

**SOUTH DAKOTA BOARD OF REGENTS**

**Budget and Finance**

**AGENDA ITEM: 7 – A**  
**DATE: March 29-30, 2022**

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**SUBJECT**

**Alcohol Sales**

**CONTROLLING STATUTE, RULE, OR POLICY**

[BOR Policy 6:14](#) – Sale of Alcoholic Beverages at Institutions  
[SDCL § 35-2-6.1](#)

**BACKGROUND / DISCUSSION**

The Student Federation sent a letter dated November 8, 2021 (see Attachment I), urging the Board of Regents to consider expanding its alcohol sales policy to allow the sale of alcohol to any person of legal age within the permitted event. Shortly thereafter, during the public comment period at the Board’s December meeting, representatives from various student bodies spoke in favor of expanded alcohol sales at events, after which the Board indicated it would explore the topic further at its March meeting. The student government associations on all six campuses have also passed resolutions in support of expanded alcohol sales at events (see Attachments II – VII).

SDCL § 35-2-6.1 states, in pertinent part, “An alcoholic beverage license may be issued pursuant to subdivisions 35-4-2(12) and (16) for the sole purpose of permitted the licensee to engage in the periodic retail sale of malt beverages or wine for consumption on-site at a location and time, authorized by the Board of Regents, that involves performing arts, intercollegiate athletics, fund raising, a reception, a conference, or an occasional or scheduled event at a facility used for performing arts, intercollegiate athletics, events, or receptions”. BOR Policy 6:14 provides the parameters under which an institution may allow alcohol sales pursuant to SDCL § 35-2-6.1, which limits any sales at a student athletic event occurring at institutional facilities to “specially designated box seats or loge areas to which access is controlled and limited to such patrons, and may not include the sale of alcoholic beverages in any other areas (including without limitation general admission areas).”

For additional context, BOR Policy 6:14 was implemented by the Board after its second reading was approved at the Board’s [June 2016](#) meeting. From a national perspective, there were 34 NCAA Division I schools selling alcohol at the start of the 2015 season,

(Continued)

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**DRAFT MOTION 20220329\_7-A:**

Discussion and consideration.

with that number more than doubling to 78 by the start of the 2019 season, a trend that has continued in the three years since. The University of Wyoming was the first surrounding state to allow general admission alcohol sales at sporting events, commencing in the fall of 2017. North Dakota State University and the University of Minnesota followed suit in the fall of 2019, with the University of Montana, Montana State, and the University of Iowa (pilot) allowing alcohol sales during the 2021-2022 season. Most recently, the Nebraska University Board of Regents voted unanimously on February 11<sup>th</sup> to begin a process that would allow the sale of alcohol at sporting events.

### **IMPACT AND RECOMMENDATION**

In the event the Board is inclined to consider expanding BOR Policy 6:14 to permit the sale of alcohol in general admission areas at athletic events, changes to the policy would be drafted (consistent with the Board's discussion/direction) and brought back to the Board for consideration at its May meeting.

### **ATTACHMENTS**

- Attachment I – Student Federation Letter
- Attachment II – BHSU Student Senate Resolution
- Attachment III – DSU Student Senate Resolution
- Attachment IV – NSU Student Government Association Resolution
- Attachment V – SDSMT Student Association Senate Resolution
- Attachment VI – SDSU Students' Association Resolution
- Attachment VII – USD Student Government Association Resolution

Brian L. Maher

Board of Regents' Executive Director and Chief Executive Officer

306 E Capitol Ave, Suite 200, Pierre, SD 57501

Director Maher,

The South Dakota Board of Regents in policy 6:14 restricts the sale and consumption of alcoholic beverages to “box suite and loge areas.” The students at South Dakota Regental Universities want to change this policy to allow the sale of alcoholic beverages to any person of legal age within the permitted event. With the signature of every Students’ Association president and the Chair of the Student Federation, we ask for your support on changing this policy.

