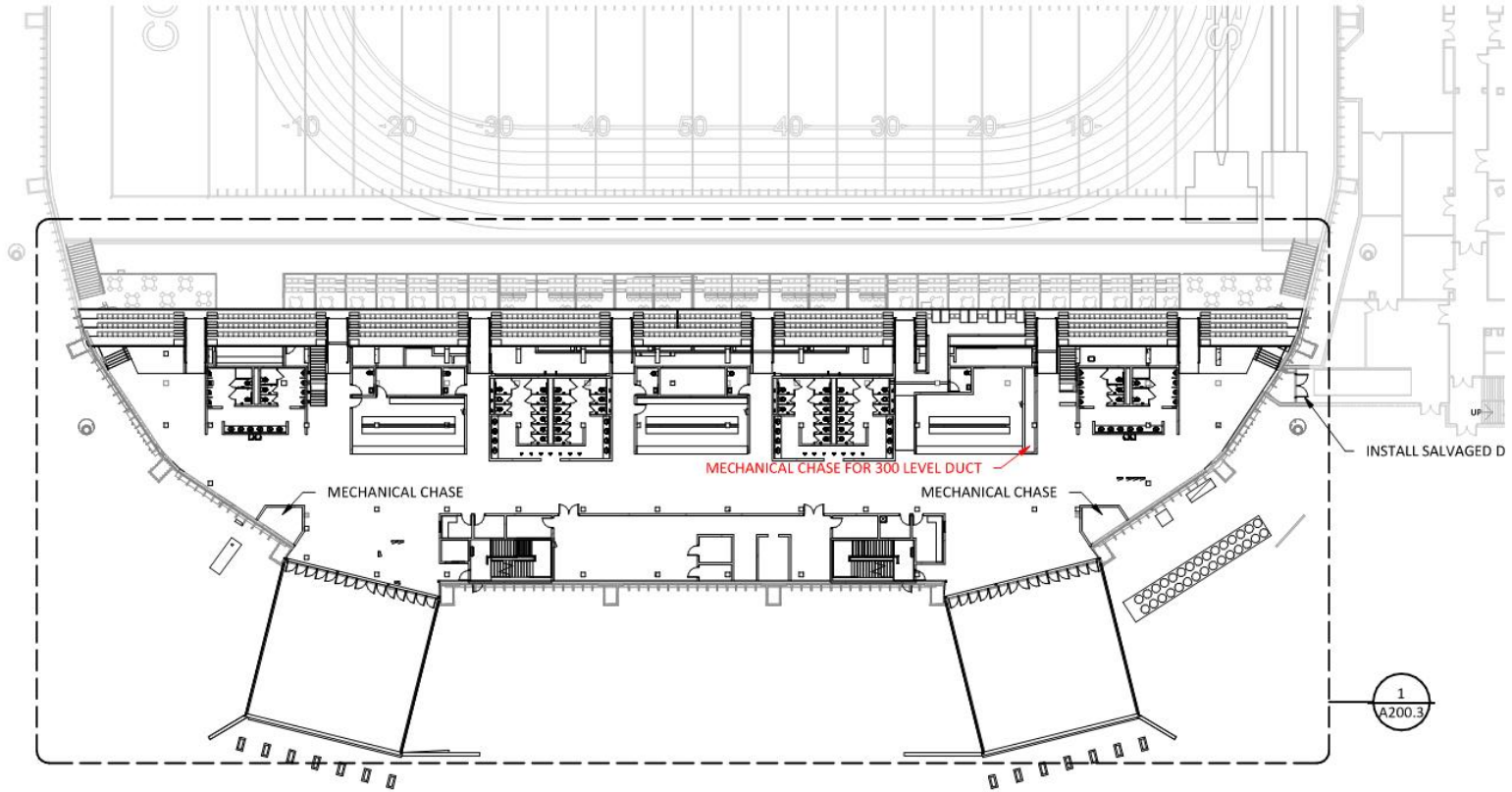


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DOC - 200 LEVEL OVERALL

SCALE: 1" = 40'-0"



