

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
December 7-8, 2022**

The South Dakota Board of Regents met on December 7-8, 2022, at South Dakota School of Mines and Technology in Rapid City at 1:00 p.m. Mountain Time and via Zoom\* with the following members present:

ROLL CALL:

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

Also present during all or part of the meeting were Dr. Brian Maher, Board of Regents Executive Director and CEO; Nathan Lukkes, Chief of Staff; Dr. Janice Minder, System Vice President for Academic Policy and Planning; Heather Forney, System Vice President of Finance and Administration; Kayla Bastian, Chief Human Resources Officer; Shuree Mortenson, Director of Communications; Liza Clark, Director of Government Relations and Economic Development; Katie Maley; Executive Assistant to the CEO and Board; Barry Dunn, SDSU President; José-Marie Griffiths, DSU President; Laurie Nichols, BHSU President; Jim Rankin, SDSM&T President; Dr. Neal Schnoor, NSU President; Sheila Gestring, USD President; and other members of the Regental system and public and media.

## **WEDNESDAY, DECEMBER 7, 2022**

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

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

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

### **1-B Declaration of Conflicts**

There were no declared conflicts.

### **1-C Approval of the Minutes – Meeting on October 5-6, 2022**

IT WAS MOVED by Regent Thares, seconded by Regent Venhuizen to approve the minutes of the Board of Regents meeting on October 5-6, 2022.

Motion passed.

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

IT WAS MOVED by Regent Venhuizen, seconded by Regent Partridge, that the Board dissolve into executive session at 1:15 p.m. on Wednesday, December 7, to consult with legal counsel and discuss personnel matters, pending and prospective litigation, contractual matters, and marketing or pricing strategies by a board of a business owned by the State when public discussion may be harmful to the competitive position of the business, that it recess at 5:00 p.m., and then reconvene in Executive Session at 8:00 a.m. on Thursday, December 8, to continue discussing the earlier referenced matters. That it rise from Executive Session at 10:00 a.m., and reconvene in public session, to resume the regular order of business and report its deliberations while in executive session, and take any action it deems prudent as a result thereof. Motion passed.

The Board dissolved into executive session.

## **THURSDAY, DECEMBER 8, 2022**

The Board reconvened in executive session at 8:00 a.m. and public session at 10:15 a.m.

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

Regent Venhuizen reported that the Board Dissolved into Executive Session at 1:15 p.m. on Wednesday, December 7 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 5:00 p.m.

The Board reconvened in Executive Session at 8:00 a.m. on Thursday, December 8th to continue discussing the earlier referenced matters before rising from Executive Session at 10:00 a.m. to resume the regular order of business.

While in Executive Session, the Board discussed the matters just described, which included certain recommended actions as set forth in the Secretary's Report and other matters permitted by law.

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

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

#### **4-B Welcome and Presentation by SDSMT President Jim Rankin**

SDSMT President Jim Rankin welcomed the Board and other attendees to Black Hills State University and shared information about SDSMT.

#### **4-C SDSMT Student Organization Awards**

Dr. Joseph Dlugos, SDSMT Associate for Student Development and Dean of Students, presented the USD student organization award winners for 2021. The Society of Physics Students (SPS) accepted the award for academic excellence. The Circle K International accepted the award for community service. Mine Rescue accepted the award for organizational leadership

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

#### **4-D Reports from Individual Presidents and Superintendents**

No reports.

#### **4-E Reports on Individual Regent Activities**

Regent Partridge noted that on Tuesday the governor gave her budget address and that Board members will be heavily engaged with the legislature in the coming weeks to work with them on the funds we will be requesting relating to the system's legislative priorities.

