

SOUTH DAKOTA BOARD OF REGENTS

Budget and Finance

**AGENDA ITEM: 7 – M
DATE: December 13-14, 2023**

SUBJECT

New BOR Policy 1.7.6 – Communications and Branding, and Repeal of BOR Policy 5.16 – Trademarks (First and Final Reading)

CONTROLLING STATUTE, RULE, OR POLICY

[BOR Policy 5.16](#) – Trademarks
[17 U.S.C.](#) – Copyrights

BACKGROUND / DISCUSSION

The proposed policy seeks to establish consistent standards for the visual and written communications of BOR institutions by the institutions themselves, administrative units therein, and employees of institutions. First, the proposed policy defines what constitutes an institution’s branded content and graphical marks, as well as what constitutes an official communication of an institution. Definition of these terms will assist institutions in applying the proposed policy’s requirements to the appropriate content.

Second, the policy proposes to establish brand standards for BOR institutions to guide institutions through the creation, registration, and use of branded content and graphical marks by the institution and institutional units, as well as authorization for use of graphical marks by third-parties through licensing or co-branding arrangement.

Third, the proposed policy sets out standards for official communications of BOR institutions, including expectations for appropriate use of branded content within official communications. Additionally, expectations for the appropriate use of official communications channels are set out for employees and institutional units, emphasizing the importance of presenting a consistent message across all means of communications by an institution.

Finally, the proposed policy incorporates existing BOR Policy 5.16 (Trademarks) in the sections pertinent to protecting the branded content of BOR institutions and creates standards around protecting other graphical marks and branded content. As a result, a separate policy addressing trademarks is no longer necessary and should be repealed.

(Continued)

DRAFT MOTION 20231213_7-M:

I move to (1) waive the two-reading requirement of By-Laws Section 5.5.1.; (2) approve the first and final reading of the proposed revisions to BOR Policy 1.7.6, as presented, and (3) repeal BOR Policy 5.16.

IMPACT AND RECOMMENDATION

The proposed Communications and Branding policy will provide consistent expectations and standards for BOR institutions' creation and use of graphical marks and branded content. The proposed policy also places adequate parameters on the use of official communications created and sent by or on behalf of BOR institutions, assuring that institutions maintain continuity and clarity in conveying the message of their institutions.

Staff recommends approval.

ATTACHMENTS

Attachment I – New BOR Policy 1.7.6 – Communications and Branding

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Communications and Branding

NUMBER: 1.7.6

A. PURPOSE

To create standards and expectations for institutional communications and brand management to preserve and protect a cohesive message and image.

B. DEFINITIONS

1. **Branded Content:** Content bearing institutional names, including names of institutional units, produced on behalf of an institution in communications channels that include, but are not limited to, advertising, printed and digital communications and marketing materials, promotional items, signage, web sites, video, and official institutional social media.
2. **Graphical Marks:** The logo, color schemes, stylized wordmarks, or symbols that visually represent an institution.
3. **Institution:** BOR Central Office, Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, University of South Dakota, South Dakota Services for the Deaf and South Dakota School for the Blind and Visually Impaired.
4. **Institutional Unit:** College, department, office, center, institution or other similar administrative unit within an institution.
5. **Official Communication:** Information disseminated by an institution or a unit thereof, an institutional employee acting in their official capacity, or registered student organization utilizing any medium that has the capacity to include graphical marks of the institution in its presentation. Examples include, but are not limited to, printed communications such as letters, flyers, brochures, pamphlets, and posters; digital communications such as e-newsletters, email, digital presentations, web sites, and apps; and video communication.
6. **Stylized Wordmark:** A word or phrase presented in a specific, consistently used typeface that is used as a visual identifier of the institution.

C. POLICY

1. Brand Standards

- 1.1. Each institution shall establish brand standards for their respective institution's branded content. Brand standards shall include designation of and guidelines for use of an institution's graphical marks, motto, and typefaces.

- 1.1.1. Institutions shall establish brand standards for individual institutional units. Any brand standards established for institutional units shall coordinate with the cohesive standards set for the institution as a whole.
- 1.1.2. Institutions shall establish guidelines for use of the institution's brand standards by recognized student organizations.
 - 1.1.2.1. Brand standards shall require a recognized student organization to be in good standing with an institution and to identify on any formal communications utilizing an institution's graphical marks that the student organization is an independent organization.
- 1.2. Each institution shall be responsible for the registration, protection, control, licensing, distribution, and approval of use of the institution's graphical marks on behalf of the Board of Regents, including but not limited to trademark or copyright registration. Institutions shall, on behalf of the Board of Regents, register trademarks, logos, and other graphical marks with the South Dakota Secretary of State's Office or the United States Patent and Trademark Office, and with any other entities required by state or federal law.
 - 1.2.1. A president or superintendent may approve use of a third party's use of an institution's graphical marks on the condition that the third party agrees to comply with all brand standards set forth by an institution. Institutions may not approve of third-party use that would permit a third party to use an institution's graphical marker as a brand or message identifier of the third party.
 - 1.2.2. Third-party use of graphical marks must be authorized in writing.
 - 1.2.3. Funds generated from the approved use or licensing of an institution's graphical marks may be invested with the institution's foundation. Use of such funds shall be determined by the institutional president.
 - 1.2.4. Registered trademarks of an institution may not be used in product endorsements.
- 1.3. Institutions may approve of co-branding with a third party for shared functions or activities. Shared functions or activities include, but are not limited to:
 - 1.3.1. Acknowledgements, sponsorships, and promotions where the university is one of multiple sponsors or supporters of an event or activity;
 - 1.3.2. Memberships, such as the institution being a member of a professional association or athletic conference; or
 - 1.3.3. Approved collaborations or joint ventures between an institution and a third party.
- 1.4. Modifications or distortions to an institution's established brand standards are prohibited, absent prior written approval of the institutional president or superintendent, or their designee.

