

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.**