#### **4-F Report from the Student Federation**

Samuel Schleich, Student Federation Vice President, provided an update on behalf of the Student Federation, describing that the Student Federation at their most recent meeting passed two resolutions: 1) A Resolution Encouraging the South Dakota Board of Regents and the South Dakota State Legislature to Increase Funding for Regental Mental Health Services; and 2) a Resolution in Support Board of Regents Priorities for the 2023 Legislative Session

#### **4-G Report of the Executive Director**

Dr. Brian Maher, Board of Regents Executive Director and CEO, stated that his first topic to speak on is regarding the recent Drag Show at SDSU. The first point to make is that the BOR follows state law and that we cannot deny. Access to facilities on campus is equally accessible to all student organizations to use. Second, central office and campus staff have put in place new protocols to make it clear when an event is put on by a student organization and that it is following state law,

Third, we will work with all campuses to make sure those new protocols are implemented and adhered to for future events across the system

Regarding the executive order from Governor Noem banning TikTok, the Board of Regents supports Governor Noem's ban of TikTok. University employees may not access the app on university devices. Also, campuses in the Regental System are not allowed to use TikTok for advertising and recruitment. Finally, any Regental campuses that have Tiktok accounts will have them deleted.

Regarding alcohol sales, five of six campuses moved forward with alcohol sales this last fall semester. All indications have pointed to this being a good addition to university events. There have been no increases in alcohol related incidents/issues at games; in fact, incidents have declined since the implementation of the alcohol sales policy. We will continue to monitor the trends and keep the Board apprised of these activities.

#### **5 Public Comment Period**

Several community members of the Rapid City area were present both in person and via Zoom stating their concerns regarding the Drag Show that occurred at SDSU. They all felt that the Board did not and has not yet taken enough action to prevent, both in the present and future, these types of inappropriate events from occurring on campus.

#### **CONSENT AGENDA**

IT WAS MOVED by Regent Thares, seconded by Regent Venhuizen, to approve consent agenda items 6-A through 6-R(3) as presented. Motion passed.

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

##### **6-A Graduation Lists**

Approve the Fall 2022 graduation lists for BHSU, DSU, NSU, SDSMT, SDSU, and USD contingent upon the students' completion of all degree requirements.

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

##### **6-B (1) BOR Policies – Revised BOR Policy 4:27 – Drug Free Environment (Second Reading)**

Approve the second and final reading of the proposed revisions to BOR Policy 4:27 – Drug Free Environment, as presented.

A copy of the BOR Policies – Revised BOR Policy 4:27 – Drug Free Environment (Second Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-B (2) BOR Policies – Revised BOR Policy 4:4 – Non-Faculty Exempt Employment Provisions; BOR Policy 4:7 – Grievance – Faculty; and BOR Policy 4:14 – Faculty Remediation and Remediation Procedures (Second Reading)**

Approve the second and final reading of the proposed revisions to BOR Policy 4:4, BOR Policy 4:7 and BOR Policy 4:14, as presented.

A copy of the BOR Policies – Revised BOR Policy 4:4 – Non-Faculty Exempt Employment Provisions; BOR Policy 4:7 – Grievance – Faculty; and BOR Policy 4:14 – Faculty Remediation and Remediation Procedures (Second Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-C Program Modifications Requiring Board Approval – USD**

Approve USD’s program modification requests for the MPA in Professional Accountancy and BSEd in Secondary Education/Special Education, as presented.

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

**6-D (1) New Program Requests – SDSU – Minor in Geospatial Intelligence**

Authorize SDSU to offer a minor in Geospatial Intelligence, as presented.

A copy of the New Program Requests – SDSU – Minor in Geospatial Intelligence can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-D (2) New Program Requests – USD – BS in Conservation Biology**

Authorize USD to offer a BS in Conservation Biology, as presented.

A copy of the New Program Requests – USD – BS in Conservation Biology can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-D (3) New Program Requests – USD – BS in Physiology, Cell, and Molecular Biology**

Authorize USD to offer a BS in Physiology, Cell, and Molecular Biology, as presented.

A copy of the New Program Requests – USD – BS in Physiology, Cell, and Molecular Biology can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-E New Certificate Request – USD – Clinical Research Coordinator (Undergraduate)**

Authorize USD to offer a Clinical Research Coordinator undergraduate certificate, as presented.

A copy of the New Certificate Request – USD – Clinical Research Coordinator (Undergraduate) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-F New Specialization Request – USD – Specializations in Business Management, Finance, and Leadership – Master of Accountancy (MAcc)**

Authorize USD to offer specializations in Business Management, Finance, and Leadership within the Master of Accounting degree, as presented.