- 1.5. A president or superintendent, or their designee, may, in limited circumstances, approve a graphical mark that does not contain an institutional logo or stylized wordmark. Such approvals are limited to:
 - 1.5.1. Joint ventures where an institution has entered into a legal joint venture agreement establishing a separate legal entity for which, by agreement of the parties, a distinct graphical mark will be beneficial to all parties;
 - 1.5.2. An entity that is controlled by an institution but has functions or activities separate from the institution; or
 - 1.5.3. An entity that is controlled by an institution and a distinct graphical mark would improve the competitive capacity of the entity to market itself.

2. Official Communications Standards

2.1. General Provisions

- 2.1.1. Each institution shall establish and enforce standards for the official communications of their institution, institutional units, and/or employees, including but not limited to, use of institutional email, web sites, and social media platforms.
- 2.1.2. Each institution shall establish and enforce standards for the use of branded content in an institution's official communications.
 - 2.1.2.1. An institutional employee or unit, or registered student organization may only use the designated institutional logo or stylized wordmarks in official communications.
- 2.1.3. When communicating via letterhead, email, or other formats including but not limited to websites, telephone, or social media platforms, employees shall take reasonable steps to ensure that it is clear when they are speaking in their capacity as a private citizen and when they are speaking in their capacity as an institutional employee.
- 2.1.4. Contact information for an institutional unit originating an official communication must be clearly denoted in the communication (e.g. signature block, Contact Us page, etc.). To maintain consistent branding and message standards across all forms of official communications, contact information is limited to the following:
 - 2.1.4.1. Name of originating unit;
 - 2.1.4.2. Email address for originating unit (if applicable);
 - 2.1.4.3. Physical address;
 - 2.1.4.4. Mailing address;
 - 2.1.4.5. Telephone number(s);
 - 2.1.4.6. Web links to official institutional websites or social media platforms (if applicable);
 - 2.1.4.7. Primary institutional logo; and

2.1.4.8. Institutional motto.

2.1.5. Inclusion of information, graphics, or links not listed in C.2.1.4 is prohibited.

2.2. Employee Communications Standards

2.2.1. Institutional email accounts or letterhead are to be used in accordance with the business of the system or an institution and for purposes directly related to an employee's position and/or job functions, and not for conducting personal business.

2.2.1.1. The provisions of 2.2.1 do not apply to email accounts assigned to students who are also employed by an institution but are not assigned an institutional employment email account. If a student-employee's job function requires regular use of email as a function of the student-employee's assigned job duties, the institution shall provide an employee email account for the student-employee that is subject to the requirements of 2.2.1.

2.2.2. Incidental personal use of an employee email account may be permitted at the discretion of an employee's supervisor, subject to applicable sections of Section 4 (Human Resources) and Section 7 (Technology) of the BOR Policy Manual.

2.2.3. Contact information for an employee originating an official communication must be clearly denoted in the communication. To maintain consistent branding and message standards across all forms of official communications, contact information is limited to the following:

2.2.3.1. Name of originating employee (may include educational credentials or degrees earned);

2.2.3.2. Job title of originating employee;

2.2.3.3. Name of unit;

2.2.3.4. Email address for originating employee;

2.2.3.5. Email address for unit (if applicable);

2.2.3.6. Physical address;

2.2.3.7. Mailing address;

2.2.3.8. Telephone number(s);

2.2.3.9. Weblinks to official institutional websites or social media platforms (if applicable);

2.2.3.10. Primary institutional logo;

2.2.3.11. Institutional motto; and

2.2.3.12. Professional disclosures relevant to advising a communications recipient about disclosure requirements or recognized legal privileges associated with the communication, provided such

disclosures are within the scope of the originating employee's employment.

- 2.2.4. Inclusion of information, graphics, or links not listed in C.2.2.3 is prohibited.
- 2.2.5. When communicating via formats other than letterhead or email, such as formats including but not limited to telephone or social media platforms, employees shall take reasonable steps to ensure that it is clear when they are speaking in their capacity as a private citizen and when they are speaking in their capacity as an institutional employee.

3. Compliance

- 3.1. Failure of an institutional unit, registered student organization, or third-party entity to adhere to the requirements of this policy may result in the removal or revocation of authorization or license to utilize an institution's graphical marks.
- 3.2. Failure of an employee to adhere to the requirements of this policy may result in discipline of the employee pursuant to Section 4 (Personnel) of the BOR Policy Manual.
- 3.3. The requirements of this policy are subject to all other applicable BOR policies. Nothing in this policy is intended to abrogate the requirements of any other BOR policy.

FORMS / APPENDICES:

None

SOURCE:

BOR December 2023.