As students at South Dakota Regental Universities, we believe expanding the sale of alcohol in athletics and performing arts venues will positively impact the student experience. This policy change will immediately create a more vibrant atmosphere with more students attending and staying longer at home events. In addition, studies show that alcohol-related incidents and binge drinking decrease when there is an option to consume alcohol inside the venue with no re-entry policy. For example, following West Virginia University’s first football season selling beer in the stadium to the general public, WVU’s Police Chief stated he believed the intent of the plan worked, noting that the police department had made more arrests during one game the previous year than the entire season when beer was sold in the stadium and there was no re-entry policy.

The safest place for a student is on campus. Campus culture is safe, responsible, and monitored. Students that are not in the safety of campus may be exposed to a more dangerous setting of drugs, alcohol, and other risks. The safety of the campus venues eliminates drugs and promotes a safe drinking culture where overserving is not allowed or tolerated, and violent or unsafe behavior can be swiftly met by security and/or law enforcement. We do not want large parties in a basement where this culture and security is not found.

The Board of Regents task force in 2015 found that South Dakota Regental Universities will financially benefit with the sale of alcohol in athletic and performing arts venues. Only time

will tell what the actual number may be, but any increase would be considered self-generated revenue and alleviate the departments from asking for additional student fees in the future. Additionally, this would bring back young alumni, keep them connected on campus, and maintain enthusiasm in support of the university brand.

Sincerely,

DocuSigned by:  
  
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South Dakota State University Students' Association Senator Jonathon Sundet

DocuSigned by:  
  
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South Dakota Student Federation Chairman Caleb Weiland

DocuSigned by:  
  
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South Dakota State University Students' Association President Andrew Rasmussen

DocuSigned by:  
  
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UNIVERSITY OF SOUTH DAKOTA Student Government Association President Ally Feiner

DocuSigned by:  
  
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Northern State University Student Government Association President Jacob Swanson

DocuSigned by:  
  
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Dakota State University Student Senate President Nathan Ord

DocuSigned by:  
  
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South Dakota Mines Student Association Senate President Olivia Jurrens

DocuSigned by:  
  
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Black Hills State University Student Senate President Keegan Baatz

DocuSigned by:  
  
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South Dakota State University Student Brandon Frizzell



## Senate Resolution # 22-4-R

**Sponsors:****Title of Resolution**

A RESOLUTION ADVOCATING FOR THE BOARD OF REGENTS TO ALTER POLICY 6:14 TO PERMIT ALCOHOL VENDING AT CAMPUS ENTERTAINMENT VENUES WITHOUT BOARD AUTHORIZATION

**WHEREAS:** South Dakota Board of Regents policy 6:14 restricts alcoholic beverages at athletic events by only allowing alcohol sales in “box suite and lounge areas<sup>1</sup>”; and

**WHEREAS:** two exceptions to the policy are currently defined, and both involve facilities and events relating to “performing arts, intercollegiate athletics, events, or receptions”<sup>1</sup> on campus, and altering this policy will effectively promote and prolong attendance at on-campus athletic, theatrical, and other entertainment events; and

**WHEREAS:** The Board of Regents task force in 2015 estimated that Black Hills State University could make an approximated \$2,500 with the sale of alcohol at sporting and theater events<sup>2</sup>; and

**WHEREAS:** Alcohol sales would help to benefit student scholarships and Black Hills State University; and

**WHEREAS:** The Board of Regents task force in 2015 found that Black Hills State University could create a special event to sell to bikers, who stay on campus during the Sturgis Rally, allowing for a larger income from alcohol sales<sup>2</sup>. And

**WHEREAS:** Student safety and comfort is our primary concern, and we request safety precautions and considerations to be put in place to help mitigate issues that could arise.