A copy of the New Specialization Request – USD – Specializations in Business Management, Finance, and Leadership – Master of Accountancy (MAcc) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-G New Site Request – SDSU – AS in Human Development and Family Services (Online)**

Approve SDSU’s new site proposal to offer the AS in Human Development and Family Services online.

A copy of the New Site Request – SDSU – AS in Human Development and Family Services (Online) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-H (1) Agreements on Academic Cooperation – South Dakota State University**

Approve South Dakota State University’s agreements on academic cooperation with Kunsan National University and Al Akhawayn University, as presented.

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

**6-H (2) Agreements on Academic Cooperation – University of South Dakota**

Approve the University of South Dakota’s extension of the current agreement on academic cooperation with The University of Western Australia, as presented.

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

**6-I (1) Articulation Agreements – Dakota State University**

Approve Dakota State University's articulation agreement with Laramie County Community College, as presented in Attachment I.

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

#### **6-I (2) Articulation Agreements – South Dakota State University**

Approve South Dakota State University's articulation agreements with Black Hills State University, Iowa Valley Community College, Ridgewater College, and Southeast Technical College, as presented in Attachments I through VI.

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

#### **6-J Inactive Status and Program Termination Requests – BHSU, NSU, & SDSU**

Approve BHSU's request to terminate the minor in Library Media, NSU's request to inactivate and terminate the BME degrees in Music Education K-12 Instrumental and Music Education – K-12 Vocal, NSU's request to inactivate the BS in Medical Laboratory Science, and SDSU's request to terminate the minors in Social & Human Services and Youth and Community Work, as presented.

A copy of the Inactive Status and Program Termination Requests – BHSU, NSU, & SDSU can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **6-K HSDC In-District Delivery MOU – BHSU & Belle Fourche High School**

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

A copy of the HSDC In-District Delivery MOU – BHSU & Belle Fourche High School can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **6-L Education Partnership Agreement – DSU**

Approve the Educational Partnership Agreement between DSU and the National Security Agency, as presented.

A copy of the Education Partnership Agreement – DSU can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

#### **Budget and Finance – Consent**

#### **6-M Maintenance & Repair (M&R) Projects (Greater than \$250,000)**

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

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

**6-N FY24 HEFF M&R Projects**

Approve the FY24 HEFF M&R projects as presented in Attachment II.

A copy of the FY24 HEFF M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-O FY24 Auxiliary M&R Projects**

Approve the FY24 Auxiliary System M&R projects as presented in Attachment I.

A copy of the FY24 Auxiliary M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-P FY24 AES M&R Projects**

Approve the AES M&R projects for FY24 as requested.

A copy of the FY24 AES M&R Projects can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-Q City of Madison Easement – DSU**

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

A copy of the City of Madison Easement – DSU can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-R (1) Joint Powers Agreements – Amended and Restated Cooperative Use Agreement – DSU and City of Madison**

Approve the Amended and Restated Cooperative Use Agreement in substantially similar form to that set forth in Attachment I, subject to the approval of the final version by the BOR General Counsel.

A copy of the Joint Powers Agreements – Amended and Restated Cooperative Use Agreement – DSU and City of Madison can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**6-R (2) Joint Powers Agreements – SDLTAP Joint Powers Agreement – SDSU & SD Department of Transportation**



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

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

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

**6-S SDSU Football Stadium FY22 Financials**

A copy of the SDSU Stadium FY22 Financials can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes

**6-T Reduced Tuition Annual Report**

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

**6-U FY22 Auxiliary System Agreed-Upon Procedures Report**

A copy of the FY22 Auxiliary System Agreed-Upon Procedures Report can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes

**6-V Interim Actions of the Executive Director**

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

**6-W Capital Projects List**

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

**6-X Building Committee Report**

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

**6-Y Intent to Plan Requests**

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

**6-Z General Education Assessment Report**

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

## **ACADEMIC AND STUDENT AFFAIRS**

### **7-A OurDakotaDreams**

Molly Weisgram, System Academic Grants Program Manager, stated that Our Dakota Dreams is a coalition with partners involved are the SD department of Education, SD Board of Technical Education, and Mapping Your Future.