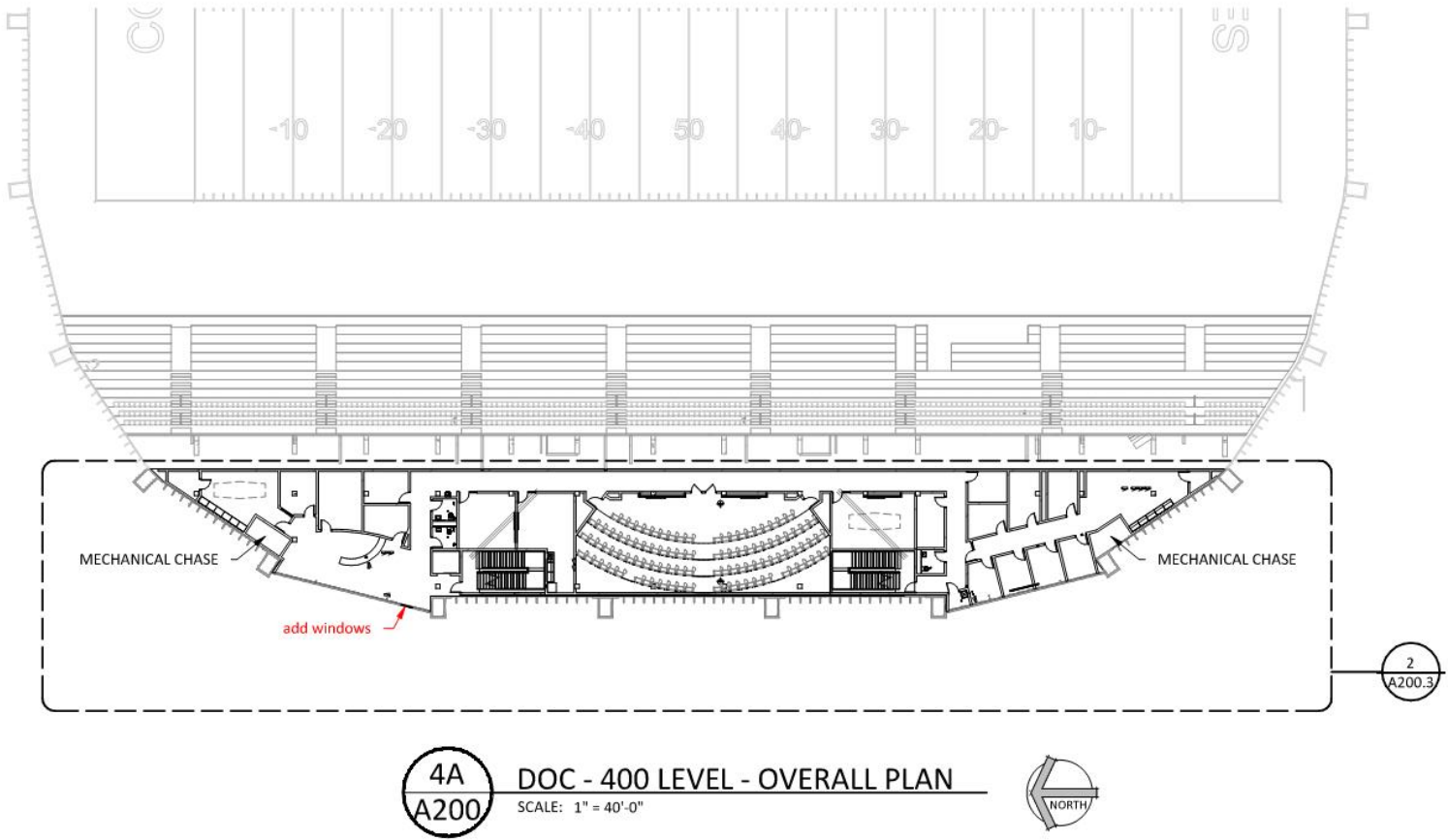


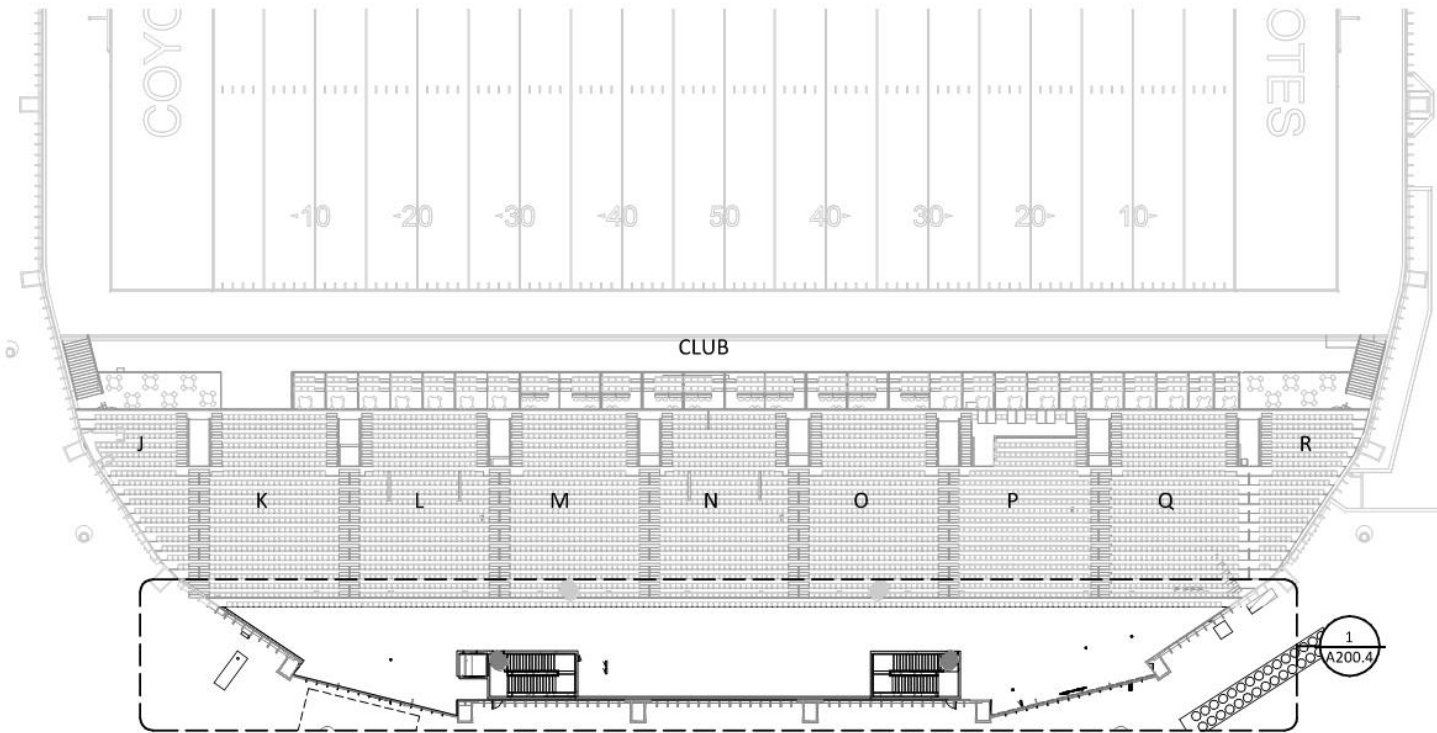
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DOC - 300 LEVEL - OVERALL PLAN

SCALE: 1" = 40'-0"



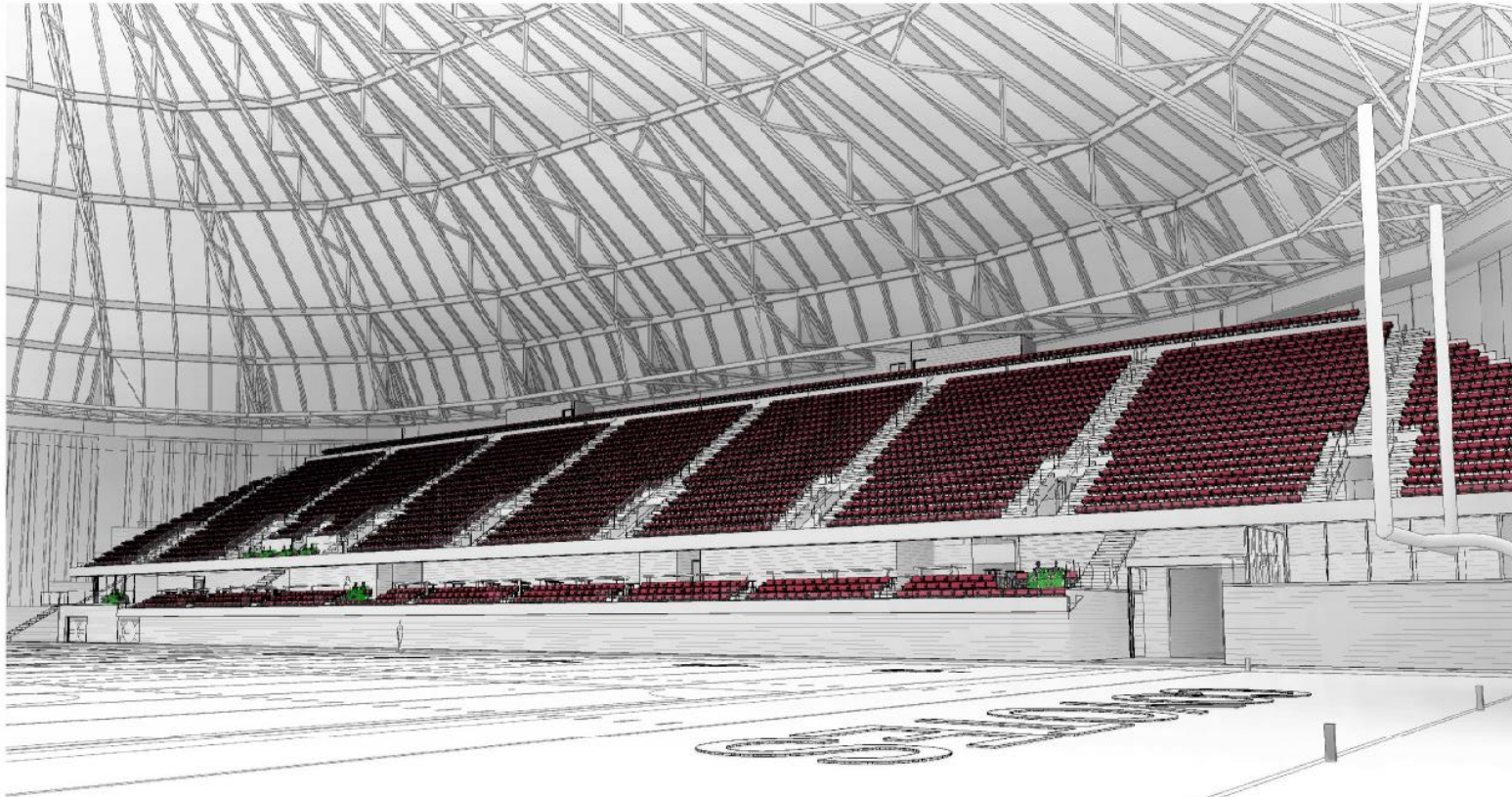




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A200

DOC - 500 LEVEL - OVERALL PLAN
SCALE: 1" = 40'-0"





USD DAKOTA DOME RENOVATION

SD SUBMITTAL

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OSE# R0618-12X



SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – J (1)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 5:3 – Agreements and Contracts Revisions (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

In an attempt to transition the BOR policies into the new format, BOR Policy 5:3 has been updated to include the purpose of the policy, definitions, and put in the new format. The policy changes were reviewed by the Business Affairs Council in September 2018.

IMPACT AND RECOMMENDATIONS

There are no substantial changes to the policy.

ATTACHMENTS

Attachment I – BOR Policy 5:3 – Agreements and Contracts

DRAFT MOTION 20181002_6-J(1):

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5:3 – Agreements and Contracts as shown in Attachment I.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Agreements and Contracts

NUMBER: 5:3

A. PURPOSE

To establish a policy and procedure for the execution, contract review and signatory authority for all agreements and contracts.