**WHEREAS:** on December 7th, 2021, the Student Federation conducted their monthly meeting, and it was determined that Dakota State University, Northern State University, South Dakota School of Mines and Technology, and South Dakota State University student governments had all passed legislation supporting the consideration of alcohol sales on campus<sup>3</sup>, now,



**THEREFORE BE IT RESOLVED:** The Student Government Association of Black Hills State University supports an alteration to South Dakota Board of Regents policy 6:14 that would allow Black Hills State University to decide to sell alcohol to anyone of legal age in official entertainment events, which would allow individual schools to review this policy change and make informed decisions based on the resources, capacity, and student opinion of that campus

Legislation sources:

[1] “South Dakota Board of Regents Policy Manual Subject: Sale of Alcoholic Beverages at Institutions.” SDBOR Policies, <https://www.sdbor.edu/policy/Documents/6-14.pdf>

[2] “[https://www.sdbor.edu/the-board/2015AgendaItems/December/4\\_E\\_BOR1215.pdf](https://www.sdbor.edu/the-board/2015AgendaItems/December/4_E_BOR1215.pdf)”

[3] “Student Federation December 7 Minutes.” SDBOR, <https://www.sdbor.edu/student-information/Documents/StudentFed/Minutes%2012.7.pdf>

\_\_\_\_\_  
Keegan Baatz President  
Black Hills State University Student Association

Senate Action

Pass: 4 Fail: 0 Abstain: 0



Committee Recommendation  
 Pass:0 Fail:0 Abstain:0  
 Senate Action  
 Pass:0 Fail:0 Abstain:0

November 16, 2021

Senate Resolution #1

Introduced By: Nathan Ord, DSU Student Senate President

Supported By:

A RESOLUTION IN SUPPORT ALCOHOL SALES AT SOUTH DAKOTA REGENTAL  
 UNIVERSITIES

WHEREAS: South Dakota Codified Law 35-2-6.1 restricts sale of alcoholic beverages at Regental Universities with exceptions for “periodic retail sale of malt beverages or wine for consumption on-site at a location and time, authorized by the Board of Regents, that involves the performing arts, intercollegiate athletics, fund raising, a reception, a conference, or an occasional or scheduled event at a facility used for performing arts, intercollegiate athletics, events, or receptions.” Furthermore, South Dakota Board of Regents policy 6:14 further restricts alcoholic beverages at athletic events by only allowing alcohol sales in “box suite and loge areas”; however,

WHEREAS: A 2015 report<sup>1</sup> from the Alcohol Sales Task Force reported that “Among the 31 “three-tier system” states, South Dakota is in a minority of states that maintains a blanket prohibition from all sales of alcohol at its state educational institutions”; and,

WHEREAS: The report further established that a change in policy could have benefits including “overcome[ing] the challenges of binge drinking, violence, and other alcohol-related issues,” beside any financial and community engagement advantages; moreover,

WHEREAS: A change in policy would also allow Dakota State University to secure its venues and capitalize on the problem of alcohol being brought to varying events on campus grounds.

THEREFORE, BE IT RESOLVED: The Dakota State University Student Senate supports changing South Dakota Board of Regents Policy 6: 14 that would allow Dakota State University to sell alcohol to anyone of legal age in an athletic venue or permitted event, provided that student safety is paramount.

*Nathan Ord*

Nathan P. M. Ord  
 DSU Student Association President

<sup>1</sup> <https://www.sdbor.edu/policy/Documents/6-14.pdf>



Student Government Association  
Student Senate Resolution 2122-1

Sponsors:

- 1) Jacob Swanson
- 2) Laine Converse
- 3) Dylan Eckart
- 4) Mariah William

**Title of Resolution:** A Resolution in Support of Amending SDBOR Alcohol Policy at Northern State University's Athletics Games

**WHEREAS**, South Dakota Board of Regents policy 6:14<sup>1</sup> restricts alcoholic beverages at athletic events by only allowing alcohol sales in "box suite and loge areas"; and

**WHEREAS**, studies show that alcohol-related incidents and binge drinking decrease when there is an option to consume alcohol inside the venue with a no re-entry policy; and<sup>2</sup>

**WHEREAS**, following West Virginia University's first football season selling beer in the stadium to the general public, WVU's Police Chief stated he believed the intent of the plan worked, noting that the police department had made more arrests during one game the previous year than the entire season when beer was sold in the stadium and there was a no re-entry policy; and<sup>3</sup>

