

SOUTH DAKOTA BOARD OF REGENTS

Academic and Student Affairs

AGENDA ITEM: 7 – A
DATE: August 3-5, 2021

SUBJECT

Opportunity for All

CONTROLLING STATUTE, RULE, OR POLICY

[SDCL 20-13-10](#) – Unfair or discriminatory practices

[SDCL 13-49-14](#) – Employment of officers, instructors and employees – Disparate treatment on certain grounds prohibited

[SDCL 13-57-4](#) – Sectarian religion and partisan politics prohibited by university

[Title VII of the Civil Rights Act of 1964](#)

[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 1:32](#) – Commitment to Freedom of Expression

[BOR Policy 1:11](#) – Academic Freedom and Responsibility

BACKGROUND / DISCUSSION

In recent years the Board has engaged in various conversations on student success, diversity and inclusion efforts, civics and history preparation, intellectual diversity and equal opportunity, with the settings of these discussions spanning the gamut from internal dialogue, to public stakeholder panels, to legislative committee hearings. These discussions, coupled with recent movements on the national stage, have resulted in months of review and dialogue within the system to review, assess and respond in a reasoned and informed manner, ensuring we are operating and addressing these areas in a way that promotes student success, civility, equal opportunity and nondiscrimination, while preparing our graduates for informed and responsible citizenry. The Board Statement set forth in Attachment I and the Action Plan in Attachment II are the culmination of those efforts.

DRAFT MOTION 20210803_7-A:

I move to adopt the Board Statement set forth in Attachment I and the Action Plan in Attachment II, and further direct Board staff and presidents to take the necessary actions to begin implementing the Action Plan and report back and propose any necessary changes at the Board's October meeting.

IMPACT AND RECOMMENDATION

The attached Board Statement and Action Plan provide clear direction on the Board's position and approach to addressing and managing various areas garnering recent attention on the national stage, ensuring our institutions remain places of learning, study and exploration, built upon free speech, scientific discovery and academic freedom. In doing so, the system will: (1) provide enhanced opportunity for all students; (2) proudly support the United States of America; (3) safeguard the rich tradition of American universities; and (4) offer curriculum that is based upon widely-held and accepted knowledge and thought.

Staff recommends approval.

ATTACHMENTS

Attachment I – Board Statement

Attachment II – Action Plan

The South Dakota Board of Regents hereby states that:

1. South Dakota's state universities offer **opportunity for all students**, to benefit from education and to prepare to live and work in South Dakota, or anywhere in the world. We do not discriminate on the basis of race, sex, ethnicity, religion, disability, veteran status, economic status, or sexual preference. We treat each person as an individual, not as a member of a group, and offer services and supports for each person's individual situation. We reject, and will not promote, the idea that any individual person is responsible for actions taken by other people. We also reject, and will not promote, any suggestion that one group of people is inherently superior or inferior to another group, or is inherently oppressive or immoral.
2. South Dakota's state universities are public, taxpayer-funded institutions. It is inherent in the missions of our universities to **proudly support the United States of America**. Our students will learn about America's history, our system of individual liberty in a democratic republic, and our system of free enterprise. Part of that instruction is to acknowledge and discuss America's flaws and mistakes, so that we can learn from them and improve. We celebrate, though, America's role in recent world history, as the nation most responsible for expanding liberty, prosperity, and equality across the globe.
3. South Dakota's state universities are a part of **the rich tradition of American universities**, which are built upon free speech, scientific discovery, and academic freedom, and for that reason have been emulated by the rest of the world. We commit our state universities to a focus on the future: preparing the leaders and scholars of the next generation to solve the problems of tomorrow. Although we can learn from and understand the past, we do this so we can learn to be better in the future, and we will never compel any person to accept any particular set of beliefs.
4. South Dakota's state universities **will offer a curriculum that is based upon widely-held and accepted knowledge and thought**. Our universities will respect academic freedom, and will expect faculty to exercise that freedom in a way that respects this expectation. As our students expand their understanding in a field of study, we encourage that students be exposed to a variety of viewpoints, ideas, and theories, so that they can be debated and critiqued. This could include discredited or controversial ideas, because understanding the weaknesses of failed ideas is as important as understanding the strengths of successful ones. Students must be prepared to identify the good and bad in new or controversial areas of thought.

Objective: Provide increased opportunity for all students to succeed.

Charge: Bolster student success through the implementation of “Opportunity Centers” on campus. Opportunity Centers should realign and focus campus resources to effectively assess and address the individual needs of all students. Opportunity Centers should serve as an inclusive community where all are welcome, accepted and provided access to the services needed to assist, accommodate, retain and graduate, with equal regard given to the unique challenges and needs of every student. Opportunity Centers should supplement or enhance related activities on campus specific to opportunities or challenges of cultural relevance to South Dakota.

Timeline: The Opportunity Center structure will be in place on each campus by January 1, 2022. Institutions will report their progress on this effort at the Board’s October meeting.

Objective: Advance the rich tradition of American public universities, built upon free speech, scientific discovery and academic freedom.

Charge: Safeguard the fundamental principles which have made public higher education in America the standard to which others aspire by ensuring our policies and practices promote and protect the rights of students and faculty alike. The end product(s) should provide clear guidance and/or parameters, while balancing the Constitutional rights of our students and employees with the necessary discretion of the institution to manage its operations and exercise control over that which it commissions.

Timeline: Immediate and ongoing.

Objective: Enhance preparation of students for informed and responsible citizenry in our democratic republic.

Charge: Add, supplement and/or improve programming and training enhancing knowledge of American government and the principles upon which our country was founded; increasing civic engagement; and promoting and developing skills in communication, critical thinking, civility and dispute resolution among individuals with diverse backgrounds, beliefs and perspectives.

Timeline: Immediate and ongoing, with each institution implementing some level of training or programming in the spring 2022 semester.

Objective: Promote equal opportunity and non-discrimination for all through merit-based assessment and decision making.

Charge: Supplement, revise and/or discontinue, as appropriate, any processes, procedures, standards, expectations, etc. necessary to promote a clear message of equality and merit-based decision making and/or assessment, ensuring that, whether directly or indirectly, preferential or adverse treatment on the basis of one’s identity or belief system is not occurring.

Timelines: Immediate and ongoing.