B. DEFINITIONS

None

C. POLICY

The South Dakota Board of Regents has the power to make contracts for service, erection of buildings, purchase of lands, materials, and supplies needed by the institutions, with the exception of supplies and equipment and services that are under the jurisdiction of the Bureau of Administration.

To promote the efficient operation of the institutions under its control, the Board has categorized the contracts commonly made on behalf of the institutions and delegated its authority to enter into certain of these contracts as set forth in this article.

1. Contracts Requiring Board Action

~~A. All employment contracts shall be submitted to the Board for approval on the established Personnel Action Report form.~~

~~— 1) Provided that the contracts used are standard form contracts approved by the general counsel, 2) Board approval of the salary offered shall constitute acceptance.~~

1.1. BLeases of real property (land and generally whatever is erected, growing upon or affixed in a permanent or semi-permanent manner to the land) involving acquisition or conveyance of interests lasting more than five years and exceeding \$50,000 per year. Renewal of interest in property for subsequent periods requires Board approval.

1.2. ~~C.~~—Equipment leases exceeding \$100,000 per year, excluding master lease agreements that have been executed by a designee in the Board office and have had legal counsel review.

1.3. ~~D.~~—Joint powers agreements.

1.4. ~~E.~~—Interstate agreements.

1.5. ~~F.~~—Affiliation agreements and other agreements that provide for joint sponsorship of educational programming for which credit shall be awarded.

1.6. ~~G.~~—Contracts and agreements relating to the creation and operation of off-campus instructional sites that are intended to operate for one academic year or more.

1.7. ~~H.~~—Contracts that arise in connection with the issuance of revenue bonds.

1.8. ~~I.~~—Contracts regarded by institutional chief executive officers as having significant policy implications.

2. Contracts Requiring Action by the Executive Director

2.1. ~~A.~~—Any contract other than ~~I~~Leases of ~~r~~Real ~~p~~Property (see section ~~1B~~ above) having a term greater than five years and an annual cost exceeding \$50,000, or an annual cost of more than \$250,000 per year.

2.2. ~~B.~~—Articulation agreements or other agreements that provide assurances that credits for academic work granted or certified by other institutions shall be accepted for transfer credit.

2.3. ~~C.~~—Capital improvement contract documents.

2.4. ~~D.~~—Contracts on behalf of the system.

2.5. ~~E.~~—Contracts arising in connection with organizational entities administered by the ~~e~~Executive ~~d~~Director.

3. Contracts Acted Upon by Institutional Chief Executive Officer

~~A.~~—All other contracts and agreements may be entered into by the institutional executive officer or his/her designee.

4. Legal Review of Contract Terms

~~A.~~—Where an institution initiates a contract, it shall assume responsibility for securing legal review of the draft contract. Where an institution routinely enters into contracts of like kind or subject matter, it shall assume responsibility for development of a standard form contract or contract rider acceptable to the general counsel. Provisions of other

contracts may be accepted if they conform to provisions previously approved by ~~the~~ ~~g~~General ~~c~~Counsel. Otherwise, the institution proposing to accept the contract should secure a legal opinion concerning the unapproved provision.

5. Procedures

5.1. ~~A.~~—Each institution shall develop a process for the internal review/approval of all contracts.

5.1.1. ~~B.~~—Procedures shall be established by each institution to enable the institution to reconcile the amount of any contract with the amount actually expended at any given date. This policy pertains to all contracts being held at the institution in accordance with the procedure for records retention established by the Bureau of Administration.

5.1.2. ~~C.~~—Copies of any contracts entered into by an institution must be submitted upon request to the Board's ~~g~~General ~~c~~Counsel.

6. Delegation of Signature Authority

6.1. ~~D.~~—The ~~e~~Executive ~~d~~Director and the institutional chief executive officers may delegate the power granted hereunder to subordinates as is consistent with sound administrative practices. Such delegation shall not change the requirement that the necessary supporting documentation be assembled and approved prior to execution of a contract. No contract entered into shall become effective until executed by the Board, ~~e~~Executive ~~d~~Director, institutional ~~c~~Chief ~~e~~Executive ~~o~~Officer, or by a person exercising powers delegated hereunder.

6.2. ~~E.~~—All contracts for ~~c~~Consulting ~~s~~Services shall be sent to the Office of the State Auditor per Administrative Rule 03:05:05:04.

6.3. ~~F.~~—Each written contract in an amount of \$10,000 or more must be recorded on the SD Open Records website as required by SDCL 1:27-46. Contracts funded with externally funded research are exempt from this requirement.

6.4. ~~G.~~—Each contract shall be reviewed and monitored for compliance with conflict of interest per SDCL 5-18A-17 and Board policy 4:35.

6.5. ~~H.~~—A central filing system for all consultant contracts and 1099 reportable contracts utilizing Banner Account Codes 744XXX (~~c~~Consulting or ~~c~~Contractual) shall be maintained by each institution under the Board of Regents.

76. Additional Contract Sources

7.1. Refer to the following BOR policies for additional contract requirements:

- 2:12 – Distance Education
- 2:13 – Third Party Requests for Academic Credit
- ~~5:17~~ ~~Instructional Funding~~
- 5:4 – Purchasing
- 5:5:3 – Tuition and Fees: Special Course Types

FORMS / APPENDICES:

None

SOURCE:

SDCL 13-49-15, 13-49-16 and chapter 5-18A, B & D; ~~Revised, BOR~~ -June 1989; Sept. 1991; May 1993; June 2002; August 2002; March 2006; August 2012; December 2013; _____.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – J (2)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 5:6 – Student FICA Exemption Revisions (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

In an attempt to transition the BOR policies into the new format, BOR Policy 5:6 has been updated to include the purpose of the policy, definitions, and put in the new format. The policy changes were reviewed by the Business Affairs Council in September 2018.

IMPACT AND RECOMMENDATIONS

There are no substantial changes to the policy.

ATTACHMENTS

Attachment I – BOR Policy 5:6 – Student FICA Exemption

DRAFT MOTION 20181002_6-J(2):

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5:6 – Student FICA Exemption as shown in Attachment I.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Student FICA Exemption

NUMBER: 5:6

A. PURPOSE

To clarify student eligibility for the FICA tax exemption.

B. DEFINITIONS

1. Federal Insurance Contribution Act (FICA): FICA is the federal program that funds Social Security retirement and Medicare benefits.

C. POLICY

1. Preamble

IRS regulations (31.3121(b)(10) of the Federal Insurance Contributions Act (FICA) and Revenue Procedure 2005-11) provides an exemption from ~~Federal Insurance Contributions Act (FICA)~~ contributions for students employed by a university that are enrolled and regularly attending classes at the school. To qualify for the exemption, the educational aspect of the relationship between the student employee and the employer, as compared to the employment aspect, must be predominant.

2. 1. Eligibility

1.1. 1) Students who are working that are not full-time employees, based on standard employee definitions may be eligible for the exemption. Student employees that must be licensed; are considered professional employees, or that are receiving employee benefits; are not disqualified, although these criteria should be considered when looking at all the facts and circumstances in determining the predominant aspect of the relationship.

1.2. 2) The predominant aspect of the relationship must be that the student is regularly attending classes at the school in pursuit of a course of study. This determination must be made each academic term. The class load and workload must be considered together to determine which is predominant.

1.3. ~~3)~~ — A relevant factor in evaluating the student's course load is the load relative to a full-time course workload at the school. This determination is made based on the regular definitions and practices of the school.

1.4. ~~4)~~ — A relevant factor in evaluating the service or work relationship is the employee's work schedule and the number of hours worked per week. As the number of hours approach 40, the likelihood is that the service aspect is predominant.

3. 2. Course Load Status For Determining FICA Exemptions

2.1. ~~1)~~ — An undergraduate student must be actively enrolled in the following number of credits to be considered for the FICA exemption:

Fall and Spring	9 Credit Hours
Summer	5 Credit Hours

2.2. ~~2)~~ — A graduate student must be actively enrolled in the following number of credits to be considered for the FICA exemption:

Fall and Spring	5 Credit Hours
Summer	3 Credit Hours

4. 3. Payroll Operation

3.1. ~~1)~~ — The student must be enrolled in the minimum number of credits at the start of the term to be eligible for the FICA exemption. If a student is not enrolled for the minimum numbers of hours for the academic term, they would not be exempted from FICA.

