



2014 2016

Drug-Free Schools and Campuses Regulations Biennial Review

In Compliance with the Drug-Free Schools and Communities Act
South Dakota State University



Office of the Dean of Students
Submitted December 31st, 2016

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PART I: INTRODUCTION & OVERVIEW

The Biennial Review is an important evaluation undertaken to comply with the Drug-Free Schools Act. The Drug-Free Schools and Campuses Regulations require institutions who receive federal funds or financial assistance, to develop and maintain alcohol and drug (AOD) prevention programming. Within this framework, the expectation is that South Dakota State University (SDSU) develops forms of programming, policy implementation, enforcement, etc. SDSU is a public institution, and therefore must comply with these regulations. For more information, go to: <https://ifap.ed.gov/regcomps/attachments/86.pdf>.

In Fall 2015, SDSU enrolled 12,589 students from across the nation and from 81 countries. Visit this site for more information about SDSU: <http://www.sdstate.edu/about-us/facts>. The students and staff that are committed to succeeding at SDSU deserve an environment that upholds the policies and protocol of safety, preventative measures, education, and progression. In Figure 1 and Figure 2, the information indicates that South Dakota residents, and residents of bordering states, have higher binge drinking and intensity of binge drinking than many other states. SDSU will continue all efforts to reduce negative effects of excessive alcohol use understanding that many students come from regions where alcohol use, arguably alcohol abuse, are normalized.

Figure 1:

Prevalence of Binge Drinking Among Adults,[†] 2015



Source: Behavioral Risk Factor Surveillance System

[†]Age-adjusted to the 2000 U.S. Census standard population. Binge drinking is defined as 4 or more drinks for a woman or 5 or more drinks for a man on an occasion during the past 30 days.

<http://www.cdc.gov/alcohol/data-stats.htm>

Figure 2:

Intensity* of Binge Drinking Among Adults,[†] 2015



Source: Behavioral Risk Factor Surveillance System

*Intensity is defined as the average largest number of drinks consumed by binge drinkers on any occasion in the past month.

[†]Age-adjusted to the 2000 U.S. Census standard population. Binge drinking is defined as 4 or more drinks for a woman or 5 or more drinks for a man on an occasion during the past 30 days.

Biennial Review Process

The Biennial Review examines the implemented programs, policies, and correlating data for a period of two years. This report reviews Academic Year 2014-2015 and Academic Year 2015-2016. Written by the Dean of Students, Dr. Sam Jennings, Ph.D., the collaboration effort for data and information collection has been between Division of Student Affairs entities and the Office of Safety and Security. Biennial Reports are kept for seven years. The report is shared with employees via InsideState, distributed with notification of the Annual Security and Fire Safety Reports annually, posted to the public website, or a copy may be requested by mail, by contacting:

Attn: Dean of Students
Morrill Hall, Room 312
South Dakota State University
Brookings, 57007

Annual Policy Notification Process

SDSU policies are influenced by the South Dakota Board of Regents, and while the policies are distributed annually, online access is continual. Students can receive Student Code policies through multiple avenues: MyState (the online student portal), correspondence from University Housing & Residential Life with move-in information, and on the university's webpage: www.sdstate.edu. As the website has been updated and altered this academic year, the following links are direct connections to policies and information:

Student Code: <http://www.sdstate.edu/studentcode>

University Housing & Residential Life: <http://www.sdstate.edu/residential-life>

Board of Regents Policies: <https://www.sdbor.edu/policies/Pages/default.aspx>

PART II: ANNUAL POLICY NOTIFICATION PROCESS

DISTRIBUTION OF AOD POLICIES TO EMPLOYEES (AND OTHER RELEVANT POLICIES)

The South Dakota Board of Regents (SDBOR) and SDSU policies stem from those of the State of South Dakota in the areas of human rights complaint procedures, drug free compliance, sexual harassment, equal opportunity, etc. For more information on the Board of Regents' policies, see <https://www.sdbor.edu/policy/Pages/Policy-Manual.aspx>. For more information on the South Dakota State University policy manual, see <http://www.sdstate.edu/policies-and-procedures>

The South Dakota Bureau of Human Resources' Employee Handbook lists multiple policies that are relevant to this report. To see this handbook in detail go to: <https://bhr.sd.gov/forms/policies/Handbook.pdf>.

Drug and Alcohol Testing Policy

The State has implemented a drug testing procedure for applicants and employees in 1) safety sensitive positions and 2) positions requiring a commercial driver's license.

Under state law, a safety sensitive position is any law enforcement officer authorized to carry firearms and any custody staff employed by any agency responsible for the rehabilitation or treatment of any adjudicated adult or juvenile. State statutes and administrative rules govern the drug testing of persons in safety sensitive positions, and these statutes and rules may be obtained from your agency's human resource manager.

Federal law requires drug and alcohol testing of applicants and employees who must have a commercial driver's license (CDL) to perform their jobs. The State has implemented an alcohol and drug-testing program for CDL holders and has published a CDL drug-testing handbook and policy entitled "State of South Dakota CDL Policy, Rules and Educational Information." Your agency's human resource manager can answer questions about the program and provide you with a copy of the handbook and policy.

Other employees may be tested for drugs and alcohol if the test does not violate federal or state law.

Drug Free Workplace Policy

The State of South Dakota has a drug free workplace policy for all state employees. As a condition of your employment with the state, you must agree to abide by the terms of this policy.

The dangers of drug abuse in the workplace include accidents and injuries; reduced productivity; absenteeism and increased healthcare costs; loss of public confidence in the State; and adverse effects on the abuser, family, friends, co-workers, and persons receiving services from the State.

The policy prohibits the unlawful manufacture, dispensation, possession, or use of a controlled substance by an employee in the workplace. If you are convicted of a violation of a criminal drug law or admit in court to a criminal drug law violation, you will be subject to appropriate disciplinary action, which includes termination. You must comply with the arrest policy if you are arrested, charged, or believe you may be charged with any crime involving illegal drugs.

Tobacco Free Environment Policy

The State of South Dakota is dedicated to providing a healthy, comfortable, and productive environment for employees, clients, and visitors.

Smoking, e-cigarettes, and the use of all tobacco products is prohibited on all real property or portions thereof owned by the Executive Branch of state government under the direction and control of the Governor and all real property leased by the state where the state is sole occupant.

This policy applies to employees and visitors, and includes all vehicles, parking lots, and walkways leading into state buildings throughout South Dakota. The following are exceptions: clients at the State Developmental Center in Redfield, residents of the State Veterans Home in Hot Springs, visitors to campsites in state parks, and upon state highways and outdoors at state highway rest stops. The Bureau of Administration and/or appropriate Department Secretary may grant limited exceptions for specific, special events.

Enforcement of this policy is the shared responsibility of all Executive branch personnel. All employees are encouraged to communicate this policy with courtesy, respect, and diplomacy. Incidents of smoking and/or tobacco use by employees will be documented for supervisor follow-up.

Anti-Harassment/Discrimination Policy

The State of South Dakota will not tolerate harassment, discrimination or offensive behavior based on race, color, religion, national origin, sex (including pregnancy), age (40 years or older), genetic information, disability or any other legally protected status or characteristic.

Employees must not engage in harassment, discriminatory or offensive behavior. Additionally, because of the State's strong commitment to keeping the workplace free from harassing, discriminatory, and offensive behavior, employees must avoid any conduct that could be viewed as harassing, discriminatory or offensive even if the conduct does not violate federal or state law.

Harassment includes conduct that creates a hostile work environment or that results in a "tangible employment action," such as hiring, firing, promotion or failure to promote, demotion, work assignments, benefits, or compensation decisions. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of the harassment is used as the basis for employment decisions affecting an individual, or (3) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment, discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid employees in identifying inappropriate conduct, the following examples of harassment, discriminatory or offensive behavior are provided (these examples are not all-inclusive):

- unwelcome physical contact such as kissing, fondling, hugging, or touching;
- demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability;
- calendars, posters, pictures, drawings, display, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability; or
- refusing to hire someone because you know the applicant has the breast cancer gene.

An employee who has a complaint of harassment, discriminatory or offensive behavior by anyone, including supervisors, co-workers, or non-employees, should immediately notify his or her supervisor, a higher-level supervisor, the agency's human resource manager, or the EEO officer for the Bureau of Human Resources at (605) 773-4918. The person who receives a harassment or discrimination complaint shall immediately report the matter to his or her supervisor (or a higher-level supervisor if his or her supervisor is allegedly involved in the harassment) and the agency's human resource manager.

