

STUDENT ACTIVITIES
REGISTERED STUDENT ORGANIZATIONS

FKC
(LEGAL)

**Risk Management
Programs for
Student
Organizations**

This section applies only to a student organization that is registered at a postsecondary educational institution, including a college district, and that is composed mostly of students enrolled at the institution. Notwithstanding Education Code 1.001(a), this section applies to each postsecondary educational institution at which one or more student organizations is registered.

At least once during each academic year, a postsecondary educational institution shall provide a risk management program for members of student organizations registered at the institution. Any member of a student organization who is not otherwise required to attend may attend the program.

Unless a postsecondary educational institution requires each student organization registered at the institution to have representatives attend a program under this section, the institution shall adopt a policy that specifies one or more student organizations or types of student organizations that are required to have representatives attend. The selection of student organizations or types of student organizations must be based on the institution's determination that those organizations could particularly benefit from risk management guidance.

Education Code 51.9361(b)–(d)

**Mandatory
Attendance**

Each advisor who has not previously attended a program under this section and each person serving in a designated officer position of a student organization that is required to have representatives attend a program shall attend the program. An institution may allow an advisor, other than a faculty or staff member of the institution, to satisfy the attendance requirements prescribed by this subsection through completion of an appropriate computer-based risk assessment program. "Advisor" means a person who serves in an advisory capacity to a student organization to provide guidance to the organization and its members; is older than 21 years of age; and is not a student of the postsecondary educational institution at which the student organization is registered.

The institution may designate not more than four officer positions of a student organization, such as the president, membership chair, risk management chair, social chair, or pledge class or new member chair, to attend the program. If a student organization does not have an officer position described above or if such an officer position is vacant, the institution shall, to the extent practicable, identify and designate an equivalent officer position, and the person serving in that officer position shall attend the program.

Education Code 51.9361(a)(1), (d)–(e)

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Report at Meeting Each advisor or officer required to attend a program shall report on the program's contents at a meeting of the full membership of the student organization the advisor or officer represented at the program. *Education Code 51.9361(f)*

Program Content A program under this section may address any issue determined appropriate by the postsecondary educational institution and must address:

1. Possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
2. Hazing;
3. Sexual abuse and harassment;
4. Fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
5. Travel to a destination outside the area in which the institution is located;
6. Behavior at parties and other events held by a student organization;
7. Adoption by a student organization of a risk management policy; and
8. Issues regarding persons with disabilities, including a review of applicable requirements of federal and state law, and any related policies of the institution, for providing reasonable accommodations and modifications to address the needs of students with disabilities, including access to the activities of the student organization.

Education Code 51.9361(g)

Notice and Attendance The postsecondary educational institution shall provide notice of a program under this section to student organizations in the manner determined by the institution. The postsecondary educational institution shall take attendance at the program in the manner determined appropriate by the institution and may, as provided by a policy adopted by an institution, impose reasonable sanctions on a person who is required to attend the program and fails to attend.

The institution shall, until at least the third anniversary of the date of the program, maintain in an appropriate location at the institution a record of that attendance and of the provided notice.

Education Code 51.9361(h)–(i)

Recognition

Recognition of student groups shall not be denied on the basis of the views expressed by the group. Recognition of student groups may be denied if they violate reasonable campus rules, interrupt classes, substantially interfere with the opportunity of other students to obtain an education, or if it is reasonable to believe that the group poses a substantial threat of material disruption to the campus. Recognition may be withdrawn if the organization refuses to comply with any valid campus rules. Healy v. James, 408 U.S. 169 (1972)

**Discrimination on
the Basis of
Disability**

A recipient, including a college district, of federal funding that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by 34 C.F.R. Part 104, Subpart E. 34 C.F.R. 104.47(c)

Sales

Sales Tax
Exemption

A taxable item sold by a qualified student organization and for which the sales price is \$5,000 or less, is exempted from the taxes imposed by Tax Code Chapter 151, Subchapter C, except that a taxable item manufactured by or donated to the organization is exempt from the taxes imposed by Tax Code Chapter 151, Subchapter C regardless of sales price unless sold to the donor, if the student organization:

1. Sells the items at a sale that may last for one day only and the primary purpose of which is to raise funds for the organization; and
2. Holds not more than one sale described above each month for which the exemption is claimed for an item sold.

In each calendar year, the first \$5,000 of a qualified student organization's total receipts from sales of taxable items not otherwise exempt is exempt from the taxes imposed by Tax Code Chapter 151, Subchapter C.

Tax Code 151.321(a)-(b)

To Qualify

A student organization qualifies for the exemptions if the student organization:

1. Is affiliated with an institution of higher education or a private or independent college or university that is located in this state and that is accredited by a recognized accrediting agency;
2. Has as its primary purpose a purpose other than engaging in business or performing an activity designed to make a profit; and

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3. Files a certification with the comptroller as described below.

Tax Code 151.321(c)

Use Tax Exemption The storage, use, or consumption of a taxable item acquired tax-free under this section is exempted from the use tax imposed by Tax Code Chapter 151, Subchapter D until the item is resold or subsequently transferred. *Tax Code 151.321(e)*

Certification A student organization must file with the comptroller a certification issued by the institution showing that the organization is affiliated with the institution. *Tax Code 151.321(d)*

Raffles

An institution of higher education shall allow a qualified organization that is a student organization recognized by the institution to sell raffle tickets at any facility of the institution, subject to reasonable restrictions on the time, place, and manner of the sale. *Occupations Code 2002.057* [See FI]