**WHEREAS**, campus culture is safe, responsible, and monitored. Students that are not in the safety of campus may be exposed to a more dangerous setting of drugs, alcohol, and other risks; and

**WHEREAS**, the safety of the campus venues eliminates drugs and promotes a safe drinking culture where overserving is not allowed or tolerated, and violent or unsafe behavior can be swiftly met by security and/or law enforcement; and

**WHEREAS**, the Board of Regents task force in 2015 found that Northern State University could make approximately an additional \$25,000 with the sale of alcohol. Only time will tell what the actual number might be, but any increase would be considered self-generated revenue and alleviate the athletics department from asking for additional student fees in the future; and<sup>4</sup>

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<sup>1</sup> <https://www.sdbor.edu/policy/Documents/6-14.pdf>

<sup>2</sup> <https://www.thelantern.com/2017/09/ohio-state-sees-drop-in-gameday-incidents-with-in-stadium-alcohol-sales/>

<sup>3</sup> <https://www.athleticbusiness.com/home/article/15143519/wvu-police-beer-sales-playing-role-in-better-behavior>

<sup>4</sup> [Task Force.pdf](#)



**WHEREAS**, Dacotah Bank Stadium was recently built, and has had a successful football season of stadium operations with limited alcohol related incidents and thousands of people in attendance; and

**WHEREAS**, the Student Government at Northern State University supports finding new revenue sources to help the University flourish, and supports new avenues in ensuring student safety regarding alcohol and increasing security measures; therefore

**BE IT RESOLVED**, the Student Government Association at Northern State University supports changing South Dakota Board of Regents policy 6:14 that would allow Northern State University to sell alcohol to anyone of legal age in the permitted event.

Records:

Submitted: November 29<sup>th</sup>, 2021

Submitted by: Jacob Swanson

1<sup>st</sup> Reading

Date: November 30<sup>th</sup>, 2021

Pass   X   Fail                   

Emergency Legislative Session Called

2<sup>nd</sup> Reading

Date: November 30<sup>th</sup>, 2021

Roll Call: Aye   10   Nay   1  

\*Attach voting record if passed\*

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President's Signature

Date

Jurrens/West

**RESOLUTION NO. 21.F.015**

17 November 2021

Originated by: President Jurrens  
Presented by: President Jurrens

Whereas: South Dakota Board of Regents Policy 6.14 restricts the sales of alcohol at athletic events and only allows alcohol sales in “box suites and loge areas”, and

Whereas: The policy does not allow each BOR school to make their own decisions on allowing alcohol sales, and

Whereas: Changing this policy would allow each BOR school to instate their own policies regarding alcohol sales at athletic events, and

Whereas: The safest place for a student is on campus. Campus culture is safe, responsible, and monitored. Students that are not in the safety of campus may be exposed to a more dangerous setting of drugs, alcohol, and other risks, and

Whereas: The safety of the campus venues eliminates drugs and promotes a safe drinking culture where overserving is not allowed or tolerated, and violent or unsafe behavior can be swiftly met by security and/or law enforcement, and

Noting: A 2015 Board of Regents task force found that South Dakota Mines could make an additional \$15,000 in gross concession income,

Therefore: Be it resolved by a majority vote of the Student Association Senate and the signature of the Student Association President that the Student Association Senate supports the change of Board of Regents Policy 6.14 to allow each BOR school to create their own policies for alcohol sales.