The State will investigate all complaints. If the investigation supports charges of harassment, discrimination, a violation of this policy, or inappropriate behavior, appropriate corrective action

will take place. The employee engaging in the improper behavior will be subject to discipline, up to and including termination.

The State will protect the confidentiality of harassment/discrimination allegations to the maximum extent possible, and information will only be shared with those individuals who need to know about it. While the State cannot guarantee complete confidentiality because it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses, it will keep information as confidential as possible.

The State will not tolerate adverse treatment of employees because they report harassment, oppose discrimination in the workplace, participate in the complaint process, or provide information related to complaints. If an employee feels that he or she has been subjected to retaliation, the employee should immediately report the alleged retaliation to his or her supervisor, a higher-level supervisor, the agency's human resource manager, or the EEO officer for the Bureau of Human Resources.

In addition to reporting alleged harassment or discrimination to the State, an employee may file a charge of discrimination based on race, color, religion, national origin, sex, disability, or protected activity with the South Dakota Division of Human Rights (Human Rights) or may file a charge of discrimination based on race, color, religion, national origin, sex, age, disability, genetic information, or protected activity with the United States Equal Employment Opportunity Commission (EEOC). A charge of discrimination based on race, color, religion, STATE OF SOUTH DAKOTA February 2016 30 national origin, sex, disability, or protected activity must be filed with Human Rights or with the EEOC within 300 days of the violation. A charge of age discrimination or discrimination based on genetic information must be filed with the EEOC within 180 days of the violation. These deadlines run from the last date of unlawful conduct and not from the date of the complaint to the State if resolved. Please contact the EEO officer for the Bureau of Human Resources at 605.773.4918 if you have any questions about harassment, unlawful discrimination, or this policy.

Workplace Safety Policy

It is the policy of the State of South Dakota to promote a safe environment for its employees. The State is committed to working with our employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior that affect the working environment will not be tolerated. All reports of such incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, expressions or any other behavior that communicates a direct or indirect threat of physical harm or damage to state or personal property, either on duty or off-duty. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

All employees shall cooperate to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by any state employee on or off state premises, report it immediately to a supervisor or manager. Supervisors and managers who receive such reports shall contact the agency human resource manager or the Bureau of Human Resources at 605.773.6363. Severe threats or assaults that require immediate attention shall be reported to police by calling 911.

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is available for staff to receive services. The link to EAP information is also provided through the SDSU HR newsletter provided to all staff. For more information, go to: <http://benefits.sd.gov/>.

DISTRIBUTION OF AOD POLICIES TO STUDENTS

Sanctions and conditions are available for distribution in conduct hearings, meetings between Resident Hall Directors/Community Assistants and the student(s), for events and fairs, etc.

Specifically, when a student is administered through the conduct process, via the Office of Student Conflict Prevention, Management and Conduct Services, Residential Life, or in a meeting with the Dean of Students, students receive their outcome letter, which describes the policies that were violated and related outcomes.

Facts for Jacks provided sanctions for the 2015-2016 academic school year, and much of the strategies are still available this year in a recycled booklet format. Naturally, with sanction updates, a consistently updated provision of the Student Code of Conduct can be found online at www.sdstate.edu/studentcode; this code is available to all faculty, staff, and students. Furthermore, Board of Regents policies are available at: <https://www.sdbor.edu/policies/Pages/default.aspx>

Conduct Standards & Legal Sanctions by Academic Year

SDSU ALCOHOL & DRUG SANCTIONS & CONDITIONS, 2016-2017

Alcohol - First Offense

No Abusive Drinking and No Additional Serious Offenses

Sanction - Warning for one semester

Sanction Duration - The equivalent of one semester (minimum)

Condition 1 - Fine of up to \$50

Condition 2 - Online Alcohol Education Module

Fine Breakdown:

- A) Host - \$50
- B) Belligerent guest - \$50
- C) Uncooperative guest - \$40
- D) Cooperative drinking guest - \$25
- E) Cooperative non-drinking guest - \$0

Alcohol - First Offense

Abusive Drinking and/or Additional Serious Offenses

Sanction - Warning or Disciplinary Probation

Condition 1 - Fine of up to \$50

Fine Breakdown:

- A) Host - \$50
- B) Belligerent guest - \$50
- C) Uncooperative guest - \$40
- D) Cooperative drinking guest - \$25
- E) Cooperative non-drinking guest - \$0

Condition 2 - BASICS alcohol evaluation and education

Condition 3 - Parental Notification

Alcohol - Second Offense

No Abusive Drinking and No Additional Serious Offenses

Sanction - Behavioral Probation

Condition 1 - \$100 fine
Condition 2 - BASICS Evaluation and Education
Condition 3 - Parental Notification

Alcohol Third Offense

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Probation

Condition 1 - A fine ranging from \$150 - \$200

Condition 2 - BASICS Re-evaluation

*** Abusive Drinking**

- A) The student had a BAC of .160 or greater
- B) The student reported a blackout
- C) The student was involved in aggressive or injurious behavior
- D) The student required medical attention/treatment
- E) The student reports having committed multiple underage violations prior to the most recent violation
- F) The student has committed his/her third Student Code alcohol violation
- G) The violation involves the use/possession of marijuana or other controlled substances, whether it be a first or second Student Code violation
- H) The student reports other drinking behaviors or episodes that may indicate a pattern of abuse
- I) When large quantities of alcohol are found in a room, specifically:
 - 1) Fifty or more cans of beer (including full, partially drank & empty cans)
 - 2) Two or more full bottles of hard liquor
 - 3) Two or more empty bottles of hard liquor

Marijuana & Other Drugs - First Offense

Sanction - Behavioral Probation

Condition 1 - A fine of up to \$50

Condition 2 - BASICS Evaluation and Education

Condition 3 - Parental Notification

Marijuana & Other Drugs - Second Offense

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Probation

Condition 1 - A fine of \$100

Condition 2 - BASICS Re-evaluation

Other Serious Behaviors: Partial List*

*See Student Code of Conduct for Details

-Sex Offenses - ALWAYS forward to Title IX Coordinator
-Acts of Aggression
-Disorderly Conduct
-Marijuana or Controlled Substances
-Encouraging Code Violations/Aiding & Abetting
-Falsification of Information
-Failure to Comply with Institutional Officials
-Damage
-Attempted Theft of Services or Property

Contacts

Office of Student Conflict Prevention, Management, and Conduct Services - 605-688-5148
University Housing & Residential Life - 605-688-5148
Counseling Services for screenings and classes - 605-688-6146
University Police Department - 605-688-5117
Title IX/EEO Coordinator - 605-688-4128

SDSU ALCOHOL & DRUG SANCTIONS & CONDITIONS, 2015-2016

Alcohol - First Offense

No Abusive Drinking and No Additional Serious Offenses

Sanction - Censure

Sanction Duration - The equivalent of one semester (minimum)

Condition 1 - Fine of up to \$50

Fine Breakdown:

- F) Host - \$50
- G) Belligerent guest - \$50
- H) Uncooperative guest - \$40
- I) Cooperative drinking guest - \$25
- J) Cooperative non-drinking guest - \$0

Condition 2 -

- SDSU policy violation: 4-hour SDSU Choices, Chances and Changes Class 101 (charge \$25)
- Legal citation issued by UPD or BPD: Class offered by SDSU and/or 12-hour class if mandated by the court offered by an outside agency; both will have financial charges

Alcohol - First Offense
Abusive Drinking* and/or Additional Serious Offenses**

Sanction - Lengthened Censure or Disciplinary Probation

Condition 1 - Fine of up to \$50

Fine Breakdown:

- F) Host - \$50
- G) Belligerent guest - \$50
- H) Uncooperative guest - \$40
- I) Cooperative drinking guest - \$25
- J) Cooperative non-drinking guest - \$0

Condition 2 -

- Alcohol Screening (\$25 charge)
- Possible SDSU second-offense class (\$50 charge)

Condition 3 - Parental Notification

Alcohol - Second Offense
No Abusive Drinking and No Additional Serious Offenses

Sanction - Behavioral Probation

Condition 1 - \$100 fine

Condition 2 -

- A) SDSU CCC 201 alcohol education class (fee \$75) if:
 - 1) BOTH VIOLATIONS only involve participation
 - Or
 - 2) BOTH VIOLATIONS involve two or less bottles of beer per participant
 - Or
 - 3) FOR BOTH VIOLATIONS it has been determined that the student had a BAC of .05 or less.
- B) Alcohol screening (\$25 fee) if none of the criteria under part "A" are met.