3.2. ~~2)~~ — If the student subsequently enrolls for the minimum number of hours after a payroll is run and becomes eligible for the FICA exemption, corrections cannot be made to previous payrolls.

FORMS / APPENDICES:

None

SOURCE:

BOR, April 2015, _____.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – J (3)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 5:10 – Identity Theft Prevention Revisions (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

Fair and Accurate Credit Transactions Act of 2003 (FACTA)

BACKGROUND / DISCUSSION

In an attempt to transition the BOR policies into the new format, BOR Policy 5:10 has been updated to include the purpose of the policy, definitions, and put in the new format. The policy changes were reviewed by the Business Affairs Council in September 2018.

IMPACT AND RECOMMENDATIONS

There are no substantial changes to this policy.

ATTACHMENTS

Attachment I – BOR Policy 5:10 – Identity Theft Prevention

DRAFT MOTION 20181002_6-J(3):

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5:10 – Identity Theft Prevention as shown in Attachment I.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Identity Theft Prevention

NUMBER: 5:10

A. PURPOSE

To establish a written program to detect, prevent, and mitigate instances of identity theft on financial accounts.

B. DEFINITIONS

1. Fair and Accurate Credit Transactions Act: A federal consumer-rights law to reduce the risk of identity theft by regulating how consumer account information is handled.

C. POLICY

1. Preamble

The Board of Regents and its institutions maintain financial accounts that permit multiple payments or transactions. As a result of maintaining these accounts, the Board of Regents and its institutions are subject to regulations commonly referred to as Red Flag Rules, governed by the Fair and Accurate Credit Transactions Act. The regulations serve to detect, prevent, and mitigate instances of identity theft on financial accounts.

2.1. Oversight and Review

1.1. A.—The Board of Regents’ universities will develop and maintain an identity theft prevention program. The program will include procedures for detecting, preventing, and mitigating instances of identity theft. The program will be overseen by the financial vice presidents of the institutions with an annual report tracking and reporting all significant red flag activity including incidents, resolutions and program updates to be reviewed by the Business Affairs Council annually. The Red Flags Program will undergo annual scrutiny; based on current business realities and new developments, it will be revised as appropriate.

2. 3. Red Flags Program

2.1. A.—Red flags equate to warning signs that signal identity theft. The crux of this program entails discerning and reacting to five types of red flags:

2.1.1. 1)—Alerts, notifications, and warnings provided by consumer reporting agencies in response to requests for credit reports of potential employees:

- a.—Report of fraud

- ~~b.~~ Notice/report of a credit freeze
- ~~c.~~ Notice/report of an active duty alert
- ~~d.~~ Notice of address discrepancy

~~2.1.2. 2)~~ Suspicious documents:

- ~~a.~~ Identification document or card that appears to be forged, altered, or inauthentic
- ~~b.~~ Identification card on which the student's photograph or physical description is inconsistent with person presenting card
- ~~c.~~ Other document information that is incongruent with existing student data

~~2.1.3. 3)~~ Suspicious personally identifying information:

- ~~a.~~ Presentation of identifying information that is inconsistent with other information provided by the student (example: birth dates do not match)
- ~~b.~~ Presentation of identifying information that conflicts with that on file or available through other sources
- ~~c.~~ Submission of information that points to fraudulent activity (examples: invalid phone numbers and fictitious addresses)
- ~~d.~~ Provision of social security number that is identical to that already provided by another student
- ~~e.~~ Failure to provide complete personal identifying information despite reminders to do so

~~2.1.4. 4)~~ Suspicious activity related to covered accounts:

- ~~a.~~ Payments stop on a typically up-to-date loan account
- ~~b.~~ Mail sent to the student is repeatedly returned as undeliverable
- ~~c.~~ Communication from a student that he/she is not receiving mail sent by the university
- ~~d.~~ Breach in the university's computer system security
- ~~e.~~ Unauthorized access to student account information

~~2.1.5. 5)~~ Notices from students and law enforcement authorities regarding possible identity theft connected to covered accounts:

- ~~a.~~ Notification from a student that his/her identity has been stolen
- ~~b.~~ Warning shared by a victim or law enforcement personnel that the university is conducting business (specifically, maintaining a covered account) with an identity thief

2.2. ~~B.~~——Following detection, university staff will assess degree of risk imposed by the particular red flag and provide appropriate follow-up action as merited:

2.2.1. ~~1)~~——Continue monitoring covered account for additional evidence of identity theft.

2.2.2. ~~2)~~——Contact applicant for whom credit check was conducted.

2.2.3. ~~3)~~——Change any passwords or other security devices that permit access to covered accounts.

2.2.4. ~~4)~~——Attach a privacy hold to impacted student's account.

2.2.5. ~~5)~~——Following consultation with System Colleague Administrator, provide student with new identification number.

2.2.6. ~~6)~~——Inform immediate supervisor and Campus Program Administrator.

2.2.7. ~~7)~~——Notify law enforcement personnel.

2.3. ~~C.~~——Not all red flags will trigger follow-up action; in certain scenarios, staff members may apply prior knowledge and determine that no further action is warranted.

3. ~~4.~~——Service Provider Arrangements

3.1. ~~A.~~——When Regental universities choose to use a third party for financial transactions that fall under the Fair and Accurate Credit Transactions Act regulations, such as contracting for repayment of Perkins Loans, the campus administrator is responsible to insure that the service provider of choice performs its activities in accordance with the Red Flags Rules.

FORMS / APPENDICES:

None

SOURCE:

BOR, August ~~AUGUST~~ 2009, _____.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – J (4)

DATE: October 2-4, 2018

SUBJECT

BOR Policy 5:19 – System Funding Revisions (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

None

BACKGROUND / DISCUSSION

In an attempt to transition the BOR policies into the new format, BOR Policy 5:19 has been updated to include the purpose of the policy, definitions, and put in the new format. The policy changes were reviewed by the Business Affairs Council in September 2018.

IMPACT AND RECOMMENDATIONS

There are no substantial changes to the policy.

ATTACHMENTS

Attachment I – BOR Policy 5:19 – System Funding

DRAFT MOTION 20181002_6-J(4):

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of BOR Policy 5:19 – System Funding as shown in Attachment I.

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: System Funding

NUMBER: 5:19

A. PURPOSE

To document the current methods for allocating state appropriations and university tuition.

B. DEFINITIONS

1. **State Appropriations:** The dollars coming from the State as part of the general appropriation act or special legislation.

C. POLICY

1. Allocation of ~~General Fund~~ State Appropriations and University Tuition

1.1. ~~A.~~ State Appropriations

4.—The Board of Regents receives state appropriations to support the universities, the medical school, the special schools, the Agricultural Experiment Station, the Cooperative Extension Service, the system office, to fund system pools and support operations, and targeted appropriations for purposes determined by the Legislature.

1.2. The institutions will receive a base general fund budget each fiscal year adjusted by any changes to base appropriations, system pools, salary policy, or other targeted appropriations or reductions. The final allocation of any dollars will be approved by the Board.

1.3. The Board may realign base budgets with approval from the Interim Appropriations Committee according to 4-8A-8.

2. ~~B.~~ University Tuition Funding

2.1. Tuition for university courses is divided between the system tuition and fee fund, which receives 88.5%, and the Higher Education Facilities Fund which receives 11.5%. The first \$875,000 of medical school tuition is not subject to HEFF.

2.2. Tuition revenue deposited into the system tuition and fee fund will be returned to the institutions in the same proportion that it was earned after the transfer to the HEFF account.

- 2.3. The Board may realign tuition budgets or direct moneys to system pools in order to address system priorities or initiatives.
- 2.4. Interest earnings ~~from the System Tuition Pool~~ on the Tuition and Fee Fund will be retained ~~to keep the system tuition reserve pool at a minimum of 5%~~ with a goal of having a 5% reserve of annual tuition revenues ~~or~~ to address system initiatives or priorities.

2. 3. University Base Budgets

A. ~~Base Budgets~~

- 3.1. The university base budgets support general administrative functions and instructional activities and provide resources to support the state higher education policy goals.
- 3.2. Base budget resources may be used for any purpose consistent with Board policy, Board action, and statute.