Regent Wink and Regent Thares commented that they are very appreciative of the great work and wonderful programs being done through this coalition. In response to Regent Bastian, Molly noted that the funding is currently limited for each.

Regent Partridge asked for clarification if this is just for high schoolers. Dr. Janice Minder noted that they are taking a multifactor approach, and that they are looking at it from all different avenues with middle school and high school counselors, parents, and universities.

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

### **7-B Strategic Plan: Access and Affordability – Nursing Transfer Initiative**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that Dr. Pamela Carriveau, System Associate Vice President for Academic Programming, has really taken the lead in moving this work forward. This was a project that had also started with her predecessor, Dr. Rebecca Hoey, and that they have seen great success in developing this initiative.

Dr. Minder noted that this project fits right in with the work they have been doing with Our Dakota Dreams.

A copy of Strategic Plan: Access and Affordability – Nursing Transfer Initiative can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **7-C New BOR Policy 2:37 – Syllabus and Learning Management System Policy (First and Final Reading)**

Dr. Janice Minder, System Vice President for Academic Policy and Planning, stated that that the Academic Affairs Council (AAC) has been evaluating the current AAC Guideline 5.3 to ensure that the policy reflects the needs of a digital environment given the system continues to provide more hybrid, hy-flex, and online modalities. Lengthy discussions on developing a policy versus having a guideline was a critical element.

The Board of Regents manages a system learning management software solution; AAC with agreement from the Council of Presidents and Superintendents (COPS), have opted to introduce a Syllabi and Learning Management System (LMS) Policy. With this direction, a new guideline would be created to document the procedural processes. The policy will outline the required expectations for a course syllabus and the use of the LMS.

Attachment I provides the draft policy on the requirements established by leadership. Both AAC and COPS have discussed and provided feedback on the development of this new policy and recommend approval.

IT WAS MOVED by Regent Wink, seconded by Regent Venhuizen, to (1) waive the two-reading requirement of By-Laws Section 5.5.1, and (2) approve the first and final reading of the new proposed BOR Policy 2:37, as presented in Attachment I. as presented. Motion passed.

A copy of New BOR Policy 2:37 – Syllabus and Learning Management System Policy (First and Final Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **7-D Revised BOR Policy 3:13 – Communicable Disease, and Repeal of BOR Policy 4:28 – AIDS (First and Final Reading)**

Nathan Lukkes, BOR Chief of Staff, stated that BOR Policy 3:13, which covers communicable disease, was originally written in 1988 and has remained unchanged since. The original impetus for the policy was to address HIV/AIDS, and as such, the policy is fairly limited in its application. Recent events highlighted the narrow focus of the current policy, and as a result, the policy has been revised to provide a generally applicable policy on the topic. The proposed policy provides a general framework for appropriately addressing communicable disease on campus, to include education and communication, student services, and institutional response, while maintaining the necessary flexibility to tailor, adjust and/or adapt at the campus level.

The proposed revisions to BOR Policy 3:13 result in unnecessary redundancy with BOR Policy 4:28 – AIDS, which is specific to AIDS/HIV. Since the previous content of BOR Policy 4:28 is appropriately covered in the proposed revisions to BOR Policy 3:13, BOR Policy 4:28 will be repealed in its entirety.

IT WAS MOVED by Regent Wink, seconded by Regent Venhuizen, to approve Revised BOR Policy 3:13 – Communicable Disease, and Repeal of BOR Policy 4:28 – AIDS (First and Final Reading) as presented. Motion passed.

A copy of Revised BOR Policy 3:13 – Communicable Disease, and Repeal of BOR Policy 4:28 – AIDS (First and Final Reading) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

## **BUDGET AND FINANCE**

### **8-A FY24 Governor’s Recommended Budget**

Heather Forney, System Vice President of Finance and Administration, stated this item was revised just after the Governor’s budget address.

She noted that the free tuition request for military members was not a BOR request, but one from the Department of Military and Veteran Affairs. It would move the 50% tuition reimbursement to a 100% tuition reimbursement.