Condition 3 - Parental Notification

Alcohol - Second Offense
No Abusive Drinking and No Additional Serious Offenses but has previously taken a second-offense class or CCC 201

Sanction - Behavioral Probation

Condition 1 - \$100 fine

Condition 2 - Alcohol Screening (\$25 fee)

Condition 3 - Parental Notification

Alcohol - Second Offense
Abusive Drinking and/or Additional Serious Offenses**

Sanction - Behavioral Probation

Condition 1 - \$100 fine

Condition 2 - Alcohol Screening (\$25 fee)

Condition 3 - Parental Notification

Potential Third Offense or Any Alcohol Offense Involving UPD

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Probation

Condition 1 - A fine of up to \$200

Condition 2 - Alcohol Screening (\$25 fee)

*** Abusive Drinking**

- J) The student had a BAC of .160 or greater
- K) The student reported a blackout
- L) The student was involved in aggressive or injurious behavior
- M) The student required medical attention/treatment
- N) The student reports having committed multiple underage violations prior to the most recent violation
- O) The student has committed his/her third Student Code alcohol violation
- P) The violation involves the use/possession of marijuana or other controlled substances, whether it be a first or second Student Code violation
- Q) The student reports other drinking behaviors or episodes that may indicate a pattern of abuse
- R) The presence of excessive quantities of alcohol (As a general "rule of thumb", one should ponder the possibility that abusive drinking may have occurred when five or more cans per person were present. However, one should also employ "common sense" and consider the specifics of the incident plying this rule.)
- S) When large quantities of alcohol are found in a room, specifically:
 - 4) Fifty or more cans of beer (including full, partially drank & empty cans)
 - 5) Two or more full bottles of hard liquor
 - 6) Two or more empty bottles of hard liquor (at the hearing officer's discretion).

****Other Serious Offenses (Partial List)**

- Sex Offenses** (Student Code regulation #5)
- Acts of Aggression** (Student Code regulation #4)
- Disorderly Conduct** (Student Code regulation #22)
- Marijuana or Controlled Substances** (Student Code regulation #17)
- Encouraging Code Violations/Aiding & Abetting** (Student Code regulation #23)
- Falsification of Information** (Student Code regulation #1)
- Failure to Comply with Institutional Officials** (Student Code regulation #11)
- Damage** (Student Code regulation #8)
- Attempted Theft of Services or Property** (Student Code regulation #7)

Marijuana & Other Drugs - First Offense

Sanction - Behavioral Probation

Condition 1 - A fine of up to \$50

Condition 2 - Substance Use Screening (\$25 fee) and CCC

Condition 3 - Parental Notification

Marijuana & Other Drugs - Second Offense

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Probation

Condition 1 - A fine of \$100

Condition 2 - Substance Use Screening (\$25 fee) and educational sanction (possible class)

Student Conduct Code, SDSU, Revised in 2015: <http://www.sdsu.edu/policies/upload/Student-Conduct-Code.pdf>

SDSU ALCOHOL/DRUG SANCTIONS & CONDITIONS FOR 2014-2015

Alcohol- First Offense: No Abusive Drinking and No Additional Serious Offenses

Sanction - Censure

Sanction Duration - The equivalent of one semester (minimum)

Condition 1 - Fine of up to \$50

Fine Breakdown:

- A) Host: \$50
- B) Belligerent Guest: \$50
- C) Uncooperative Guest: \$40
- D) Cooperative Drinking Guest: \$25
- E) Cooperative Non-Drinking Guest: \$0

Condition 2– If charged only by SDSU: 4-hour SDSU Choices, Chances and Changes Class (This includes the pre-assignment of eChug (Fee \$25) OR if also charged by UPD: 12-hour class offered by either SDSU or an outside agency

Alcohol- First Offense: Abusive Drinking* and/or Additional Serious Offenses

Sanction - Lengthened Censure or Disciplinary Probation

Condition 1 - Fine of up to \$50

Fine Breakdown:

- A) Host: \$50
- B) Belligerent Guest: \$50
- C) Uncooperative Guest: \$40
- D) Cooperative Drinking Guest: \$25
- E) Cooperative Non-Drinking Guest: \$0

Condition 2– Alcohol Screening (\$25 fee)

Alcohol- Second Offense: No Abusive Drinking and No Additional Serious Offenses

Sanction - Behavioral Probation

Condition 1 -- \$100 Fine

Condition 2–

A) 12-hour SDSU alcohol education class (Fee \$75) if:

1) **Both Violations** only involve participation

or

2) **Both Violations** involve two or less bottles of beer per participant

or

3) **For Both Violations** it has been determined that the student had a BAC of .05 or less.

B) Alcohol Screening (\$25 fee)

Alcohol- Second Offense: No Abusive Drinking and No Additional Serious Offenses

(but has previously taken a 12-hour class)

Sanction - Behavioral Problem

Condition 1 - \$100 Fine
Condition 2 - Alcohol Screening (\$25 fee)

Alcohol- Second Offense: Abusive Drinking and/or Additional Serious Offenses**

Sanction - Behavioral Problem

Condition 1 - \$100 Fine
Condition 2 - Alcohol Screening (\$25 fee)

Potential Third Offense or Any Alcohol Offense Involving UPD

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Probation

Condition 1 - Fine of up to \$200
Condition 2— Alcohol Screening (\$25 fee)

Sanctioning Closely Spaced Alcohol Violations

Do Not assign a student with two closely spaced violations (e.g. the student commits alcohol violation #2 before they can attend CCC for violation #1 to attend both CCC and the 12-hour class. The CCC class is **not** a prerequisite for the 201 class. Assign the student to complete the more structured and more extensive condition.

***Abusive Drinking:**

- A) The student had a BAC of .160 or greater
- B) The student reported a blackout
- C) The student was involved in aggressive or injurious behavior
- D) The student required medical attention/treatment
- E) The student reports having committed multiple underage violations prior to the most recent violation
- F) The student has committed his/her third Student Code alcohol violation
- G) The violation involves the use/possession of marijuana or other controlled substances, whether it be a first or second Student Code violation
- H) The student reports other drinking behaviors or episodes that may indicate a pattern of abuse
- I) The presence of excessive quantities of alcohol - As a general "rule of thumb," one should ponder the possibility that abusive drinking may have occurred when five or more cans per person were present. However, one should also employ "common sense" and consider the specifics of the incident applying this rule.
- J) When large quantities of alcohol are found in a room, specifically:
 - 1) Fifty or more cans of beer (including full, partially drank and empty cans)
 - 2) Two or more full bottles of hard liquor
 - 3) Two or more empty bottles of hard liquor (at the hearing officer's discretion)

****Other Serious Offenses (Partial List)**

- Acts of Aggression: Student Code Regulation #4
- Sex Offenses: Student Code Regulation #5
- Disorderly Conduct: Student Code Regulation #22
- Marijuana or Controlled Substances: Student Code Regulation #17
- Encouraging Code Violations/Aiding & Abetting: Student Code Regulation #23
- Falsification of Information: Student Code Regulation #1
- Failure to Comply with Institutional Officials: Student Code Regulation #11
- Damage: Student Code Regulation #8
- Attempted Theft of Services or Property: Student Code Regulation #7

Marijuana & Other Drugs- First Offense

Sanction - Behavioral Probation

Condition 1 - Fine of up to \$50
Condition 2 - Substance Use Screening (\$25 fee)

Marijuana & Other Drugs- Second Offense

Either **Suspension** for a minimum of one semester or in compelling circumstances:

Sanction - Extended Behavioral Problem

Condition 1 - A Fine of \$100
Condition 2 - Alcohol Screening (\$25 fee)

PART III: ALCOHOL AND OTHER DRUG PREVEALENCE

Rates of Prevalence & Incidents, Needs Assessment and Trend Data

SDSU Annual Security Report; Crime and Disciplinary Referral Data

CRIMINAL ARRESTS	2013	2014	2015
LIQUOR LAW VIOLATIONS			
On Campus	244	105	223
Non-Campus building or property	0	5	10
Residential Facilities for Students	150	89	108
Adjacent Public Property	13	23	8
DRUG LAW VIOLATIONS			
On Campus	59	40	54
Non-Campus building or property	2	2	4
Residential Facilities for Students	23	33	14
Adjacent Public Property	6	4	9

DISCIPLINARY REFERRALS TO CAMPUS JUDICIAL SYSTEM	2013	2014	2015
LIQUOR LAW VIOLATIONS			
On Campus	284	423	324
Non-Campus building or property	0	0	0
Residential Facilities for Students	284	392	294
Adjacent Public Property	0	0	0
DRUG LAW VIOLATIONS			
On Campus	0	1	0
Non-Campus building or property	0	0	0
Residential Facilities for Students	0	1	0
Adjacent Public Property	0	0	0

**Source: Division of Student Affairs and Office of Safety and Security*

Data regarding policy violation charges, findings, and sanctions are collected in the Maxient student conduct software system.

