

Office/Contact: Office of Provost and Vice President for Academic Affairs

Source: SDBOR Policy 4:27, SDBOR Policy 5:3, SDBOR Policy 5:16

Link: <https://www.sdbor.edu/policy/documents/4-27.pdf>; <https://www.sdbor.edu/policy/documents/5-3.pdf>; <https://www.sdbor.edu/policy/documents/5-16.pdf>

Associated Forms: [Institutional Sponsorship and Advertising for Gaming and Alcoholic Beverages Review and Routing Form](#)

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Institutional Sponsorship and Advertising for Gaming and Alcoholic Beverages

NUMBER: 9:1

1. Purpose

This policy and its procedures set forth reasonable internal guidelines on advertising and sponsorship related to gaming, State lottery, alcoholic beverages, and alcohol-related businesses in order to balance these purposes with responsible licensing of its marks to further support continued excellence in the fulfillment of the University's mission. The University recognizes a correlation between the misuse of alcohol and gaming with a variety of academic, social, safety, and/or health related consequences. While the University assumes no responsibility for the individual actions of its students, the University does maintain an interest in education, safety, and social responsibility.

2. Definitions

- a. University: South Dakota State University and all units such as colleges, departments, divisions, and offices that are under the authority of the University President.
- b. SDBOR: South Dakota Board of Regents
- c. Campus: includes grounds, buildings, improvements, and facilities that are managed by the University.
- d. Alcoholic beverage: is limited to malt beverages and wine, as set forth by applicable statutes.
- e. Alcohol-related business: is defined as a wholesaler, retailer, or marketer of alcoholic beverages.
- f. Gaming organization or business: is an operating casino.
- g. State lottery games: are games of chance involving tickets and drawings, or both, that are operated by state government agencies.

3. Policy

- a. Advertising and sponsorship by alcohol-related businesses, gaming organizations and businesses, and state lottery games are governed by this policy. Liquor advertising and

sponsorships, or activities that are or become unlawful, are strictly prohibited. Other University and SDBOR policies and laws applicable to a particular activity must also be complied with through their governing provisions.

- b. The sale and consumption of alcoholic beverages, gaming and lottery on University property, and licensing of University marks are subject, but not limited to, the following state laws and policies:
 - i. Authority granted by SDCL 13-49-1 and 13-49-13 that sets forth the powers of the SDBOR;
 - ii. Authority granted by SDCL 13-58-1 that establishes the SDBOR as the governing body for the University;
 - iii. Authority granted in SDCL 13-53-4 for the SDBOR to enforce rules and regulations at the institutions under its control;
 - iv. Authority granted in SDCL 13-53-5 that allows the SDBOR to delegate to a University president any powers the SDBOR chooses to transfer;
 - v. SDBOR Policy 4:27 that lists in Section E of the “Compliance with the Drug-Free Schools and Communities Act Amendments of 1989” the exceptions to the policy that allow the consumption of alcohol at social functions at a SDBOR institution;
 - vi. SDBOR Policy 5:16 allows institutions to enter into agreements for the use of trademarks, logos, and insignia with the approval of the president; and
 - vii. SDBOR Policy 5:3 authorizes the University President to delegate contract signature authority.
- c. Advertising and Sponsorship Opportunities by Alcohol-Related Businesses
 - i. Alcohol – related promotional, advertising, and sponsorship signage may be permitted upon prior approval in non-academic University buildings and facilities and event-specific public gathering venues if allowed by other applicable signage policies, if signage is in conformity with this policy, and upon approval as outlined in Section 4 of this Policy.
 - ii. Alcoholic beverage - related advertising of any type is prohibited in University materials, University event programs, on tickets to University events of any type, or on printed materials distributed in venues. Promotional team schedule materials distributed externally may include alcoholic beverage-related advertising as long as the materials are not produced or distributed by the University. All usage of any University related marks must be approved by University Marketing and Communications.
 - iii. Advertising alcohol-related businesses or alcoholic beverage in University-controlled media outlets and printed material or contracted media outlets, including but not limited to, television, radio, newspapers, print, and magazines, may be permitted upon prior approval unless restricted in this policy, as outlined

in Section 4 of this Policy. Title sponsorship by an alcohol-related business, including inclusion of alcoholic beverage information, of a University venue or of a University event, including intercollegiate athletic events to the extent allowed by NCAA or other applicable conference rules and University policies, may be permitted upon prior approval as outlined in Section 4 of this Policy. The following requirements shall be adhered to:

