

Office/Contact: Office of Student Affairs/Office of Student Activities

Source: SDBOR Policy 3.8.1; University Policy 3:1; University Policy 4:6

Link: <https://public.powerdms.com/SDRegents/documents/1680650>;

<https://www.sdstate.edu/sites/default/files/Student%20Conduct%20Code.pdf>;

<https://www.sdstate.edu/policies/upload/Human-Rights-Complaints.pdf>

Associated Forms: New and Forming Organizations Registration Packet; Student Organization

Handbook; Greek Life Policies and Procedures Manual; Residential Life Housing Release Form

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## SOUTH DAKOTA STATE UNIVERSITY Policy and Procedure Manual

SUBJECT: Student Organizations

NUMBER: 3:10

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### 1. Purpose

This policy and its procedures implement SDBOR Policy 3.8.1 and set forth the provisions regarding the formation and funding of registered student organizations at the University.

### 2. Policy

- a. The University encourages students to participate in student organizations in order to harness the power of social interaction and experience and to prepare students to shoulder the civic and social duties inherent in human society and essential to popular government. Student organizations complement the formal curriculum and 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.
- b. All student organizations at the University 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 dialogue, although for many others such engagement may be an isolated or occasional event.
- c. To foster the development of skills in organizational government and operation, student organizations must be directed by student decision-making and student responsibility for those decisions.
- d. The University affirms a policy of non-discrimination, as set forth in University Policy 4:6, with regard to the formation of organizations and the selection of members. In compliance with University Policy 4:6, the University will recognize two (2) 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 identity, transgender, sexual orientation, age, disability, genetic information, military service membership, or veteran's status. Consistent with rights guaranteed under state and federal constitutions, University Policy 4:6 accommodates the distinctive characteristics of intimate associations or expressive associations.

- i. Intimate associations involve distinctively personal aspects of life. Factors that suggest an organization should be treated as an 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.
  - 1. 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.
- ii. 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, military service membership, or veteran's status.
  - 1. 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.
- iii. 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.
  - 1. 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.
- e. Students may convert their organization into a registered University student organization by satisfying the following requirements:
  - i. Complying with the applicable provisions of University Policy 3:1;
  - ii. Obtaining and complying with the procedures and guidelines set forth in the *New and Forming Organizations Registration Packet*, which may be obtained from the Office of Student Activities;
  - iii. Filing with the Office of Student Activities an organization constitution. A copy of the model constitution will be included in the *New and Forming Organizations Registration Packet*;
  - iv. Submitting to the Office of Student Activities the name(s) of the faculty/staff advisor(s) and the names of a minimum of seven (7) University students

affiliated with the organization; and activating and maintaining a profile page on Jacks Club Hub which includes a roster of active members and officers; and

- v. Ensuring constitutional and organization compliance with the regulations and policies as set forth by the SDBOR and the University.
- f. Upon satisfactory completion of the *New and Forming Organizations Registration Packet*, the Office of Student Activities will assist the potential new organization through the recognition process, which involves review by the Organizational Subcommittee, Students' Association, and the Senior Director of the Student Union. The organization may reapply once within the same academic year if registration is denied.
- g. Each organization must have an advisor registered with the Office of Student Activities. Any full-time faculty or staff may serve as an advisor to a registered student organization.
  - i. The advisor and the student leadership of the organization will decide on the scope of the advisor's responsibilities, but in no manner will an advisor be given the responsibility or authority to make decisions for the student organization. The advisor will only advise on the exercise of responsibilities by the student leadership, and will not have the authority to control the policy of the organization. The student organization's leadership, with the advice of the advisor, is to monitor and be responsible for the budgeting and expenditure of the organization's funds.
  - ii. Advisors to Greek social organizations must be registered with the Office of Student Activities.
- h. To maintain registered status, all student organizations must comply with the following provisions:
  - i. Submit a re-registration on Jacks Club Hub to update contacts, roster, and officers every spring.
  - ii. Anytime a change in contacts, rosters, and/or officers is made, update appropriate information in Jacks Club Hub immediately to ensure proper communication is held between the organization and the Office of Student Activities.
  - iii. Appoint or retain a registered advisor.
  - iv. Retain receipts on all items purchased using organizational funds for four (4) years after the date of purchase.
  - v. Refrain from appropriating funds for the enrichment of any officer, member, or associate, and to use its funds for the direct benefit of the organization and in fulfillment of its purpose.
  - vi. Comply with any audit of organizational funds in on-campus accounts by the Accounting Office, or if the organization has an account outside the University, any audit authorized by the Students' Association.