Needs Assessment and Trend Data

Discussing Health & AOD Risks on Campus

In past academic years, e-Chug offered staff an online assessment tool to better understand individual students' choices as well as population trends with alcohol. Below is data from three different collection periods. Another method of trying to understand students' perceptions and general trends is through analyzing data found within the American College Health Association's National College Health Assessment (ACHA-NCHA II).

The following data displays eChug results from the last biennial report(s):

	2008-2010	2010-2012	2012-2014	Change
Number of assessments	2385	1534	3071	+ 1537
Male	1164 (49%)	834 (54%)	1437 (47%)	+ 603
Female	1221 (51%)	700 (46%)	1632 (53%)	+ 932
Freshmen	1415 (59%)	913 (60%)	2122 (69%)	+ 1209
Average estimated BAC in a typical week	0.09	0.10	0.09	- 0.01
BAC Mode	0 (659) 27.6%	0 (395) 25.7%	0 (1088) 35.1%	+ 9.4%
Average highest BAC	0.15	0.16	0.15	- 0.01
Highest BAC Mode	0 (519) 21.7%	0 (349) 22.7%	0 (920) 29.7%	+ 7%
Average drinks per month	36.60	38.95	33.00	- 5.95%
Average drinks per month Mode	0 (574) 24.1%	0 (349) 22.8%	0 (100) 32.3%	+ 9.5%
Average days driving after 3+ drinks	0.31	0.27	0.21	+ 0.06
Average days driving after 3+ drinks Mode	0 (2091) 87.7%	0 (1368) 89.2%	0 (2814) 90.8%	+ 1.6%
Average days passenger after driver 3+ drinks	0.54	0.43	0.35	- 0.08
Average days passenger after driver 3+ drinks Mode	0 (1895) 79.4%	0 (1283) 83.6%	0 (2632) 84.9%	+ 1.3%

Quick Facts from Surveys:

Statistics below are from the bi-annual ACHA-NCHA II. While there are more specific questions asked in the survey, these percentages stem from the executive summaries in both years. Access to these surveys are through the Choices and Prevention committee folder in Box, found on InsideState.

Statistics from ACHA-NCHA II	
The percent of students who reported alcohol use affected their academic performance (within a 12 month time period).	5.4% (in 2013 survey) 5.3% (in 2015 survey)
Actual use of alcohol vs. perceived use (within a 30 day time period)	68.1% actual vs. 95.7% perceived (in 2013 survey) 65.6 % actual vs. 92.5% perceived (in 2015 survey)

Statistics from ACHA-NCHA II	
Students who reported choosing not to drink alcohol most of the time or always when they partied/socialized (within a 12 month time period).	26.2% (in 2013 survey - M, 20.9%, F, 29.6%) 23.0% (in 2015 survey - M, 17.5%, F, 26.5%)
When drinking alcohol, the percentage of students who reported "doing something they later regretted (within a 12 month time period)."	34.7% (in 2013 survey - M, 35.1%, F, 34.4%) 37.6% (in 2015 survey - M, 39%, F, 36.6%)

*Source: American College Health Association-National College Health Assessment (ACHA-NCHA-II) for South Dakota State University, Spring 2015. N=1261

Responding to Student Needs: Class Attendance and AOD Screenings

Students attend events, classes, or counseling either independently or by recommendation. When students violate alcohol policy, the sanctions or conditions could include an e-Chug assessment before a BASICS motivational interview and screening with Counseling Services. Title IX/EEO staff have been using the Campus Clarity online platform, *Think About It*, for training students and staff in sexual assault prevention; in this program is also an educational component for alcohol awareness entitled, *Think About It: Alcohol*. The *Think About It* trainings are available upon request as well by students or staff.

Semester, Year	Class	Total Attendees
Fall 2014	Choices, Chances, and Changes	116
Fall 2014	12-Hour Class	48
Spring 2015	Choices, Chances, and Changes	95
Spring 2015	12-Hour Class	66
Fall 2015	Choices, Chances, and Changes	94
Spring 2016	Choices, Chances, and Changes	81
Fall 2016	BASICS Screenings	51 (Assigned)
Fall 2016	<i>Think About It: Alcohol</i>	148 (Assigned)

*Source: Counseling Services and Student Conduct, SDSU

PART IV: ALCOHOL AND OTHER DRUG POLICY

Enforcement and Compliance Inventory & Related Outcomes

Drug-Free Schools and Communities Act*

Title IV — 21st Century Schools

SEC. 401. 21ST CENTURY SCHOOLS.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

TITLE IV--21ST CENTURY SCHOOLS

PART A — SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 4001. SHORT TITLE.

This part may be cited as the 'Safe and Drug-Free Schools and Communities Act'.

SEC. 4002. PURPOSE.

The purpose of this part is to support programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to —

- (1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention and early intervention;
- (2) States for grants to, and contracts with, community-based organizations and public and private entities for programs of drug and violence prevention and early intervention, including community-wide drug and violence prevention planning and organizing activities;
- (3) States for development, training, technical assistance, and coordination activities; and
- (4) Public and private entities to provide technical assistance; conduct training, demonstrations, and evaluation; and to provide supplementary services and community-wide drug and violence prevention planning and organizing activities for the prevention of drug use and violence among students and youth.

SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated —

- (1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and
- (2) Such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

*U.S. Department of Education: <http://www2.ed.gov/policy/elsec/leg/esea02/pg51.html>

A Board of Regents policy was passed in Summer, 2016 regarding sales of alcohol at institutions. The policy can be found at: <https://www.sdbor.edu/policy/Documents/6-14.pdf>.

Student Code and Subsequent Processes – Specific Policy Information

The information from the Student Code of Conduct included below is for reference purposes only. This is not intended to serve as the official Student Code of Conduct. The active student code can be found at www.sdstate.edu/studentcode

3. Policy

c. Alcohol Amnesty

- i. This section aims to remove the barriers that may prevent any Student from seeking emergency medical attention by providing an opportunity for the University to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol-related injuries or deaths, and increase the likelihood that Students will seek medical attention in crisis situations.
- ii. A Student who seeks emergency medical attention (or who has emergency medical attention sought on their behalf) for alcohol-related consumption will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to that incident, as long as the Student completes the following requirements:
 1. Participates in an initial meeting with the Senior Student Affairs Officer, or designee; and
 2. Completes all recommendations from the Senior Student Affairs Officer, or designee; and
 3. Submits proof of completion of all recommendations within the time frame designated by the Senior Student Affairs Officer, or designee, at the initial meeting.
- iii. A bystander Student who has engaged in alcohol consumption and who seeks emergency medical attention for someone else, or tries to actively engage in assistance for someone else for that person's alcohol-related consumption will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to their own consumption but will be invited to meet with the Senior Student Affairs Officer, or designee.
- iv. The University will not pursue any disciplinary action related to any alcohol or drug consumption against any Student who has been sexually assaulted or sexually harassed, for their use of alcohol at the time of the sexual assault or sexual harassment.
- v. 3.c.ii. and 3.c.iii. of this section will only apply to a Student who seeks emergency medical attention before police or University employees or agents take any official action or intervention related to the alcohol consumption.
- vi. Alcohol amnesty does not preclude disciplinary action regarding other violations of the Student Code.
- vii. Alcohol amnesty only applies to the University's Student conduct process. It does not apply to any criminal, civil, or other legal consequence for violations under federal, state, or local law.