Heather clarified that this request for the military tuition reimbursement would provide general funds to cover this as well as the financial shortfall there typically was in years past under the 50% tuition reimbursement that campuses has to absorb.

A copy of the FY24 Governor's Recommended Budget can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **8-B 2023 Board Sponsored Legislation**

Nathan Lukkes, Chief of Staff, stated that this item was also updated after the Governor's Budget address. With approval, Board office staff will introduce the Board-sponsored legislation in substantively similar form to that contained in Attachments I - VII, and work with members of the Legislature and the Governor's office to have the legislation become law.

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

A copy of the 2023 Board Sponsored Legislation can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **8-C FY24 Tuition Rate Proposals**

Heather Forney, System Vice President of Finance and Administration, stated

Scot Pohlson, Vice President of Enrollment, Marketing, and University Relations, stated that

Molly Moore, SDSMT Associate VP for Enrollment Management, stated that the

Regent Partridge asked that if we do not get the students expected from Wisconsin and \_\_\_\_, would the cost of that get put on the backs of existing students. Scot Pohlson affirmed that would be a realistic assumption. Regent Partridge further noted that he has confidence in our institutions enrollment and recruitment staff to make this a successful venture.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, to approve: 1) An expansion of the South Dakota Advantage tuition program offering new freshman and new transfer students from Illinois and Wisconsin a tuition rate equivalent to the resident undergraduate tuition rate set for each university starting summer 2023; 2) I also move approval of an expansion of the South Dakota Advantage and Child of Alumni rates to qualifying students pursuing non-capped graduate programs equivalent to the resident graduate tuition rate set for each university starting summer 2023.

A copy of the FY24 Tuition Rate Proposals can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **8-D DSU Applied Research Lab Facility Program Plan (FPP)**

Stacy Krusemark, DSU Vice President for Business & Administrative Services, stated that Dakota State University (DSU) requests Board of Regents' approval of the Facility Program Plan (FPP) for the construction of a new Applied Research Lab located in Sioux Falls. The Preliminary Facility Statement (PFS) was approved at the January 27, 2022, BOR meeting. The estimated cost of the complex is \$50 million.

IT WAS MOVED by Regent Partridge, seconded by Regent Bastian, to approve DSU's Facility Program Plan for the Applied Research Facility at an amount not to exceed \$50,000,000 utilizing private funds.

A copy of the DSU Applied Research Lab Facility Program Plan (FPP) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **8-E USD South Dakota Union Renovation Preliminary Facility Statement (PFS) and Facility Program Plan (FPP)**

Heather Forney, System Vice President of Finance and Administration, stated that she is presenting this item on behalf of the university of South Dakota (USD) staff since they had to leave early due to inclement weather. USD requests approval of their Preliminary Facility Statement (PFS) and Facility Program Plan (FPP) for the renovation of South Dakota Union at an estimated cost of \$6,800,000. Major updates are necessary throughout the building to bring it up to modern standards, meet ADA requirements, and complete needed maintenance and repair. The renovation will completely overhaul all the interior spaces, exterior windows, doors, framing, finishes, add a fire protection system, plumbing, HVAC, and electrical systems. The building will house clinics, classrooms, research spaces, offices, conference rooms, and restrooms on each floor.

IT WAS MOVED by Regent Partridge, seconded by Regent Wink, to approve USD's Preliminary Facility Statement and Facility Program Plan for the renovation of the South Dakota Union Building at a cost not to exceed \$6,800,000 to be funded by the sources identified in this item, and to assign a building committee.

A copy of the USD South Dakota Union Renovation Preliminary Facility Statement (PFS) and Facility Program Plan (FPP) can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

### **8-F Resolution to Remove Brookman Hall at the University of South Dakota from the Auxiliary Facilities System**

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

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

ROLL CALL:

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

Motion passed.

A copy of the Resolution to Remove Brookman Hall at the University of South Dakota from the Auxiliary Facilities System can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**8-G Human Resources Transformation**

Kayla Bastian, Chief Human Resources Officer, provided an update on the current status of the Human Resources Transformation project. The steering committee is requesting that the Board adopt the attached Vision, Mission and Objectives document and provide feedback on the status of the project.