43. Targeted Appropriations

Targeted appropriations are resources appropriated by the Legislature for specific purposes. These resources are allocated and expended as provided by the Legislature or as the Board directs.

54. Academic Capital Facilities Budget

The Academic Capital Facilities Budget is funded from the Higher Education Facilities Fund. Resources are used to support maintenance and repair, major renovation projects, and new construction for university academic facilities as approved by the Board and the Legislature as required by statute.

FORMS / APPENDICES:

None

SOURCE:

BOR, March 1999; October 2000; August 2010; March-April 2016; _____.

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – K
DATE: October 2-4, 2018

SUBJECT

USD Discovery District: City of Sioux Falls Easement Resolution

CONTROLLING STATUTE, RULE, OR POLICY

SDCL [5-2-10](#) & [5-2-11](#).

BACKGROUND / DISCUSSION

The USD Research Park, Inc. (dba the USD Discovery District) requests that the Board of Regents adopt the Resolution set forth in Attachment I requesting the grant of easements to the City of Sioux Falls for street/highway right-of-way, water, sanitary and storm sewers, drainage, other utilities or structures associated with the operation and maintenance of the street/highway, as directed by the Executive Director of the Board of Regents. The foregoing also acknowledges the City’s ability to issue permits to third party utilities operating within the easement area in accordance with its ordinances, which is consistent with the City’s current administration of third party utilities within right-of-ways. Any such permit would be subservient to the easement. The Board previously approved a resolution requesting the grant of an exclusive easement to the City of Sioux Falls for street/highway right-of-way purposes upon the same terms as what is being requested during its [March 2018](#) meeting. In an attempt to simplify and streamline the process, we have worked with School and Public Lands to create a “blanket resolution” (Attachment I) that would suffice to advance any necessary street/highway right-of-way easements in favor of the City of Sioux Falls without having to bring each request to the Board for approval, so long as the request is within the confines of the resolution and approved by the Executive Director.

IMPACT AND RECOMMENDATION

The immediate need for this resolution is to facilitate the City of Sioux Falls financing, constructing and taking responsibility for the operation and maintenance of those portions of W. Haines Street and N. Pell Avenue shown in Attachment II, to include the water, sanitary and storm sewers, drainage, other utilities or structures associated with the operation and maintenance of the street. The “blanket easement” resolution approach will

(Continued)

DRAFT MOTION 20181002_6-K:

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.

serve to expedite the processing of such requests, while maintaining sufficient checks and balances in the process.

Staff recommends approval.

ATTACHMENTS

Attachment I – Resolution Requesting the Grant of Easements to the City of Sioux Falls

Attachment I, Exhibit I – Draft Easement to the City of Sioux Falls

Attachment II – W. Haines and N. Pell Easement Plats

RESOLUTION

Resolution requesting the grant of exclusive easements on, over and in portions of the land occupied by the University of South Dakota Research Park, Inc. (dba the USD Discover District), as directed by the Executive Director of the Board of Regents, for the use and benefit of the City of Sioux Falls and any third party utilities as permitted by the City in accordance with its ordinances.

The South Dakota Board of Regents (hereinafter referred to as "Grantor"), on behalf of the University of South Dakota Research Park, Inc. (dba the USD Discovery District), in consideration of one dollar (\$1) and other good and valuable consideration, and pursuant to the authority vested in Grantor under SDCL § 5-2-11, 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 Sioux Falls, exclusive easements for street/highway right-of-way, water, sanitary and storm sewers, drainage, other utilities or structures associated with the operation and maintenance of the street/highway, as described and directed by the Executive Director of the Board of Regents, for portions of land occupied by the University of South Dakota Research Park, Inc. (dba the USD Discovery District) in Minnehaha County, South Dakota.

Grantor requests that any grant of easement be consistent with, or responsive to the issues identified, in the draft grant of easement prepared by the Office of School and Public Lands and attached hereto as Exhibit I, without restricting the ability of the parties to further revise and finalize the details of the final document(s). Specifically, the grant shall recognize the City of Sioux Falls' ability to issue permits to third party utilities operating within the easement area in accordance with its applicable city ordinances.

Grantor requests that any grant of easement provides that Grantor shall not be liable for any personal injury, property damage, or other liability to Grantee, its agents, employees, invitees, or to any other party caused by or related to Grantee's use of the premises, irrespective of how such injury or damage may be caused, whether by action of the elements or acts of negligence of Grantee or any other party, and that Grantee further agree to reimburse Grantor for any judgment against it arising from Grantee's use of the property.

Dated this 3rd day of October, 2018

SOUTH DAKOTA BOARD OF REGENTS

By

Kevin V. Schieffer

President

Certification:

I have compared the foregoing with an action taken by the Board of Regents at a regular meeting of the Board in Rapid City, South Dakota, on the 3rd day of October, 2018, 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 3rd day of October, 2018

SOUTH DAKOTA BOARD OF REGENTS

By  _____

James Morgan

Secretary

This document prepared by:
Office of School and Public Lands
(605)773-3303
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

STATE OF SOUTH DAKOTA
PERMANENT PUBLIC RIGHT OF WAY, DRAINAGE
AND 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 between the City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57104 [the "City"].

WHEREAS the City is desirous of acquiring a permanent easement for the purpose of public right of way, drainage and utilities, and associated structures and facilities above and below the surface of the proposed easement area upon 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 an exclusive permanent public right of way, drainage, and utility easement for the following described purposes: the right to install, repair, maintain, alter, and operate a street/highway (including curb and gutter, sidewalks, street lights, stop lights, signs and other facilities or structures associated with the operation and maintenance of the street/highway as deemed necessary by the City Engineer), drainage, (including natural drainage and municipal stormwater facilities), and utilities (including water, sanitary sewer and other utilities) through, under and across the following legally described real estate within the County of Minnehaha, State of South Dakota (the "Easement Area"):

2. The Parties acknowledge that the City may issue permits to third party utilities operating within the Easement Area as prescribed by city ordinance(s). Any such permit(s) shall be subservient to this easement.

3. The City agrees that any City construction will not interfere unnecessarily with the State's use of its adjoining property and will not endanger or injure any improvements thereon and, that City will not issue permits granting others the right to interfere with the State's use of its adjoining property or 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.

4. The City further agrees, at no cost to the State, to be responsible for the operation, repair, maintenance, replacement, or removal of the street/highway(s), drainage, water, sanitary sewers, and other utilities or structures installed by the City and for the operation and maintenance of street/highway improvements completed by the State's tenants in accordance with City Engineering Design Standards.

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 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 city and damages associated with the City's operation and maintenance of the street/highway improvements when completed by the State's tenants in accordance with City Engineering Standards 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 the City. The City may require contractors and permittees, to defend, indemnify and hold the city whole and harmless from costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or 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 City'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 granted hereunder. The State agrees to notify and receive approval from the City of any additional easements and rights-of-way granted in the exclusive Easement Area. This Easement is also subject to a reservation of 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. In consideration of this Easement, the City will not impose special assessments on the State to pay for connection costs to City utilities that may be associated with the development of the above described easement area. Nothing in this Permanent Easement forecloses the City and State from entering into a negotiated Agreement to address the costs incurred by the City in installing street, sidewalk, and city utility improvements. Notwithstanding Paragraph 4 above, the State or its tenants will be responsible for upkeep, such as snow removal, on the sidewalk and in areas designated for use as tenant parking. Nothing in this Agreement forecloses the City from charging State's tenants for applicable fees associated with development, including fees for sanitary sewer, stormwater/drainage, water, or streets, as well as applicable maintenance or usage fees to the extent such payments are required by the Sioux Falls City Council. The State agrees not to claim exemptions to such fees on behalf of its tenants (other than tenants who are agencies or offices of the State itself).

8. The land herein described is to be used for public right-of-way, drainage, and utilities as provided above and no other purpose whatsoever, and that should the above described real property interest granted by this Easement cease to be used for public right of way, drainage, or utility purposes for two consecutive years, this Easement reverts to the State or its successor and assigns.

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. 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.

