

Policy 4101
Student Clubs and Organizations - Contractual Agreements

Date of Current Revision: December 2020

Responsible Officer: Assistant Vice President for Finance

1. PURPOSE

This policy establishes guidelines for the management of the contractual agreements entered into by student clubs and organizations.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University (JMU). See Code of Virginia § 23.1-1600; § 23.1-1301. The Board has delegated the authority to manage the university to the president.

3. DEFINITIONS

Front-end Budgeted (FEB) Organization:

A student organization that receives an allocation of student fees (from the Student Government Association [SGA] and Media Board) during the spring semester for the following academic year.

4. APPLICABILITY

This policy applies to contractual agreements entered into by student clubs and organizations that are front-end budgeted through the SGA and Media Board respectively. Therefore, all university student organizations that are front-end budgeted and planning to conduct programs on or off the campus, or that provide services to JMU students, must follow this policy when such programs and services necessitate a contractual agreement with non-university agencies.

5. POLICY

All procurements shall be in accordance with the Virginia Public Procurement Act and the [Commonwealth of Virginia Agency Purchasing Manual for Institutions of Higher Education and Their Vendors](#). Purchasers are expected to exercise prudent judgment and their actions must sustain the test of public review.

6. PROCEDURES

6.1 No student or officer of any student organization may use the name of James Madison University in connection with contractual agreements that obligate the university financially or in any other way without expressed written authorization from the Director of the University Unions (or designated staff) and, when applicable, the assistant vice president for finance.

6.2 Executive officers of the student organization are to discuss with the organization's faculty adviser the program or service for which they seek contractual agreements involving non-university agencies, obtain the faculty adviser's signature on the contract for such services,

and submit the contract for services to the director of the University Unions (or designated staff) for review, signature, and referral to other university officials as appropriate.

- 6.3 No contractual agreement may be executed until facilities and finances called for by the contract have been arranged by the student organization's officers and adviser, to the satisfaction of the director of the University Unions (or designated staff). Where applicable, a copy of the James Madison University contract rider entitled "Commonwealth of Virginia Agency Contract Form Addendum to Contractor's Form" or parts thereof shall be attached to the contract.
- 6.4 Contracts generated by student organizations that are front-end budgeted by the Student Government Association and Media Board (University Program Board, *Bluestone*, *The Breeze*, etc.) are to be submitted to the director of the University Unions (or designated staff) for approval by the appropriate university official(s).
- 6.5 Contracts that provide for on-campus sales or solicitation by non-university agencies fall under university policies governing such on-campus sales and solicitation (see the [JMU Student Handbook](#)).

7. RESPONSIBILITIES

It is the responsibility of the executive officers of the sponsoring student organization to keep their adviser and the director of the University Unions (or designated staff) currently advised about the organization's sponsorship of programs or services that may obligate the university financially or in other ways. The director of the University Unions (or designated staff) may refer the student organization to more appropriate university departments in order to deal with the particulars of contractual arrangements.

The university is not responsible for the action, contracts or purchases of student clubs and organizations not receiving direct financial or other support from the university. These organizations are conducting business through a separate federal tax identification number.

All departments, offices and employees that generate, receive or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) - Records Management.

8. SANCTIONS

Student clubs and organizations that do not adhere to this policy may lose funding, as well as official recognition.

For individual students, sanctions will be commensurate with the severity and/or frequency of the occurrence and may include suspension or expulsion.

For employees, sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

None.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the assistant vice president for finance.

Previous version: December 2018

Approved by the president: May 2002