- viii. Alcohol amnesty is not designed to protect or shield those Students who repeatedly violate the Student Code. The Senior Student Affairs Officer, or designee, may assess each situation on a case-by-case basis, denying the safeguards of alcohol amnesty if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under this Student Code.

f. Prohibited Conduct

- i. The following sections describe actions that detract from the effectiveness of the University's productive living-and-learning community. Any Student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the Student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another SDBOR or University Policy, the definition contained in this policy shall be used to address prohibited conduct by a Student.

vii. Use and Misuse of Substances

- 1. [3.f.viii.1.] The unauthorized manufacture, sale, possession, use, or consumption of the following by Students:
 - a. [3.f.viii.1.a.] Alcohol;
 - b. [3.f.viii.1.b.] Marijuana; or
 - c. [3.f.viii.1.c.] Controlled substances.
- 2. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on University Premises when:
 - a. Needed in conjunction with approved research activities;
 - b. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional Students who are at least twenty-one (21) years of age;
 - c. Alcohol is possessed, used, or distributed in a lawful manner on University Premises that have been designated by the University President as places where such possession, use, and distribution may be permitted, subject to such conditions as the University President may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the SDBOR;
 - d. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances.
 - e. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a SDBOR or University Policy; or

3. [3.f.viii.3.] The unauthorized possession of any drug paraphernalia including, but not limited to, any equipment, materials, or products of any kind which are used, intended for use, designed for use, or have been used for the manufacture, distribution, use or storage of any controlled substance.

x. Conduct by Organizations

1. Organizations that, formally or informally, through repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or invitees that violates the provisions of this Student Code shall be subject to conduct sanctions.
2. The privileges of official recognition by the University may be extended to Organizations, including those that maintain residences for their members, only if such Organizations agree to adopt and to enforce policies that, at minimum:
 - a. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at Organizational functions or in the Organizational residence by persons under the age of 21;
 - b. Prohibit the manufacture, possession, use, or dispensing of marijuana or unauthorized controlled substances at Organizational functions or in the Organizational residence;
 - c. Prohibit the expenditure of Organizational funds on alcoholic beverages, marijuana, or controlled substances;
 - d. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana, or controlled substances;
 - e. Prohibit possession, use, or distribution of alcohol, marijuana, or controlled substances on University Premises, except as explicitly permitted by this Student Code;
 - f. Establish conduct policies and sanctions regarding violations by individual members no less stringent than those set forth under SDBOR or University Policies, except that limited use of alcoholic beverages is permissible as set out above; and
 - g. Require that a report be filed with the Senior Student Affairs Officer each semester identifying all actions taken pursuant to the Student conduct policies required in this Student Code.
3. The University may impose additional or more restrictive conditions on official recognition.
4. Organizations are also subject to the SDBOR and University antidiscrimination policies, as set forth in SDBOR Policy 1:18 and University Policy 4:3. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6).

4. Student Conduct Process

a. Allegations

- i. Allegations of misconduct may be reported against any Student by anyone. Allegations shall be directed to the Student Conduct Officer in the Office of the Vice

President for Student Affairs. The reporting party will disclose the facts that form the basis for the allegation, the identities of any other witnesses, and any other relevant information regarding the alleged misconduct.

1. Allegations of academic misconduct will be reported to the Student Conduct Officer but are initially addressed through SDBOR Policy 2:33 and University Policy 2:4.
 2. Allegations of Human Rights Violations shall follow the process outlined in SDBOR Policy 1:18 and University Policy 4:6.
- ii. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct an informal preliminary investigation to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation.
 1. As to off-campus conduct, the Student Conduct Officer shall determine whether the incident adversely affects the University, any Organizations, members of the University community, or the pursuit of their lawful objectives.
 2. Allegations of academic misconduct that are not informally resolved pursuant to SDBOR Policy 2:33 and University Policy 2:4 will enter the Student Conduct process here.
 3. Allegations of Human Rights Violations that are not informally resolved pursuant to SDBOR Policy 1:18 and University Policy 4:6 will enter the Student Conduct process here.
- iii. If the Student Conduct Officer determines that either (i) the allegations, if true, would not violate the Student Code or (ii) that the allegations are not credible, then the Student Conduct Officer should inform the Complainant of this determination and inform the Complainant that the allegations may be re-submitted should additional information become available.
- iv. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible, the Student Conduct Officer shall provide written notice to the Respondent within fifteen (15) days of receiving the report of alleged misconduct or notification from the Faculty Member of the need to address alleged academic misconduct through the Student Code.
- v. The written notice to the Respondent must include the following:
 1. The alleged behavior that would be a violation of the Student Code;
 2. The section(s) of the Student Code alleged to have been violated;
 3. The name of the Complainant;
 4. A time to meet with the Student Conduct Officer to provide the Respondent with the opportunity to give their account of the incident leading to the allegation of misconduct;
 5. Information about the right to have an Advisor present throughout the Student Conduct process;
 6. Information about both the informal and formal resolution processes;

7. A time for a hearing to occur no earlier than ten (10), and no later than twenty (20), days after this written notice is deemed received to address any alleged violations that are not informally resolved.
 - a. The minimum time limit may be waived by the Respondent.
 - b. The maximum time limit may be extended at the discretion of the Student Conduct Officer.
- b. Interim Measures
 - i. In certain circumstances, the Senior Student Affairs Officer, or designee, may impose interim measures that go into effect immediately, prior to a hearing before a Student Conduct Panel, and remain in effect until no longer needed.
 1. Interim measures are intended to protect the interests of both the Complainant and the Respondent prior to a hearing. Interim measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action toward a Respondent). Interim measures may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, University work schedule modifications, interim residence suspension, or interim suspension. Written notice of interim measures shall be provided to the party to whom the interim measures are directed.
 2. Interim suspension may be imposed only for one or more of the following purposes:
 - a. To ensure the safety and well-being of members of the University community or preservation of University property or other property located on premises controlled by the University;
 - b. To ensure a Student's own physical or emotional safety and well-being; or
 - c. To ensure the normal operations of the University where a Student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
 3. During the interim suspension, the Student may be denied access to residence facilities, the campus (including classes), and all other University activities or privileges.
 4. A Student placed on interim suspension shall be given written notice of interim measures, which shall include:
 - a. The reasons for the interim suspension;
 - b. The parameters of the interim suspension; and
 - c. Information concerning the right to appeal the interim suspension.
 5. Interim Suspension Appeal Process
 - a. The Student must submit a written request for a meeting to the Senior Student Affairs Officer, or designee.
 - b. The Senior Student Affairs Officer, or designee, will schedule a meeting with the Student as soon as practical and no later than three (3) days after receiving the written request. At this meeting, the Student is provided the opportunity to raise any objections to the interim suspension or to request alternative interim measures.

- c. The Senior Student Affairs Officer, or designee, has sole discretion regarding interim measures.

c. Informal Resolution

- i. The Student Conduct Officer may speak separately and individually with the Complainant and the Respondent to determine whether the alleged misconduct can be resolved through informal resolution.
 1. In matters involving allegations of Human Rights Violations, informal resolution may not take the form of having the Complainant and the Respondent be in the same room at the same time.
 2. In matters involving allegations of Human Rights Violations, the Student Conduct Officer should consider whether the informal resolution is equitable and will end the misconduct, prevent its recurrence, and address its effects.

ii. Informal resolution may be reached where:

1. The parties involved mutually agree to a full resolution of the alleged misconduct that is acceptable to the Student Conduct Officer. This must be documented in writing and signed by the Complainant, Respondent, and Student Conduct Officer.
2. The Respondent waives a formal hearing by admitting to the misconduct and accepting the proposed sanctions. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - a. This type of informal resolution is not available in matters involving allegations of Human Rights Violations.
3. Partial informal resolution may be reached where the Respondent admits to the misconduct but does not accept the proposed conduct sanctions. When this occurs, the process moves to formal resolution with the hearing being limited to the question of appropriate conduct sanctions. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - a. This type of informal resolution is not available in matters involving allegations of Human Rights Violations.
4. Informal resolution shall be final, and the parties who agreed in writing to informal resolution waive any right to appeal.
5. The Student Conduct Officer's involvement in attempting to informally resolve the allegation of misconduct does not impact the Student Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.
6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the formal resolution process.

d. Formal Resolution

- i. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.
- ii. The composition of the Student Conduct Panel shall be determined as follows:
 1. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:
 - a. Option 1: only the Student Conduct Officer; or
 - b. Option 2: the Student Conduct Officer and any University employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a Student has violated the Student Code and to recommend imposition of conduct sanctions.
 2. For matters involving allegations of academic misconduct, the Student Conduct Panel must include at least one Faculty Member or academic administrator appointed by the Provost in the form described in Option 2 above.
 3. Both the Complainant and the Respondent will be provided notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that (i) the Student Conduct Panel include additional members (Option 2), and/or (ii) a Student Conduct Panel member be replaced due to an actual conflict of interest. Such requests must be submitted, in writing to the Senior Student Affairs Officer no later than twenty-four (24) hours after the notice is provided to the party. The Senior Student Affairs Officer shall make a final decision as to these requests and will provide notice to both parties of the decision.
- iii. Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:
 1. Hearings shall be conducted in private. Witnesses other than the Complainant and the Respondent may only be present during the hearing while presenting their information.
 2. The Chair shall have sole discretion and final decision-making authority over the following:
 - a. Whether an individual's conduct interferes with the hearing and requires that individual's removal;
 - b. Whether written information, materials, documents, and statements submitted are relevant and will be accepted for consideration by the Student Conduct Panel;
 - c. All questions about the interpretation of the Student conduct process; and
 - d. Whether to have separate or joint hearings when a hearing would involve more than one Respondent.
- iv. Neither the Complainant nor the Respondent are required to attend or participate in the hearing, and such decision will have no bearing on the question of whether the Respondent violated the Student Code.

