

Office/Contact: Office of General Counsel

Source: SDBOR Policies 5.3 and 5.9; University Policy 5:1

Link: <https://public.powerdms.com/SDRegents/documents/1722915>;

<https://public.powerdms.com/SDRegents/documents/1722940>;

<https://www.sdstate.edu/sites/default/files/policies/upload/Contract-Agreement-and-Memorandum-of-Understanding-Review-and-Approval.pdf>

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

RevgmD,

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list of the governing board's membership, and approved minutes of all regular and special meetings of the governing board;

- iv. Closely monitor the affiliated entity for compliance with SDBOR and University policies, and ensure its actions on behalf of the University align with the University's mission; and
 - v. Facilitate the University's exercise of its Reserve Powers.
- e. University Reserve Powers shall apply to the following transactions:
- i. All real property and real property interests intended to be conveyed to, or used by or on the behalf of, the University;
 - ii. Any purported gift or donation that would encumber, or otherwise demand the performance of, the University, its officers and/or employees;
 - iii. Dissolving the affiliated entity or selling, leasing or disposing of substantially all of its assets; and
 - iv. Incurring any liability for which the University could be directly responsible.
- f. Terminating Affiliated Entity Status:

plan must provide the objectives, mission, governance structure, risk assessment (for the University and the entity), funding sources proposed and committed, the extent of the connections proposed between the entity and the University, and a thorough explanation of the manner in which the affiliated relationship will benefit the University and further its mission. In order for the concept plan to advance to the University President, it must receive the approval of the appropriate Vice President. Should the President approve the concept plan, the Office of General Counsel shall draft an affiliation agreement for consideration by the SDBOR and the SDBOR General Counsel.

d. Exercising Reserve Powers

- i. Prior to voting on any action by the affiliated entity's governing board that invokes the University's Reserve Powers, the University's representative(s) shall consult with the Office of General Counsel.