1. All such advertising and sponsorships signage and materials related thereto shall include a responsibility message and shall not in any way encourage excessive or irresponsible use of alcohol.
2. Alcoholic beverages cannot be used as an inducement to participate in a University event and may not be offered as prize or gift in any form of contest, drawing, or competition.
3. Promotional material, including advertising for any University event, cannot reference the amount of alcoholic beverages available. This includes reference to kegs, beer gardens, free drinks, or open bars.
4. The use of registered University marks must first be approved by the University's Director of Marketing and Communications, or successor unit, and then be approved as outlined in Section 4 of this Policy.
5. Advertising and sponsorships must adhere to University posting and advertising policy guidelines.

d. Advertising and Sponsorship Opportunities for Gaming Organizations and Businesses and State Lottery Games

- i. Gaming organizations and business and State lottery games promotional, advertising, and sponsorship signage may be permitted upon prior approval in all University buildings and facilities, including athletic offices, practice and competition facilities and public gathering if allowed by other applicable signage policies, if signage is in conformity with this policy, and upon approval as outlined in Section 4 of this Policy.
- ii. Upon prior approval, advertising, sponsorship, and promotional messaging by gaming organizations and businesses and state lottery games may be permitted, as outlined in Section 4 of this Policy, in University-controlled media outlets and printed material or contracted media outlets, including, but not limited to, team schedules, game programs, event programs, television, radio, newspapers, magazines, and Internet-based sources, and event tickets. Gaming organizations must include a "resort" message in all advertisements. Title sponsorship by a gaming organization or business or by a state lottery game of a University venue or of a University event, including intercollegiate athletic events to the extent allowed by NCAA or other applicable conference rules, may be permitted upon prior approval as outlined in Section 4 of this Policy. The following requirements shall be adhered to:
 1. Unlawful or illegal sports wagering, gambling, or lottery is strictly prohibited at University events, on University property, facilities, or

advertising and sponsorship materials;

2. All such advertising and sponsorships signage and materials related thereto shall include a responsibility message and shall not in any way encourage excessive or irresponsible use of gaming or lottery;
3. The use of registered University marks must first be approved by the University's Director of Marketing and Communications, or successor unit, and then be approved as outlined in Section 4 of this Policy; and
4. Advertising and sponsorships must adhere to University posting and advertising policy guidelines.

4. Procedures

- a. All contracts with alcohol-related businesses, gaming organizations and businesses, State lottery games, and alcohol for the purpose of advertising or sponsorships must be submitted in writing along with representations of the proposed promotional materials and the *Institutional Sponsorship and Advertising for Gaming and Alcoholic Beverages Review and Routing Form* for review by the following University representatives in this order:
 - i. The Dean of the relevant college, the Athletic Director, if for intercollegiate athletics events or venues, or the or the Vice President for Student Affairs for other events and purposes;
 - ii. the Director of Marketing and Communications, or successor unit; and
 - iii. University Office of General Counsel.
- b. Such reviews and their documentation shall then be presented to the Provost and Vice President for Academic Affairs who shall consider the reviews and the request, confer with the reviewers, and render a decision to approve or to deny the request in conformity with this policy, University required contract terms, any applicable local, state, and federal law, and University and SDBOR policies. The Provost and Vice President for Academic Affairs will convey the decision in writing. Contracts and supporting documentation, including but not limited to records of approval or denial, will be maintained in conformity with the SDBOR Record Retention and Destruction Manual and other applicable policies and laws.
- c. This careful review and any subsequent approval shall pertain to any and all materials within the scope of this policy and plans for utilizing such materials, that propose the use of the University's intercollegiate athletic team names, competition schedules, and so forth, the use of the University's program names, administrative unit names, public events names and so forth or the use of University-controlled registered marks. These materials shall include, but are not limited to, proposed signage, print advertisements, posters, brochures, promotional materials, point-of-sale materials, tickets, audio, electronic based media, and other related collateral, and the plans related to the use thereof. Proposed plans shall include the utilization of the aforementioned materials and the time period of utilization.

- d. The decision by the Provost and Vice President for Academic Affairs is final. An approval may include the right to use the University's name, registered mark(s), or both, with a company's trade name, product name, registered mark(s), or both, for the approved advertisements and promotions and the utilization of associated materials, subject to the limitations of this and all other applicable University policies.
 - e. Any and all questions, complaints about this policy, the administration of the policy, or combinations thereof, should be initially directed to Provost and Vice President for Academic Affairs.
5. Responsible Administrator

The Provost and Vice President for Academic Affairs or designee is responsible for bi-annual and ad hoc review of this policy and procedures. The University President is responsible for policy approval.

SOURCE: Approved by President 02/01/2013.