- v. The Respondent has no obligation to provide any information, materials, documents, or witnesses, or answer any questions and is presumed to not have violated the Student Code.
- vi. If the Complainant or Respondent wants the Student Conduct Panel to review any materials or documents or wants to present any witnesses at the hearing, such materials and documents and/or witness lists must be submitted to the Chair by the following deadlines in order to be considered:
 - 1. In matters alleging Human Rights Violations, all materials and documents and/or witness lists must be submitted at least seventy-two (72) hours before the hearing. Additionally, a copy of the final report prepared by the Title IX investigator(s) will be provided to the Complainant, Respondent, and the Student Conduct Panel members.
 - 2. For all other matters, all materials and documents and/or witness lists must be submitted at least twenty-four (24) hours before the hearing.
 - 3. The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.
- vii. The Complainant and the Respondent have the right to be assisted by an Advisor of their choice, at their own expense. Ordinarily, no more than two Advisors for each Student shall be permitted. The Advisor is limited to advising the Student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.
- viii. The Student Conduct Officer shall record the audio of the hearing.
- ix. Generally, the hearing will be conducted in the following order:
 - 1. The Chair will ask each individual present at the hearing to identify themselves by providing their name and role at the hearing (e.g. Complainant, Respondent, member of the Student Conduct Panel, etc.).
 - 2. The Chair will remind the Respondent:
 - a. Of the materials that the Student Conduct Panel received prior to the hearing;
 - b. Of the right to have an Advisor present;
 - c. Of the right to refuse to speak as a witness against themselves;
 - d. That the refusal to speak as witness against themselves will have no bearing on the question of whether the Respondent violated the Student Code;
 - e. Of the alleged behavior that would be a violation of the Student Code; and
 - f. Of the section(s) of the Student Code alleged to have been violated.
 - 3. The Chair will provide the Complainant with the opportunity to engage in the hearing. If the Complainant agrees to engage, then:
 - a. The Chair will provide the Complainant the opportunity to provide any additional relevant factual details that were not previously provided. The Complainant may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The Complainant may decline but still present witnesses.

- b. The Chair will ask the Complainant to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - c. The Student Conduct Panel will then ask questions of the witness.
 - d. The Chair will ask the Respondent for any questions for the witness. The Respondent will provide the Chair any questions in writing.
 - e. The Chair will ask the witness any questions provided by the Respondent that the Chair determines to be relevant.
 - f. The Chair will ask the Complainant to present the next witness. The process described above shall repeat for each witness until the Complainant has presented all of its witnesses.
- 4. The Chair will provide the Respondent the opportunity to engage in the hearing. If the Respondent agrees to engage, then:
 - a. The Chair will provide the Respondent the opportunity to provide any additional relevant factual details that were not previously provided. The Respondent may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The Respondent may decline but still present witnesses.
 - b. The Chair will ask the Respondent to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - c. The Student Conduct Panel will then ask questions of the witness.
 - d. The Chair will ask the Complainant for any questions for the witness. The Complainant will provide the Chair any questions in writing.
 - e. The Chair will ask the witness any questions provided by the Complainant that the Chair determines to be relevant.
 - f. The Chair will ask the Respondent to present the next witness. The process described above shall repeat for each witness until the Respondent has presented all of its witnesses.
- x. The Student Conduct Panel may ask the Complainant and/or the Respondent whether they agree to answer questions. The Student Conduct Panel may then ask questions of either or both parties who agree to answer questions.
- xi. The Student Conduct Panel will meet in a closed session to discuss and make its recommendation, which closed session shall not be audio recorded.
- xii. The Student Conduct Panel shall review all information and materials presented to it and shall decide by majority vote whether the Respondent violated the Student Code by a preponderance of the evidence (i.e., more likely than not).
- xiii. The Student Conduct Panel shall prepare written findings to support its determination. These shall include:
 - 1. Concise statements of each factual finding;
 - 2. Brief explanations of whether and why the factual findings support a conclusion that the conduct either violated or did not violate the Student Code (these must address each factual element that must be satisfied to establish that conduct has violated the Student Code); and

3. If a violation is found, recommendations of appropriate conduct sanctions and any supporting rationale.
 - xiv. The Student Conduct Panel shall forward its written findings, conclusions, and any recommended conduct sanctions to the Chair. The Chair has sole discretion to adopt or reject the findings, conclusions, and any recommended conduct sanctions.
 1. If the findings, conclusions, or recommended conduct sanctions are rejected, the Chair shall issue any findings, conclusions, and, when a violation is found, any conduct sanctions it determines to be appropriate, and will provide the Student Conduct Panel with an explanation for its decision.
 2. The Chair shall determine the effective date of any conduct sanctions imposed, which effective date should be on or after the exhaustion of the appeal as a matter of right. However, interim measures may remain in place, or be instituted, until the effective date of any conduct sanctions.
 - xv. The Chair's written findings, conclusions, and any conduct sanctions shall be provided to the Respondent. When FERPA allows or the Clery Act requires, the Complainant will receive the permitted information simultaneously.
 1. In matters involving allegations of academic misconduct, the Chair's written findings, conclusions, and any conduct sanctions shall also be provided to the Faculty Member.
 - xvi. The audio record of the hearing shall be the property of the University and shall be maintained by the Student Conduct Officer. No other person may record the hearing.
 1. The audio record and its contents shall be confidential and may only be used for purposes of any appeals. Any person who discloses the contents of the audio record to parties not involved in the appeal shall be subject to conduct sanction.
 2. In the event of an appeal, the Respondent shall be given access to the audio record for purposes of preparing an appeal. When the alleged misconduct involves allegations of Human Rights Violations, the Complainant shall be given access to the audio record for purposes of preparing an appeal. Access shall be provided at such places and times as the Senior Student Affairs Officer may direct.
 3. Except as required by law, the University shall not be required to change the form in which the record is maintained.
- e. Sanctions
- i. Individual Conduct Sanctions
 1. In each case in which the Chair determines that a Respondent has violated the Student Code, the Chair shall determine and impose appropriate conduct sanction(s). Where a violation of SDBOR or University Policy is established, and where a conduct sanction is mandated under SDBOR or University Policy, that conduct sanction shall be imposed.
 2. In matters involving allegations of academic misconduct that are informally resolved pursuant to SDBOR Policy 2:33 and University Policy 2:4, the Student Conduct Officer will receive the information from the Faculty Member and shall determine and impose appropriate conduct sanction(s).

3. Complainants shall be informed in writing and at the same time as the Respondent of any outcome and conduct sanctions imposed in the following circumstances:
 - a. When the conduct sanction involves remedial action that directly relates to the Complainant (e.g., a directive requiring the Respondent to not have contact with the Complainant);
 - b. Where the allegations against the Respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA; or
 - c. Where the allegations against the Respondent would also constitute Human Rights Violations. In this circumstance, the rationale for the result must also be included.
4. FERPA allows the University to disclose the final results of a conduct proceeding when the Chair determines that the Respondent violated the Student Code and that violation falls within the definition of a crime of violence or a non-forcible sex offense as defined by FERPA. For purposes of this subsection, “final results” means the name of the Respondent, the violation committed, and any conduct sanction(s) imposed by the University.
5. FERPA further allows the University to inform the parents or legal guardians of a Respondent younger than twenty-one (21) years of age that the Respondent has violated University Policy concerning the use or possession of alcohol or controlled substances.
 - a. At the University, parental notification will likely occur when:
 - i. The Student, through a hearing, is determined to be responsible for an alcohol or drug related violation in which:
 1. a minimum sanction of behavioral probation resulted; or
 2. it has been determined that the Student had a blood alcohol content (BAC) of .20 or greater; or
 3. transport to a medical facility due to alcohol poisoning was required; or
 4. At the discretion of the Vice President for Student Affairs, or designee, and
 5. The Student is less than twenty-one (21) years of age; and
 6. The Student commits the offense while on University owned or controlled property; or
 7. The Student commits the offense during travel sponsored by a University department, college, or recognized Student Organization; or
 8. The Student commits the offense while attending an event sponsored by a University department, college, or recognized Student Organization.
 - ii. Notification by another South Dakota public university within the SDBOR system that a University Student has been involved in a situation on that university’s campus which leads to a minimum sanction of behavioral probation and the Student is less than twenty-one (21) years of age.