- vii. Draft a satisfactory constitution and keep it updated.
  - viii. Adhere to all applicable federal, state, and local laws, as well as SDBOR and University policies.
- i. Regarding changes in a registered student organization's constitution:
- i. Any organization that revises its constitution without major changes in name, purpose, structure, or function must submit a copy to the Office of Student Activities and update in Jacks Club Hub.
  - ii. In the event of any major constitutional changes in name, purpose, structure, or function, the organization must submit a copy of the revised constitution to the Office of Student Activities. The constitution will then be forwarded to the Organizational Subcommittee for their review.
- j. If a re-registration is not provided during the spring re-registration period, the Office of Student Activities will contact the lead officer of the registered student organization to assess its status. If a re-registration has not been received by the end of the re-registration period, the organization will be moved to frozen status with temporary loss of privileges associated with active registered student organizations. If no request for re-registration is made within one month following the move to frozen status, the organization will be placed on inactive- status and lose all privileges associated with active registered student organizations.
- i. An inactive organization may request reactivation by submitting a copy of an up-to-date constitution and re-registration application to the Office of Student Activities.
- k. The colonization and recognition process for establishing a national social fraternity or sorority at the University is set forth in the section 3.c. below.
- i. Once formed, the colony will have probationary status for a minimum of one (1) year from the date of formal colonization. The IFC/CPH will monitor the colonization period and will establish guidelines for the probationary period.
  - ii. The colonization and recognition process for establishing a local social men's or women's fraternity will follow the same procedures as set forth herein for national fraternities, with the exception of reference to national officials. The organization's president and advisor(s) will be responsible for providing the documentation required, and a constitution will be necessary for approval of colony status.
- l. All registered student organizations and national and local men's and women's fraternities intending to provide room and/or board for their University student members must comply with the housing regulations established by the SDBOR and the University.
- i. The organization's house must have periodic fire inspections as mandated by municipal law, with the absolute minimum of one (1) inspection being conducted annually by personnel from the Brookings Fire Department. Any fire hazards or fire equipment problems must be remedied according to the fire inspector's

specifications within the time period allotted.

- ii. Residents of the house shall conduct at least one (1) fire and tornado drill each semester.
- iii. No house will have more residents than the maximum occupancy as specified by the Brookings Fire Department.
- iv. The organization must submit a housing list to the Program Advisor for Greek Life within the first week of each academic semester.
- v. Students who are active members of an organization and currently living in a facility associated with the Department of Residential Life may apply for a housing release, if the following requirements are met:
  - 1. Must be beyond first year of academic study at the University. No first-year students will be permitted to become residents of Greek Houses or any organization's house.
  - 2. Must indicate on the Department of Residential Life's housing application an intention to live in Greek housing or organization-provided housing, and meet with the Greek Life Advisor upon their request.
  - 3. Must have at least a 2.25 cumulative GPA at the time of application for release.
- vi. The Greek Life Housing Policy can be found, in its entirety, in the Greek Life Policies and Procedures Manual
- m. Any registered student organization, including fraternities and sororities, that fails to comply with this policy will be subject to the Student Conduct Code, University Policy 3:1.
- n. Officers and members of the sponsoring registered student organization are responsible for and will be held accountable in their organizational capacity and as students of the University for proper conduct at social functions and organized events and for any expenses accrued by the registered student organization against the University. This includes security of persons and property. The University reserves the right to limit admission to events held on campus or in University-controlled facilities.
- o. Registered student organizations are not agents of the University, are not endorsed by the University, exist outside the control of the University, existed before receiving registered status, exist independently of their registered status, and are entirely responsible for contracts entered in the name of the registered student organization or any liabilities incurred by the registered student organization and its members acting in their capacity as members of the organization.
- p. Registered student organizations must include in all of their advertisements and written materials, including contracts, the following disclaimer:

- i. “[Name of Organization] is not part of, not endorsed by, and exists independently of, the South Dakota Board of Regents and South Dakota State University. The South Dakota Board of Regents and South Dakota State University are not responsible for acts, omissions, or contracts of [Name of Organization].”
- q. Registered student organizations must refrain from using “South Dakota State University,” “SDSU,” in the title of the organization or in any official correspondence, except to denote the group as “[Organization Name] at SDSU” or “[Organization Name] at South Dakota State University.”
- r. The University name, official logos, and marks may not be appropriated by registered student organizations, except that registered student organizations are authorized to name their organizations using the convention in Subpart 2.q. above.
- s. University registered organizations may conduct fundraising events on campus. These events must be approved through the Office of Student Activities in the University Student Union and must be in compliance with applicable SDBOR and University policy.
- t. Solicitation of students is not permitted except in accordance with SDBOR and University policy and with the permission of appropriate University delegated authorities. The Senior Director of the Student Union, or designee, is responsible for providing more information upon request.
- u. Only registered student organizations may receive funds apportioned from the general activity fee via grant. The grant funds may be used to finance the organizations’ general operational expenses and to subsidize cultural, social, recreational and information activities and events sponsored by the organizations, provided that:
  - i. No student organization will be eligible for fee subsidies:
    1. If the funding is prohibited by Article 6, § 3 of the South Dakota Constitution because it will be used for sectarian ceremonies or exercises;
    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 elections, or financing off-campus lobbying or political activities of non-students;
    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; or
    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 University, whose leadership is popularly elected by the students, from using funding to communicate its position on behalf of all students through lobbying efforts before legislative and political bodies.