11. This Easement is governed by and shall be construed in accordance with the laws of the State of South Dakota.

12. This Easement shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Easement on this ____ day of _____, 201__.

STATE OF SOUTH DAKOTA

BY: _____

Governor

ATTEST:

Commissioner of School and Public Lands

CITY OF SIOUX FALLS

BY: _____

Mayor

ATTEST:

City Clerk

ACKNOWLEDGMENTS

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF HUGHES)

On this ____ day of _____, 201__, before me the undersigned Notary Public within aforesaid County and State, personally appeared _____, Governor, known to me to be the person described herein who executed the within and forgoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

Notary Seal

Notary Public

Commission Expires

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF HUGHES)

On this ____ day of _____, 201__, before me the undersigned Notary Public within aforesaid County and State, personally appeared _____, Commissioner of South Dakota School and Public Lands, known to me to be the person described herein who executed the within and forgoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

Notary Seal

Notary Public

Commission Expires

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF MINNEHAHA)

On this ____ day of _____, 201__, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be the Mayor of the City of Sioux Falls, and that he, as Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City by himself/herself as Mayor.

Notary Seal

Notary Public

Commission Expires

[illegible]

On this ____ day of _____, 201__, before me the undersigned Notary Public within aforesaid County and State, personally appeared _____, known to me to be the person described herein who executed the within and forgoing instrument for the purposes therein contained and acknowledged to me that he executed the same.

Notary Seal

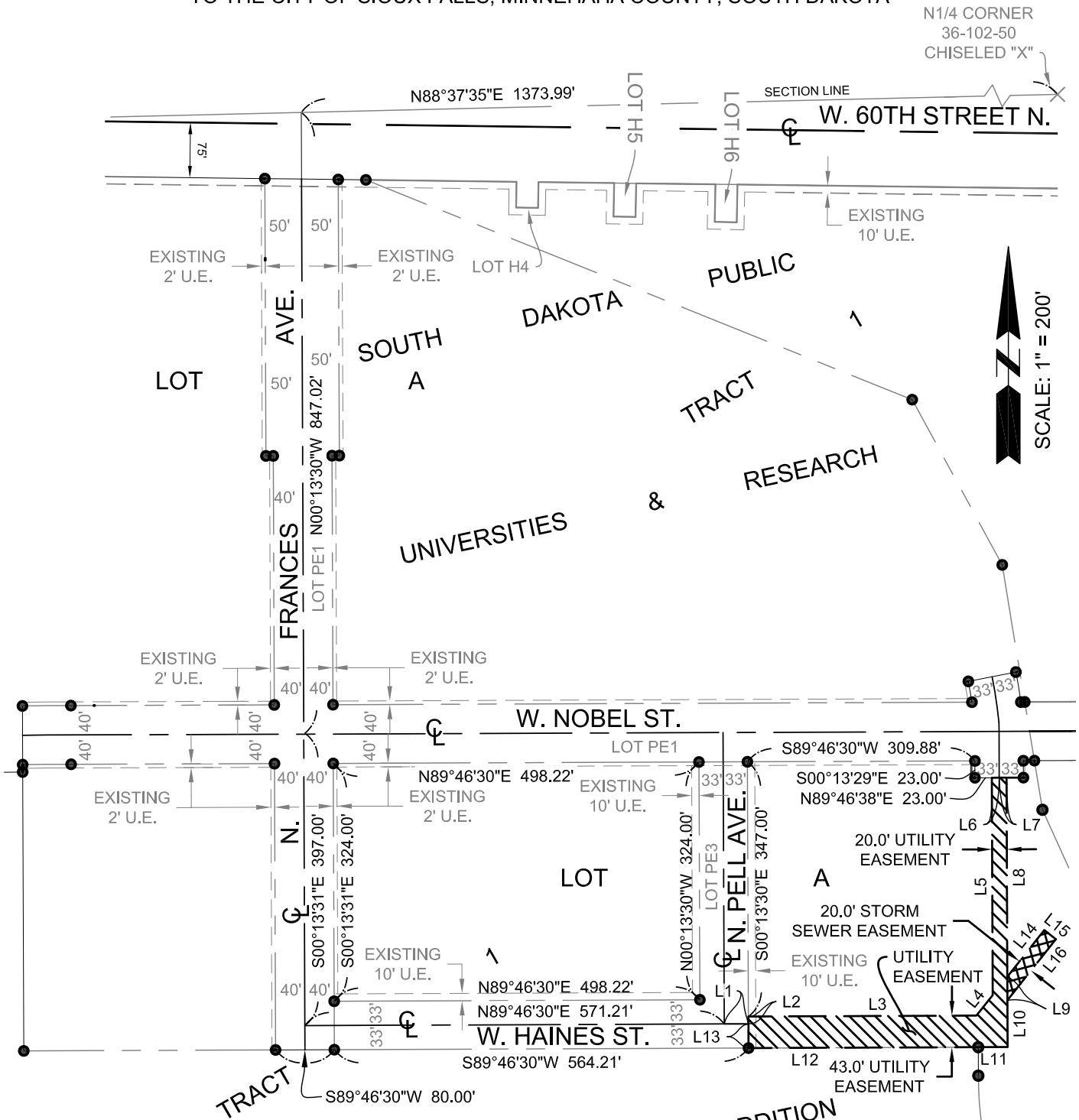
Notary Public

Commission Expires

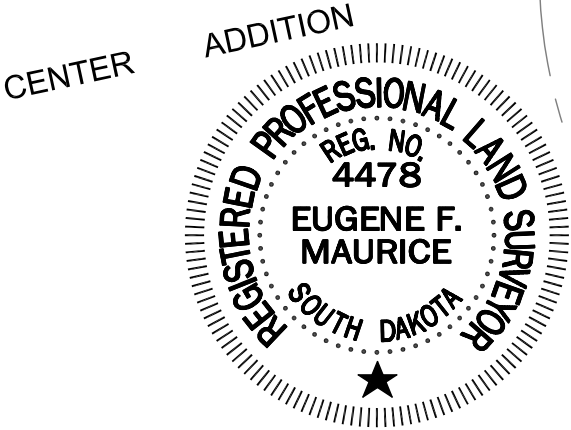
EXHIBIT A

LEGAL DESCRIPTION

A UTILITY EASEMENT AND A 20' STORM SEWER EASEMENT OVER, UNDER, ACROSS AND UPON A PART OF LOT A OF TRACT 1 OF SOUTH DAKOTA PUBLIC UNIVERSITIES & RESEARCH CENTER ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA



LINE TABLE					
Line #	Bearing	Distance	Line #	Bearing	Distance
L1	N89°46'30"E	33.00'	L11	S89°46'30"W	40.00'
L2	N00°13'30"W	10.00'	L12	S89°46'30"W	312.88'
L3	N89°46'30"E	310.67'	L13	N00°13'30"W	33.00'
L4	N38°25'53"E	35.55'	L14	N38°25'53"E	81.11'
L5	N00°13'30"W	296.24'	L15	S51°34'07"E	20.00'
L6	N89°46'30"E	10.00'	L16	S38°25'53"W	106.11'
L7	N89°46'30"E	10.00'			
L8	S00°13'30"E	271.23'			
L9	S00°13'30"E	32.02'			
L10	S00°13'30"E	63.75'			



I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

4478
REGISTERED LAND SURVEYOR NO.

- Legend
- - Denotes found monument
 - U.E. - Utility Easement
 - S.S.E. - Storm Sewer Easement