- iii. An emergency medical circumstance exists related to alcohol/drugs, even if no violation has occurred. Hospital personnel, family members, or friends may have also notified parents.
- b. Parental notification will likely not occur when:
 - i. The Student is twenty-one (21) years of age or older; and
 - ii. The Student is merely reported to be involved in a violation of the alcohol/controlled substance policy. (Notification only occurs after a hearing has been conducted and a hearing officer/body has determined that the Student violated policy.)
 - iii. The sanction for the policy violation is less severe than behavioral probation.
- c. Decisions regarding parental notification are made by the Vice President for Student Affairs, or designee, in consultation with the appropriate reporting parties.
- d. Notification, except in emergency circumstances, will be done in writing by the Vice President for Student Affairs, or designee.
- e. Students will be sent notice in writing of a parental notification letter. Such correspondence will be sent seven (7) calendar days in advance of the parental notification letter being sent.
- f. In all cases, the parent or guardian listed by the Student on University records will be the individual notified. Notification of other interested parties is the responsibility of the Student and/or the parent or guardian or record.
- ii. The following conduct sanctions may be imposed upon any Respondent found to have violated the Student Code. More than one of the conduct sanctions listed below may be imposed for any single violation. Imposition of a conduct sanction may be delayed or suspended on such conditions as the Student Conduct Officer may prescribe.
 - 1. Warning – A statement to the Respondent that the Respondent has violated the Student Code of Conduct, which may include a written reprimand sent to the Student indicating additional violations of the Student Code during the warning period of less than one (1) year may lead to more severe sanctions.
 - 2. Behavioral Probation – Behavioral probation is for a designated period of time and includes the probability of more severe conduct sanctions if the Respondent is later found to have engaged in any additional violation(s) of the Student Code during the probationary period.
 - 3. Residence Hall Suspension – Separation of the Respondent from the University's residence facilities for a definite period of time, after which the Respondent is eligible to return. Conditions for return to the residence facilities may be specified.

4. Residence Hall Expulsion – Permanent separation of the Respondent from the University’s residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.
 5. Behavioral Suspension – Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for return may be specified. A Respondent who has been suspended from one university within the SDBOR system may not enroll at another university within the SDBOR system until the period of suspension has ended.
 6. Expulsion – Permanent separation of the Respondent from the University. A Respondent who has been expelled from one university within the SDBOR system may not enroll at another university within the SDBOR system. A sanction of expulsion will take the form of suspension pending completion of the appeals process.
- iii. The following nonexclusive list of conditions contains examples that may be added to any conduct sanction, as determined by the hearing officer:
1. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in University activities, access to University facilities or residences may be conditioned upon participation in or completion of educational programming at the Student’s expense.
 2. Fines – Monetary payments that are associated with certain sanctions. Students will be required to pay for educational programming, chemical dependency screening, not completing sanctions, and, as applicable to formal hearings with a panel, reimburse the University for the room and equipment rental if found responsible for a violation of the Student Code.
 3. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
 4. Educational Activities – Work assignments, essays, service to the University, community service, workshops, or other related educational activities.
 5. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the Student conduct process or the completion of all conduct sanctions imposed.
 6. Revoking Admission and/or Degree – The University may revoke admission to, or a degree awarded from, the University for violation of University standards for obtaining admission or the degree, or for other serious violations of the Student Code committed by the Respondent prior to graduation.
- iv. Conduct sanctions shall not be made part of the Respondent’s permanent academic record, but shall become part of the Respondent’s conduct record. The Respondent’s conduct record containing conduct sanctions other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the Student

Code. The Respondent's conduct record containing any of the conduct sanctions above shall be maintained permanently. Where restitution is required of a Respondent, the University reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.

- v. Students enrolled at the University shall be held accountable for their conduct while visiting all other universities within the SDBOR system. Students may be required, as a condition of continued enrollment, to appear at the university where the alleged misconduct took place, at their own expense, for a conduct hearing and to answer allegations based on their conduct while at that university.
 - 1. Any conduct sanction imposed by a university within the SDBOR system shall be effective at all other universities within the SDBOR system. A Respondent suspended at one university within the SDBOR system shall not be able to enroll at another university within the SDBOR system until the period of suspension has ended. A Respondent who has been expelled from one university within the SDBOR system may not enroll at another university within the SDBOR system.
 - 2. When a Respondent is brought forward on allegations of misconduct by another SDBOR university, any conduct sanction issued after a finding of a violation shall be determined by the university that brought forward the allegations of misconduct. Unless suspension or expulsion is mandated by this policy or SDBOR Policy 3:4, suspension or expulsion may only be imposed after first consulting with the Senior Student Affairs Officer from the university where the Respondent is enrolled.

f. Organizational Conduct Sanctions

- i. The following conduct sanctions may be imposed upon Organizations:
- ii. Those conduct sanctions listed above in 4.e.i. and 4.e.ii.

For more information, go to: <http://www.sdstate.edu/studentcode>

Methods Used for General Enforcement

The **Office of Safety and Security** manages the University Police Department (UPD) that employs full-time and part-time staff for continual policy and law enforcement. They work in tandem with Brookings Police Department, county entities, etc. For more information about their duties and purpose visit: <http://www.sdstate.edu/safety-security/university-police/police-service>. In Fall, 2016, tailgating management became more intentional, including issuing wrist bands to over-21 year olds where alcohol access was present. For more information, see the tailgating policy at <http://www.sdstate.edu/sites/default/files/Football%20Tailgating.pdf>

For SDSU student athletes, the **Athletics Department** enforces multiple standards for well-being which are developed from NCAA health and safety standards, <http://www.ncaa.org/health-and-safety>. The Athletics Department Student-Athlete Code of Conduct* is listed here:

South Dakota State University

Student-Athlete Code of Conduct

I. Introduction

Welcome back to returning student-athletes and we look forward to working with you during the upcoming year. And hello to new student-athletes who are about to experience for the first time what it means to be a Jackrabbit. Participation in SDSU's intercollegiate athletic program is a privilege. You not only represent yourself, but also your teammates, others in the athletic department, the University, our community, our state, our conferences and our alumni throughout the world. Given the significance of this privilege, additional responsibilities are placed upon you beyond those placed on other students at the University.

All student-athletes are members of SDSU's student body. You are a student first, and your participation in intercollegiate athletics derives from your status as a student. Accordingly, all University policies governing student conduct apply to you, and can be found at:

<http://www3.sdstate.edu/StudentLife/JudicialAffairs/StudentCode/>.

This Student-Athlete Code of Conduct is designed to alert you, the student-athlete, to the behavior expected of you, and to the potential consequences that inappropriate behavior may have on your status as a student-athlete, and stands above and beyond the student conduct code of SDSU. Disciplinary decisions based on this Student-Athlete Code of Conduct can be appealed following the general student code website stated above.

The Athletic Department may take action under this Code of Conduct regarding your participation in the University's intercollegiate athletics program, and also the awarding, renewal, and modification of an athletic scholarship that you may now have. This Code of Conduct is intended to complement, not replace, conduct rules that your sport team has adopted, including consequences for violating those sport team rules. Always remember that a coach has the right to impose additional sanctions above and beyond those outlined in this policy. The following includes but may not be limited to incidents considered to be unacceptable and will be designated as a Level I or Level II misconduct:

1. Consuming alcohol and/or taking other drugs while driving a motor vehicle of any kind.
2. Use of alcohol and/or other drugs during road trips.
3. Use of alcohol and/or other drugs that interfere with your scholastic success, athletic performance, personal relationships (fighting), finances or lead to legal problems.
4. Irresponsible use and/or being intoxicated in a public place.
5. Consuming alcohol and/or taking other drugs in department-issued SDSU athletic team gear.
6. Consuming alcohol and/or taking other drugs with recruits, specifically the individual host(s) responsible for the safety and well being of the recruit.

II. Policies on Misconduct

There are two levels of misconduct that may affect your ability to fully participate in SDSU's intercollegiate athletic program: Level I, Level II. The SDSU Student-Athlete Substance Abuse Policies and Procedures is in addition to this Code of Conduct and those policies and procedures will be implemented as well.

A. Level I Misconduct

If the SDSU Athletic Department has information which leads it to conclude that a student-athlete has been charged or arrested with a violation of local, state or federal law involving violence (sexual assault, battery, etc.), theft (any degree), drugs (possession, distribution or intent to distribute, etc.), a major alcohol offense (DUI, providing alcohol to a minor, etc.) or any felony charge, the student-athlete shall be immediately suspended from intercollegiate athletic participation, which may include practice. The suspension remains in effect until either 1) the charges are resolved by the legal system; or 2) University or departmental disciplinary measures have been issued and/or the department lifts or modifies the suspension or the term of the suspension is served.