**1<sup>st</sup> READING DATE** \_\_\_\_\_

**2<sup>nd</sup> READING DATE** \_\_\_\_\_ **Y** \_\_\_\_ **N** \_\_\_\_ **A** \_\_\_\_

**PRESIDENT’S SIGNATURE** \_\_\_\_\_

**DATE SIGNED** \_\_\_\_\_

## Resolution 21-12-R

### Sponsors:

1. \*Jonathon Sundet – Senator At-Large
2. Holly Tofte - Senator At-Large
3. Harley Fischer - Senator of Natural Sciences
4. Caleb Huizenga - Senator of Engineering
5. Ryder Mortenson - Senator At-Large
6. Grant Sternhagen - Senator At-Large

**Title of Resolution:** A Resolution in Support of Creating a Safer and More Vibrant Environment at South Dakota State University’s Athletics Games **Advocating for the Board of Regents to Change Policy 6:14 to Allow Alcohol sales at Athletic Games**

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**WHEREAS** South Dakota Board of Regents policy 6:14<sup>1</sup> restricts alcoholic beverages at athletic events by only allowing alcohol sales in “box suite and loge areas”; and

**WHEREAS** Changing this policy will immediately **help** create a more vibrant atmosphere with more students attending and staying longer at home athletics events; and

**WHEREAS** studies show that alcohol-related incidents and binge drinking decrease when there is an option to consume alcohol inside the venue with a no re-entry policy; and<sup>2</sup>

**WHEREAS** following West Virginia University’s first football season selling beer in the stadium to the general public, WVU’s Police Chief stated he believed the intent of the plan worked, noting that the police department had made more arrests during one game the previous year than the entire season when beer was sold in the stadium and there was a no re-entry policy; and<sup>3</sup>

**WHEREAS** **Athletic Venues are**, responsible, and monitored. Students that are not in the safety of **a controlled environment** may be exposed to a more dangerous setting of drugs, alcohol, and other risks; and

**WHEREAS** The safety of the campus venues eliminates drugs and promotes a safe drinking culture where overserving is not allowed or tolerated, and violent or unsafe behavior can be swiftly met by security and/or law enforcement; and

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<sup>1</sup> <https://www.sdbor.edu/policy/Documents/6-14.pdf>

<sup>2</sup> <https://www.thelantern.com/2017/09/ohio-state-sees-drop-in-gameday-incidents-with-in-stadium-alcohol-sales/>

<sup>3</sup> <https://www.athleticbusiness.com/home/article/15143519/wvu-police-beer-sales-playing-role-in-better-behavior>

**WHEREAS** The Board of Regents task force in 2015 found that South Dakota State University could make approximately an additional \$122,000 with the sale of alcohol in the football stadium. Only time will tell what the actual number might be, but any increase would be considered self-generated revenue and alleviate the athletics department from asking for additional student fees in the future; and<sup>4</sup>

**WHEREAS** Dana J. Dykhouse Stadium athletics has proven it can successfully manage large events that sell alcohol with the Luke Bryan and Zac Brown Band concerts. Thousands of students and visitors attended these events with limited alcohol-related incidents, and the consumption of alcohol is significantly less at an athletics event compared to a concert; and

**WHEREAS** South Dakota State University has proven the ability to successfully implement these changes to positively impact the University and students; Now, therefore,


**BE IT RESOLVED** South Dakota State University Students' Association supports changing South Dakota Board of Regents policy 6:14 that would allow South Dakota State University to sell alcohol to anyone of legal age in the permitted event.

Pass   X   Fail       

Roll Call: Aye   24   Nay   1  

Chairperson Signature

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<sup>4</sup>  Task Force.pdf

Notes:



ATTACHMENT VII 13

Committee Recommendation

Pass: \_\_\_ Fail: \_\_\_ Abstain: \_\_\_

Senate Action

Pass: 20 Fail: 0 Abstain: 2

Date: January 25<sup>th</sup>, 2022

Senate Resolution #20

Introduced by: Vice President Brust

Committee:

Supported by:

**A RESOLUTION ADVOCATING FOR THE BOARD OF REGENTS TO ALTER  
POLICY 6:14 TO PERMIT ALCOHOL VENDING AT CAMPUS ENTERTAINMENT  
VENUES WITHOUT BOARD AUTHORIZATION**

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**WHEREAS** South Dakota Board of Regents policy 6:14 restricts alcoholic beverages at athletic events by only allowing alcohol sales in “box suite and loge areas<sup>1</sup>”; and