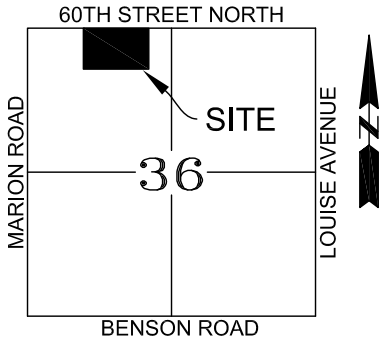
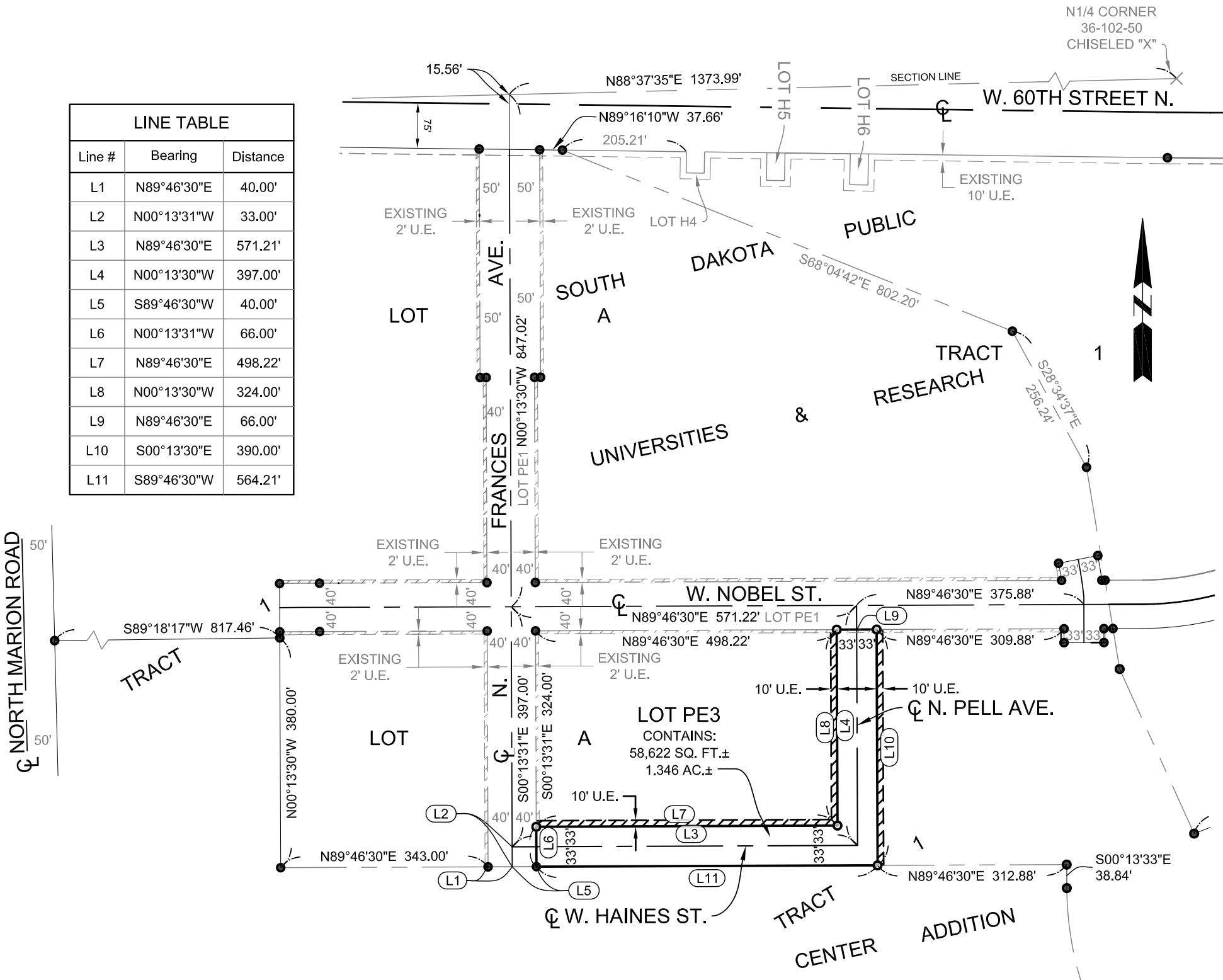
216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211 • Fax: (605) 332-7222
Engineers • Surveyors

SHOWING A TRACT OF LAND TO BE GRANTED AND USED AS A
PERMANENT PUBLIC RIGHT-OF-WAY, DRAINAGE & UTILITY EASEMENT IN

LOT A OF TRACT 1 OF SOUTH DAKOTA PUBLIC UNIVERSITIES & RESEARCH CENTER ADDITION TO THE
CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA

Scale: 1 inch = 200 feet

LINE TABLE		
Line #	Bearing	Distance
L1	N89°46'30"E	40.00'
L2	N00°13'31"W	33.00'
L3	N89°46'30"E	571.21'
L4	N00°13'30"W	397.00'
L5	S89°46'30"W	40.00'
L6	N00°13'31"W	66.00'
L7	N89°46'30"E	498.22'
L8	N00°13'30"W	324.00'
L9	N89°46'30"E	66.00'
L10	S00°13'30"E	390.00'
L11	S89°46'30"W	564.21'



VICINITY MAP
SECTION 36-102-50

Note:
The bearing system for
this plat is based on the
UTM Zone 14 North



Total Area Surveyed:
1.346 Acres±

Legend

- U.E. - Utility Easement
- - Denotes 5/8 inch by 18 inch rebar set and marked by License No. 4478
 - - Denotes found monument

Drawing prepared by:

Drawn by: BJB
Date: 7/13/2018

Checked by: EFM
Date: 8/16/2018

Sayre Associates

216 S. Duluth Avenue • Sioux Falls, SD 57104
Phone: (605) 332-7211 • Fax: (605) 332-7222
Engineers • Surveyors

SURVEYOR'S CERTIFICATE

I, EUGENE F. MAURICE, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that, at the direction of the City Engineer, have surveyed the tract of land as shown on the above plat and such tract of land shall be hereafter known by the lot number designated above. The location and dimensions of the tract are as shown on the plat. In witness whereof, I have set my hand and seal this ____ day of _____, ____.

Registered Land Surveyor

Registration No. 4478

OFFICE OF REGISTER OF DEEDS

State of South Dakota County of _____ Filed for record the _____ day of _____,

_____, at ____ M., and recorded in Book of Plats _____ on Page _____ therein.

Register of Deeds

Deputy
3697

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – L (1)

DATE: October 2-4, 2018

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 September 17, 2018, the building committee for the USD Dakota Dome Interior Renovation, represented by Regent Schieffer, approved the Facility Design Plan at a total cost of \$24,205,000.

On September 11, 2018, the building committee for the SDSU Raven Agriculture Center, represented by Regent Morgan, selected the team of McCownGordan Construction to serve as the Construction Manager at Risk.

On August 31, 2018, the building committee for the DSU Residence Village, represented by Regent Mickelson, selected the team of Architecture Incorporated to serve as the Architect Engineer for the project.

On August 28, 2018, the building committee for the SDSU American Indian Student Center, represented by Regent Schieffer, approved the construction bid documents for the project in order to issue for public advertisement of bidding at an estimated cost of \$4.5 million and to grant the authority to add alternates as funding is available.

On August 2, 2018, the building committee for the USD National Music Museum, represented by Regent Schieffer selected the team of Journey Construction to serve as the Construction Manager at Risk.

IMPACT AND RECOMMENDATIONS

None

ATTACHMENTS

None

INFORMATIONAL ITEM

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

AGENDA ITEM: 6 – L (2)

DATE: October 2-4, 2018

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 project list identifies the current capital improvement projects along with the regental building committee representative, estimated dollar amount, the source of funds for the project, and the current status of the project.

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. The review and approval steps involved include:

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

No impact.