- v. Funding allocated to registered student organizations shall be distributed in a nondiscriminatory manner in accordance with applicable state and federal authority. Student organizations may not be discriminated against under this policy on the basis of the content or viewpoint of their expressive activity. The University may not prohibit an ideological, political, or religious student organization from requiring its leaders or members of the organization affirm and adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, or further the organization's mission or purpose, as defined by the organization.
- w. General activity fee funds for registered student organizations will be deposited in an organization's specific general activity fee fund. Where the registered student organization maintains a Separate Legal Entity Agency Fund with the University, the registered student organization is responsible for maintaining this account, as the University is only a custodian of these funds.
- x. Receipt of funds apportioned from the general activity fee subjects the registered student organization to the discretionary auditing authority of the University, in which the registered student organization is to account to the University for all disbursements of funds obtained from the general activity fee by showing that the funds were directed to the event or to the operations described in the request for funds.
- y. Registered student organizations are prohibited from using South Dakota State University's federal taxpayer identification number to open an off-campus bank account.
- z. Any funds remaining in on-campus accounts of inactive organizations for a period of eighteen (18) months or longer will be transferred to the University account for Special Programs, Student Activities.

### 3. Procedures

- a. Completed *New and Forming Organizations Registration Packets* should be submitted to the Office of Student Activities. Upon submission, the Program Assistant for the Office of Student Activities, or designee, will forward the materials to the Organizational Subcommittee for review and schedule the organization to attend the next Organizational Subcommittee meeting. Once approval is granted, the Program Assistant for the Office of Student Activities will then forward the materials to the Students' Association. Representatives from the organization will attend the Students' Association meeting. Once that approval is granted, all comments and recommendations regarding the organization's proposed constitution and their request for registered status is sent to the Senior Director of the Student Union.
- b. Upon receipt of all comments and recommendations, and after review, the Senior Director of the Student Union, or designee, will take action regarding the organization's request for registered status. Notification of the action taken will be provided in writing to the organization's president, secretary, and advisor(s). The offices of the Vice President of Student Affairs, Central Reservations, BluePrint, Motor Pool, Students' Association, and Accounting will be notified when an organization has been granted registered status.
- c. Colonization and recognition procedures for establishing a national social fraternity or sorority at the University are as follows:

- i. At the direction of the College Panhellenic Association, an on-campus exploratory committee will be established to determine the need and practicality of colonizing a new social women's fraternity. The committee should be composed of the current CPH President, the CPH delegate from each chapter, alumnae advisors, and the Program Advisor for Greek Life. In addition, others may be involved as necessary. The committee should meet and review on-campus conditions, analyze statistics as they relate to enrollment and recruitment, then prepare a recommendation to the College Panhellenic Association. For a social men's fraternity, the same process should be followed, with the committee composed of the current IFC President, alumni advisors and the Program Advisor for Greek Life. If a national organization has already expressed interest and submitted a letter of intent, the committee will review the request and include their recommendation in the final report to IFC.
- ii. If the CPH/IFC exploratory committee is in favor of expansion, it will then seek the opinions of University officials. The CPH/IFC President and Program Advisor for Greek Life will consult with the Vice President of Student Affairs and the University President regarding expansion. A letter from the University President and/or the Vice President of Student Affairs to the IFC/CPH exploratory committee will indicate the action taken. With approval from administration, the exploratory committee will take their report to the CPH/IFC full body for an official vote.
- iii. If the CPH/IFC vote to open the campus for expansion, a committee should be established to handle the solicitations from national organizations. Members should be similar to that of the exploratory committee and must include the Program Advisor for Greek Life. The committee will present their findings to the CPH/IFC for final determination of which organization to invite to campus. Once the CPH/IFC has made their decision, the Program Advisor for Greek Life will present the potential colonizing organization to the Senior Director of the Student Union, the Vice President of Student Affairs and the University President. Information on the new organization should include (but is not limited to) name, purpose and constitution of the national organization as well as potential benefit to students at the University.
- iv. When the required information has been received and all on-campus parties have had an opportunity to review these materials, the University President will send a letter indicating the action to be taken to the national office of the selected organization.

#### 4. Responsible Administrator

The Senior Director of the Student Union, or designee, is responsible for the annual and ad hoc review of this policy. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 1/28/2019. Revised; Approved by President on 10/03/2019. Revised 01/29/2024 (clerical).