Regent Wink thanked Kayla and all the other campuses for seeing that they remain fully committed to this and in line with recommendations from the Senate Bill 55 Task Force where this originated from.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, that the Board adopt the strategic Vision, Mission, and Objectives for human resources.

A copy of the Human Resources Transformation can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**8-H Non-Faculty Exempt Compensation Study**

Kayla Bastian, Chief Human Resources Officer, provided an overview of the current status of the NFE Compensation Study. Attached to the item, the Total Rewards Philosophy is the foundation that will support the rest of the work being conducted as a part of the NFE compensation study, and staff ask that the Board adopt the SDBOR Total Rewards Philosophy.

Regent Partridge noted that this information may be good to share with Joint Committee on Appropriations (JCA) in the future.

IT WAS MOVED by Regent Partridge, seconded by Regent Thares, that the Board adopt the Total Rewards Philosophy as outlined in Attachment I.

A copy of the Non-Faculty Exempt Compensation Study can be found on pages \_\_\_\_ to \_\_\_\_ of the official minutes.

**ADJOURNMENT**

IT WAS MOVED by Regent Thares, seconded by Regent Venhuizen, to adjourn the meeting.

Motion passed.

The meeting adjourned at 12:00 p.m.

DRAFT

## *Secretary's Executive Session Report*

*The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, December 7<sup>th</sup>, in accordance with SDCL § 1-25-2 to discuss matters authorized therein. Following executive session, on December 8<sup>th</sup>, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL § 1-25-2, but no official action on them is being proposed at this time.*

### *Recommended Actions:*

- 2-C. Authorize the General Counsel to proceed with the legal matter(s) within the parameters discussed.*
- 2-D. Provide the necessary direction to finalize the documents for consideration during the public business portion of the meeting agenda.*
- 2-E. Award two (2) years of prior service credit toward tenure and two (2) years of prior service credit toward promotion each for Dr. Thomas Weyant (BHSU) and Dr. Bhaskar Prasad Rimal (DSU); and award one (1) year of prior service credit toward tenure and one (1) year of prior service credit toward promotion for Dr. Amy Dolan (NSU).*
- 2-H. Approve the recommended process for the search for superintendent/director for the SD School for the Deaf.*
- 2-I. Approve the recommended process for the search for superintendent for the SD School for the Blind and Visually Impaired.*
- 2-L. Approve the salary adjustments and appointments as outlined in Attachment I, and the reorganization request from Northern State University.*
- 2-M. Approve the contract addendum for USD men's football coach, Robert Nielson, as outlined.*
- 2-N. Approve the evaluation letter for Presidents Griffiths.*



SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Vanessa Lu Min Kee	Professor/Program Director	12/22/2022	Prevailing Wage Requirement	\$64,000.00	\$58,300.00	9.8%
<p><b>JUSTIFICATION:</b> Kee is currently on OPT (Optional Practical Training) which is a temporary employment status for students who are here on an F-1 immigration status. Kee's OPT expires in June 2023, and in order to be eligible for an H1B, she must be paid at a prevailing wage of at least \$63,565. The equipment that Kee works on is highly specialized and filling her position with someone else who is qualified will be extremely difficult. Kee manages our TEM facility, including operating the Transmission Electron Microscope, analyzing data, instrument and supporting subsystem maintenance, troubleshooting and interfacing with the instrument manufacturers technical engineering staff. She has similar responsibilities with our atomic force microscope and fluorescence lifetime imaging systems and their respective laboratories. These are all specialized instrumentations that require knowledge and skills that would make finding a replacement very difficult.</p>						
SOUTH DAKOTA STATE UNIVERSITY						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Nathania Knight	Extension Associate	12/22/2022	Market Adjustment	\$45,342.32	\$42,376.00	7.0%
<p><b>JUSTIFICATION:</b> SDSU went through a review of all CSA Nutrition Assitants which resulted in a reclassification to a higher paygrade of several positions within SDSU extension. The adjustment to CSA classifications resulted in compression issues with higher level NFE positions, as a result, SDSU is requesting to adjust salaries to address internal equity issues created by the CSA salary structures.</p>						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Sam Jacomet	Program Director	11/22/2022	Permanent Additional Duty Pay	\$53,002.00	\$39,550.00	34.0%
<p><b>JUSTIFICATION:</b> This compensation adjustment request is the result of a reorganization of the SNAP-Ed program, this position is being reclassified from an Extension Assistant into a Program Manager. To align the position with the duties of like positions in the department SDSU is requesting a significant increase, however, this is essentially a new role and the internal and external market supports that request and ensures it is appropriately aligned with like positions at SDSU. This position is grant funded.</p>						

Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Leacey Brown	Extension Field Specialist II	12/22/2022	Market Adjustment	\$63,541.55	\$58,295.00	9.0%
<b>JUSTIFICATION:</b> Human resources has conducted an equity evaluation across SDSU extension and identified Brown as an outlier. Brown is a high performing employee with ten years of experience at SDSU extension.						
<b>DAKOTA STATE UNIVERSITY</b>						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Richard Wicklein	Assistant Professor	12/22/2022	Market Adjustment	\$65,374.00	\$60,722.00	7.7%
<b>JUSTIFICATION:</b> CUPA-HR salary survey data indicates that average salaries for an Assistant Professor in Math are more than \$64,000. Dr. Wicklein is an outlier from an internal equity. We have identified this as an area of inequity. DSU is requesting a compensation adjustment to align with others in the same rank and experience levels. BOR HR verified that the inequity was not due to poor performance ratings and is supportive.						
Name	Title	Effective date	Job Change Reason	Requested Salary	Previous Salary	% Increase
Kim Jones	Lecturer (Math)	12/22/2022	Market Adjustment	\$55,000.00	\$51,658.00	6.5%
<b>JUSTIFICATION:</b> CUPA-HR salary survey data indicates that average salaries for an Instructor/Lecturer are \$56,000. Kim was promoted to Lecturer in FY21. Kim has more than ten years experience at DSU and her salary is an outlier from an internal equity perspective. We have identified this as an area of inequity. DSU is requesting an adjustment to better align with internal and external market. BOR HR verified that the inequity was not due to poor performance ratings and is supportive.						

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
December 21, 2022**

The South Dakota Board of Regents met on December 21, 2022, via Zoom teleconference with the following members present:

**ROLL CALL:**

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

Also present during all or part of the meeting were Dr. Brian Maher, Board of Regents Executive Director and CEO; Nathan Lukkes, Chief of Staff; Shuree Mortenson, Director of Communications; Katie Maley; Executive Assistant to the CEO and Board; and other members of the Regental system and public and media.

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

**1-B Approval of the Agenda**

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

**1-C Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, that the Board dissolve into executive session at 9:10 a.m. on Wednesday, December 21, to consult with legal counsel, and that it rise from Executive Session and reconvene in public session at 10:20 a.m. to resume the regular order of business and report its deliberations while in executive session and take any action it deems prudent as a result thereof. Motion passed.

The Board dissolved into executive session.

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

Regent Venhuizen reported that the Board Dissolved into Executive Session at 9:10 a.m. on Wednesday, December 21, to consult with legal counsel, before rising from Executive Session at 10:20 a.m. to reconvene in public session to resume the regular order of business.

While in Executive Session, the Board discussed the matters just described.

IT WAS MOVED by Regent Venhuizen, seconded by Regent Thares, to approve the Secretary's Report and that it publish said Report and official actions in the formal minutes of this meeting. Motion passed.

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

Regent Roberts inquired if there were any additional motions for the Board to consider in today's meeting.

IT WAS MOVED by Regent Partridge, seconded by Regent Rave, to direct central office to review all upcoming campus events involving the presence of minors on campus and to develop a minors on campus policy for review at our next scheduled meeting.

**ROLL CALL:**

John Bastian – AYE  
Brock Brown – AYE  
Jeff Partridge – AYE  
Tim Rave – AYE  
Joan Wink – ABSENT  
Tony Venhuizen, Secretary – AYE  
Jim Thares, Vice President – AYE  
Pam Roberts, President – AYE

Motion passed.