**WHEREAS** two exceptions to the policy are currently defined, and both involve facilities and events relating to “performing arts, intercollegiate athletics, events, or receptions”<sup>1</sup> on campus, and altering this policy will effectively promote and prolong attendance at on-campus athletic, theatrical, and other entertainment events: and

**WHEREAS** following West Virginia University’s first football season selling beer in the stadium to the general public, and a campus of 29,616 students, WVU’s Police Chief stated he believed the intent of the plan worked, noting that the police department had made more arrests during one game the previous year than the entire season when beer was sold in the stadium and there was a no re-entry policy<sup>2</sup>: and

**WHEREAS** our athletic venues have been successfully monitored by the University Police Department, with intoxicated fans already present, and students that are not in the safety of a controlled environment such as the Dakota Dome may be exposed to a more dangerous setting of drugs, alcohol, and other risks, since the safety of a campus venue dissuades drug use and promotes a safer drinking culture where overserving is not allowed or tolerated, and violent or unsafe behavior can be swiftly met by security and/or law enforcement; and

**WHEREAS** The Board of Regents task force in 2015 found that the University of South Dakota could make an approximated \$120,000 with the sale of alcohol in the Dakota Dome<sup>3</sup>. It was determined that any increase would be considered self-generated revenue and alleviate the athletics department from asking for additional student fees in the future; and

**WHEREAS** on December 7<sup>th</sup>, 2021, the Student Federation conducted their monthly meeting, and it was determined that Dakota State University, Northern State University, South Dakota

School of Mines and Technology, and South Dakota State University student governments had all passed legislation supporting the consideration of alcohol sales on campus<sup>4</sup>,

**WHEREAS** The University of South Dakota has proven the ability to successfully implement these changes to positively impact the University and students, and several approaches to monitor consumption may be implemented, including but not limited to wristbands, ID punch cards, overconsumption training for concession staff, and the UPD surveillance. Now, therefore,

**BE IT RESOLVED** The Student Government Association of the University of South Dakota supports an alteration to South Dakota Board of Regents policy 6:14 that would allow the University of South Dakota to decide to sell alcohol to anyone of legal age in official entertainment events, which would allow individual schools to review this policy change and make informed decisions based on the resources, capacity, and student opinion of that campus, and,

**FURTHER BE IT RESOLVED** it is recommended by this Student Government Association that future administrations, both those of SGA and USD, consider student safety and wellbeing their top priority; that they seek out feedback including but not limited to that from the student body, the University Police Department, and the Addiction Counseling and Prevention Department, and take this feedback into consideration for all decisions made regarding this policy change.

Alexandra G. Feiner

Alexandra G. Feiner, President  
USD Student Government Association



OFFICIAL STAMP

Legislation sources:

- [1] “South Dakota Board of Regents Policy Manual Subject: Sale of Alcoholic Beverages at Institutions.” *SDBOR Policies*, <https://www.sdbor.edu/policy/Documents/6-14.pdf>
- [2] “WVU Drinking Policies at Games Working, Say Officials.” *The Associated Press*, [https://www.wvgazettemail.com/news/education/wvu-drinking-policies-at-games-working-say-officials/article\\_158c65e8-0b50-5cbb-bdb2-ca9d7bf8564a.html](https://www.wvgazettemail.com/news/education/wvu-drinking-policies-at-games-working-say-officials/article_158c65e8-0b50-5cbb-bdb2-ca9d7bf8564a.html)
- [3] “South Dakota Board of Regents Agenda Item 4-E, December 2-3, 2015.” *SDBOR*, [https://www.sdbor.edu/the-board/2015AgendaItems/December/4\\_E\\_BOR1215.pdf](https://www.sdbor.edu/the-board/2015AgendaItems/December/4_E_BOR1215.pdf)
- [4] “Student Federation December 7 Minutes.” *SDBOR*, <https://www.sdbor.edu/student-information/Documents/StudentFed/Minutes%2012.7.pdf>