ATTACHMENTS

Attachment I – October 2018 Capital Projects List

South Dakota Board of Regents Capital Improvement Projects - August 2018

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.
ACADEMIC FACILITIES								
<u>Black Hills State University</u>								
E. Y. Berry Library Renovation	FY12 10 Yr Plan	HB1051-2012	2022 HEFF Bonds Private	\$3,000,000 <u>\$1,500,000</u> \$4,500,000	May-12 Facility Stmt	Planning	2022	Bastian
Lyle Hare Stadium Renovation					Jun-16 Facility Stmt	Planning	2024	Bastian
<u>Dakota State University</u>								
Event Center					Dec-16 Facility Stmt	Planning		Schaefer
Madison Cyberlabs (MadLabs)		HB1057-2018	Private	\$18,000,596	May-17 Design Plan	Construction GMP Approved	Sept-2019	Schaefer
<u>Northern State University</u>								
Athletic and Recreation Turf Field		HB1061-2018	Private HEFF M&R	\$6,278,243 <u>\$303,314</u> \$6,581,557	Dec-17 Design	Construction	2018	Thares
New Regional Science Education Center		HB1010-2017	Private	\$25,175,000	Dec-17 Design	Construction	2019	Morgan
Regional Sports Complex			Private		Oct-17 Facility Stmt	A/E Selection	2021	Thares
<u>South Dakota School for the Blind and Visually Impaired</u>								
New School		HB1071-2018	Private	\$13,558,993	Oct-17 Program Plan	Design	2020	Thares
<u>South Dakota School of Mines and Technology</u>								
Chemistry/Chemical Engineering Building Repair & Renovation	FY12 10 Yr Plan	HB1021-2015	HEFF M&R 2015 HEFF Bonds	\$519,000 <u>\$6,040,000</u> \$6,559,000	Apr-15 Design Plan	Final Inspection	2018	Sutton
Mineral Industries Blding			Private		Jun-14 Facility Stmt	A/E Selection		Wink
Music Center (Old Gym) Renovation			Private		Oct-14 Facility Stmt	Planning		Wink
South Dakota Advanced Materials & Manufacturing Institute					Oct-16 Facility Stmt	Planning		Bastian
Student Innovation Center			Private		Jun-14 Facility Stmt	A/E Selection		Sutton
<u>South Dakota State University</u>								
American Indian Student Center		SB 50-2018	Private School & Public Lands	\$4,000,000 <u>\$500,000</u> \$4,500,000	Jun-18 Design Plan	Design	2019	Schaefer
Animal Disease Research & Diagnostic Lab (ADRDL) - Addition & Renovations		HB1080-2016 SB172-2017	Livestock Disease Emergency 2018 State Bonded LDE/Animal Ready Fund Local ADRDL Fees	\$1,575,000 \$50,039,637 \$2,600,000 \$6,000,000 <u>\$1,105,000</u> \$61,319,637	Oct-16 Design Plan	Construction	2020	Morgan
Chiller Plant - Chiller Upgrade & Cooling Services			HEFF M&R Rent Revenues	\$1,135,000 <u>\$1,400,000</u> \$2,535,000	May-18 Facility Stmt	A/E Selection	2019	NA Exempted

3701

South Dakota Board of Regents Capital Improvement Projects - August 2018

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.
Harding Hall - Renovation & Addition		SB10 - 2016	HEFF M&R Tuition	\$3,300,000 <u>\$5,000,000</u> <u>\$8,300,000</u>	May-17 Design Plan	Final Inspection	2018	Morgan
Lincoln Hall - Renovation			Private	\$13,000,000	Aug-17 Facility Stmt	Planning		Bastian
Outdoor Sports Support Facility		SB 51-2018	Business and Athletic Income	\$600,000	Dec-17 Program Plan	A/E Selection	2019	Not Assigned
Performing Arts Center-Theater & Music Education Addition	FY12 10 Yr Plan	HB1051-2012 HB1016-2016	2017 HEFF Bonds Private Local	\$13,000,000 \$29,349,807 <u>\$6,042,000</u> <u>\$48,391,807</u>	Dec-16 (Revised Funding)	Construction	2018	Morgan
Plant Science Research Support Facility		SB27-2015	Local Grant Private	\$2,400,000 \$1,600,000 <u>\$500,000</u> <u>\$4,500,000</u>	Mar-16 Design Plan	Final Inspection	2017	Morgan
Raven Precision Agricultural Center	FY12 10 Yr Plan	HB1264-2018 (Redirected Visual Arts \$)	Local General Funds Private 2019 State Bonds	\$7,500,000 \$2,000,000 \$16,600,000 <u>\$20,000,000</u> <u>\$46,100,000</u>	Dec-17 Program Plan	Design	2021	Morgan
Pugsley Center - Renovation			Private	\$15,000,000	Aug-17 Facility Stmt	Planning		Mickelson
South Dakota Art Museum Addition and Renovation			Private		Dec-15 Facility Stmt	Planning		Morgan
Stanley Marshall Center - Additions & Renovations		SB18-2017	Private	\$15,000,000	May-17 Design Plan	Construction	2018	Roberts
Utility Tunnel (North), Steam/Condensate Infrastructure Repair & Modernization	FY12 10 Yr Plan	HB1051-2012	2014 HEFF Bonds HEFF M&R General Fund M&R Local Funds	\$7,000,000 \$10,381,500 \$1,024,127 <u>\$50,000</u> <u>\$18,455,627</u>	May-17 Design Plan (revised)	Construction	2019	Schaefer
Utility Repairs & Upgrades - Water, Sanitary Sewer, Storm Sewer	FY12 10 Yr Plan	HB1051-2012	2027 HEFF Bonds HEFF M&R	\$5,000,000 <u>\$5,043,000</u> <u>\$10,043,000</u>	Mar-16 Program Plan	Phased Project Design & Construction	2026	Schaefer

University of South Dakota

Graduate Education & Applied Research (GEAR) Bldg Expansion			General Funds	\$1,000,000	Aug-14 Facility Stmt	Planning		Schaefer
North Commons Renovation			HEFF M&R	\$2,973,155	June-17 Program Plan	Construction	2019	Adams
Dakota Dome Renovation		HB1060-2018	Private Local HEFF M&R	\$14,500,000 \$6,419,602 <u>\$5,400,398</u> <u>\$26,320,000</u>	Dec-17 Program Plan	Design	2020	Schieffer
National Music Museum		HB1065-2018	Private HEFF M&R	\$7,718,200 <u>\$1,500,000</u> <u>\$9,218,200</u>	Dec-17 Program Plan	Planning	2020	Schieffer

South Dakota School for the Blind & Visually Impaired

New SDSBVI School Building on NSU campus		HB1071-2018	Private GOED	\$11,847,916 <u>\$2,500,000</u> <u>\$14,347,916</u>	Facility Design Plan	Planning	2019	Thares
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South Dakota Board of Regents Capital Improvement Projects - August 2018

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.
REVENUE FACILITIES								
<u>Black Hills State University</u>								
University Wellness Center Addition			Private		Dec-16 Facility Stmt	Planning		Bastian
<u>Dakota State University</u>								
New Residence Hall & Student Life Facility			Auxiliary Bonds	TBD	May-18 Preliminary Facility Statement	Planning	TBD	Mickelson
			Private	TBD				
<u>Northern State University</u>								
Wolves Memorial Suites			2016 Auxiliary Bonds Local	\$7,000,000 \$350,000 \$7,350,000	Mar-16 Design Plan	Awaiting Project Closeout Form	2017	Thares
Great Plains East and Great Plains West			Private Aramark Local	\$22,725,000 \$150,000 \$11,000 \$22,886,000	Feb-17 Design Plan	Construction	2018	Thares
<u>South Dakota School of Mines and Technology</u>								
Surbeck Center Addition			Private		Apr-14 Facility Stmt	A/E Selection		Wink
<u>South Dakota State University</u>								
Southeast Neighborhood Apartments			2018 Auxiliary Bonds Res Life Res Life Parking & Traffic Revenues	\$18,000,000 \$2,300,000 \$100,000 \$335,379 \$20,735,379	Jul-18 Design Plan (Revised) Program Plan	Construction	2019	Roberts
Student Wellness Center Addition			2016 Auxiliary Bonds GAF	\$12,400,000 \$2,000,000 \$14,400,000	Dec-16 Design Plan	Final Inspection	2018	Morgan
Pierson Hall - HVAC Upgrades			Auxiliary M&R	\$2,578,000	Mar-18 Preliminary Facility Statement	A/E Selection	2019	NA Exempted
The Union - Renovation and Remodeling			Auxiliary Funds	TBD	Mar-18 Preliminary Facility Statement	A/E Selection		Not Assigned

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

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The South Dakota Board of Regents adjourned its regular business meeting on October 4, 2018 and will meet again for its regular session on December 4-6, 2018 in Aberdeen, South Dakota.

I, Dr. Paul Beran, Executive Director and CEO of the South Dakota Board of Regents, declare that the above is a true, complete and correct copy of the minutes of the Board of Regents meeting held on October 2-4, 2018.

A handwritten signature in black ink, appearing to read "Paul B. Beran", with a long horizontal flourish extending to the right.

Dr. Paul B. Beran
Executive Director & CEO
South Dakota Board of Regents