**ADJOURNMENT**

IT WAS MOVED by Regent Rave, seconded by Regent Brown, to adjourn the meeting.

Motion passed.

The meeting adjourned at 10:25 a.m.

*Secretary's Executive Session Report*

*The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Wednesday, December 21, 2020, 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:*

*None.*

DRAFT

**BOARD OF REGENTS  
MINUTES OF THE MEETING  
February 24, 2023**

The South Dakota Board of Regents met on February 24, 2023, via Zoom teleconference with the following members present:

**ROLL CALL:**

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

Also present during all or part of the meeting were Dr. Brian Maher, Board of Regents Executive Director and CEO; Nathan Lukkes, Chief of Staff; Katie Maley; Executive Assistant to the CEO and Board.

Regent Roberts declared a quorum present and called the meeting to order at 11:30 a.m.

**1-B Approval of the Agenda**

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

**1-C Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, that the Board dissolve into executive session at 11:35 a.m. on Friday, February 24, to discuss personnel matters, and that it rise from Executive Session and reconvene in public session at 12:30 p.m. to resume the regular order of business and report its deliberations while in executive session and take any action it deems prudent as a result thereof. Motion passed.

The Board dissolved into executive session.

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

Regent Thares reported that the Board Dissolved into Executive Session at 11:35 a.m. on Friday, February 24, to discuss personnel matters, before rising from Executive Session at 12:30 p.m. to reconvene in public session to resume the regular order of business.

While in Executive Session, the Board discussed the matters just described, which included certain recommended actions as set forth in the Secretary's Report and other matters permitted by law.

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

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

**ADJOURNMENT**

IT WAS MOVED by Regent Wink, seconded by Regent Rave, to adjourn the meeting.

Motion passed.

The meeting adjourned at 12:35 p.m.

DRAFT

*Secretary's Executive Session Report*

*The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Friday, February 24, 2023, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.*

*Recommended Actions:*

*None.*

DRAFT



**BOARD OF REGENTS  
MINUTES OF THE MEETING  
February 27, 2023**

The South Dakota Board of Regents met on February 27, 2023, via Zoom teleconference with the following members present:

**ROLL CALL:**

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

Also present during all or part of the meeting were Dr. Brian Maher, Board of Regents Executive Director and CEO; Katie Maley; Executive Assistant to the CEO and Board.

Regent Roberts declared a quorum present and called the meeting to order at 3:00 p.m.

**1-B Approval of the Agenda**

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

**1-C Motion to Dissolve into Executive Session**

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, that the Board dissolve into executive session at 3:05 p.m. on Monday, February 27, to discuss personnel matters, and that it rise from Executive Session and reconvene in public session at 3:45 p.m. to resume the regular order of business and report its deliberations while in executive session and take any action it deems prudent as a result thereof. Motion passed.

The Board dissolved into executive session.

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

Regent Thares reported that the Board Dissolved into Executive Session at 3:05 p.m. on Monday, February 27, to discuss personnel matters, before rising from Executive Session at 3:45 p.m. to reconvene in public session to resume the regular order of business.

While in Executive Session, the Board discussed the matters just described, which included certain recommended actions as set forth in the Secretary's Report and other matters permitted by law.

IT WAS MOVED by Regent Thares, seconded by Regent Partridge, to approve the Secretary's Report and that it publish said Report and official actions in the formal minutes of this meeting. Motion passed.

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

**ADJOURNMENT**

IT WAS MOVED by Regent Partridge, seconded by Regent Bastian, to adjourn the meeting.

Motion passed.

The meeting adjourned at 3:50 p.m.

DRAFT

## *Secretary's Executive Session Report*

*The Board convened in Executive Session pursuant to the vote of the majority of the Board present and voting at its public meeting on Monday, February 27, 2023, in accordance with SDCL 1-25-2 to discuss matters authorized therein. Following executive session, the Board will meet in open session to discuss and take official action on the matters set forth below, all other matters discussed were consistent with the requirements of SDCL 1-25-2, but no official action on them is being proposed at this time.*

### *Recommended Actions:*

- *Appoint Nathan Lukkes as the new Executive Director and CEO of the South Dakota Board of Regents effective June 22, 2023.*