By suspending the student-athlete, the department is not pre-judging guilt or innocence, rather the suspension protects the integrity of the department, including all of our student-athletes, when there is an arrest or criminal charge.

1. Sanctions for Level I Misconduct:

- First Offense – The student-athlete will be suspended from competition and may be suspended from practice. The Athletic Director and/or Head Coach reserve the right to dismiss the student-athlete from the team.

- Second Offense – The student-athlete will be suspended from competition for a minimum of one year and may be suspended from practice. The Athletic Director and/or Head Coach reserve the right to dismiss the student-athlete from the team.
- Third Offense – The student-athlete will be dismissed from the team.

Termination of scholarship benefits: The Athletic Director or head coach may pursue revocation or modification of athletically-related financial aid as a consequence of any and all Level I misconduct. Any action to revoke or modify athletically-related financial aid will be in accordance with NCAA policies and procedures.

Agreement to return: A signed agreement between the head coach, athletic director and student-athlete outlining conditions and expectations of the student-athlete shall be in place before any student-athlete suspended for Level I misconduct may return to competition.

B. Level II Misconduct

A student-athlete arrested or charged with other infractions (non-Level I violations) such as public intoxication, disorderly conduct, minor in possession, etc. is subject to the following sanctions. The Athletic Director reserves the right to declare any infraction as Level I.

2. Sanctions for Level II Misconduct:

- First Offense – The student-athlete is required to meet with the Associate Athletic Director for Compliance/SWA and your sport supervisor to review the infraction. The student-athlete may be required to a) Attend an assessment session with an appropriate counseling provider to assess if additional intervention is needed; b) Perform community service as directed.
- Second Offense – The student-athlete is required to meet with the Associate Athletic Director for Compliance/SWA and your sport supervisor initially and a follow-up meeting with the Associate AD for Compliance/SWA, your sport supervisor, Head Coach and the Athletic Director to review the infraction. The student-athlete will be required to a) Attend an assessment session with appropriate counseling provider to assess if additional intervention is needed; b) Perform community service as directed; c) Shall be suspended at least 10% of all regularly scheduled competitions beginning with the next event. The student-athlete will not be allowed to travel with the team until they have served the established number of missed contests.
 - Baseball – 5 dates of competition
 - Basketball – 3 dates of competition
 - Cross Country – 1 date of competition
 - Equestrian – 1 date of competition
 - Football – 1 game
 - Golf – 1 date of competition
 - Soccer – 2 dates of competition
 - Softball – 6 dates of competition
 - Swimming – 2 dates of competition
 - Tennis – 2 dates of competition
 - Track and Field – 1 date of competition
 - Volleyball – 3 dates of competition
 - Wrestling – 2 dates of competition

If a team completes its competition schedule while a student-athlete is under a Level II misconduct second offense, the student-athlete's suspension will be carried over into next season's competition. If a student-athlete has a Level II misconduct second offense during a red shirt year, the student's suspension will begin during his/her first eligible season of competition.

- Third Offense – Any third level II offense shall be considered a Level I first offense violation.

Suspension Guidelines: When suspended from competition, a student-athlete will be allowed use of facilities for academic services, athletic training and strength and conditioning. The student- athlete may be suspended from practice activities.

III. Social Networking Sites

The Athletic Department staff has the authority to view Facebook, My Space, or any other public online journal, and review profiles and other information for appropriate content relating to being a student-athlete. Photos, "groups" or other content (including "wall-postings"), which violate or appear to violate the conditions of this Code of Conduct or other laws may be considered a violation of this Code of Conduct. This includes, but is not

limited to, derogatory statements, depictions of underage drinking or alcohol use, and any reference to illicit drugs or other inappropriate behavior not reasonably related to a legitimate academic activity.

IV. Hazing & Pre-Initiation Activities

All forms of hazing on the part of any individual, group of individuals or organizations are subject to disciplinary action. No initiation or other activity shall be undertaken which endangers the health or safety of an individual, demands an individual to engage in conduct of an unbecoming or humiliating nature, or in any way detracts from an individual's academic pursuits. For purposes of this policy and university disciplinary action, hazing is defined as any act which intentionally, unintentionally or recklessly endangers the physical, mental or emotional health or safety of a student and/or results in ridicule, for the purpose of admission into, affiliation with or as a condition for continued membership in any group. This applies to any group, organization or team connected with the university, regardless of the individual's willingness to participate in any forced or required activity. Failure to report hazing activity may be considered a violation of this policy.

V. Student Hosts During Recruiting Visits

An enrolled student-athlete may participate as a student host during a prospect's official visit to the campus. It is the responsibility of the student host to understand and abide by NCAA Bylaw 13.6.7.5, and institutional regulations.

It is the responsibility of South Dakota State University to use its best efforts to ensure the safety and well-being of prospective student-athletes visiting campus. At the same time, it is incumbent upon prospective student-athletes and their student host to avoid any situations or activities that would jeopardize their safety or would be against NCAA regulations, SDSU policies, or local laws, rules and regulations.

The State of South Dakota does not allow the consumption of alcohol by any individual under the age of 21. It is the responsibility of the student host to discourage and report any violations of this State law to their coach.

The use of banned substances (illegal drugs) is prohibited during any visit to SDSU's campus. It is the responsibility of the student host to discourage and report any violations of this State law.

Campus visits are to exclude inappropriate behavior including, but not limited to, sexual activity, sexual harassment, and/or any type of visitation to strip clubs/adult entertainment.

Any gambling activities during the prospective student-athlete's official visit are prohibited.

A prospective student-athlete may not have contact with representatives of SDSU's athletics interests (boosters). It is the responsibility of the student host to ensure that such contact does not take place when they are entertaining prospective student-athletes. If an unplanned meeting occurs, only an exchange of greeting is permissible.

These official and unofficial visit policies have been established to ensure that a prospective student-athlete's visit is a quality and informative experience. Compliance with these policies is required. Incidents contrary to these guidelines may result in a decision by the University to decline admission or grant financial aid to a prospective student-athlete and may also result in penalties to current student-athletes up to and including dismissal from the team.

**Provided by Athletics Department staff in December, 2016*

The **Behavior Intervention Team** meets weekly to discuss student or staff concerns, intervention needs, or warning signs in the SDSU student community. Members stem from Division of Student Affairs administrators, Counseling Services, University Housing & Residential Life, Office of Safety and Security/University Police Department, Academic Affairs, Human Resources, Athletics, and the Office of Student Conflict Prevention, Management, and Conduct Services. Each meeting, members review concerning behaviors including, but not limited to, self-harm, safety of others, alcohol or substance abuse, anger management, etc. More information can be found at: <http://www.sdstate.edu/safety-security/behavioral-intervention-team>.

University Housing & Residential Life supports nearly 4,000 residents on campus in housing options that include single, double, suite, or family housing units. They are dedicated to upholding policies and providing sustainable living-and-learning communities. The Residence Hall Directors (RHDs) and Community Assistants (CAs) engage with residents – and each other – to create an environment of progress, trust, and success. Students are made aware of alcohol and other drug policies through both the Residential Life Handbook and/or the Student Code of Conduct as well as the current AOD Sanctions and

Conditions Chart; RHDs and CAs are trained in the subject matter as well. RHDs work closely with the Assistant Director of Student Conduct to review and adjudicate student conduct cases. For more information, the current Residential Life Handbook can be found at: <https://www.sdstate.edu/residential-life/housing-information>. For more information on Residential Life's approach to safety and security, go to: <https://www.sdstate.edu/residential-life/safety-and-security>.

PART V: ALCOHOL AND OTHER DRUG COMPREHENSIVE PROGRAMS

Program/Intervention Inventory & Related Process and Outcomes

Choices and Prevention (CAP)

A committee on campus especially focused on alcohol education and prevention efforts is Choices and Prevention (CAP). The committee aims to support the SDSU student population and overall campus wellness. The Alcohol and Drug Education Task Force was the original committee formed to appraise alcohol and other drug education and prevention initiatives and, from this, CAP was created in 2012. CAP consistently reviews its mission, budget, and has up-to-date discussions amongst its members in bi-weekly meetings that occur throughout the year. See Charter for more details about mission, vision, and fluid membership.

At present, active CAP members include staff from Counseling Services, Residential Life, Health Promotions, Athletics, Wintrose Student Success Center and TRiO, Student Affairs, Greek Life, and Title IX/EEO. Members are always encouraged to bring students from their areas.

Continuous strategic planning has afforded CAP the ability to maintain and support programmatic efforts to bring to students alcohol and other drug awareness and education. There is not necessarily one target population of CAP, but many: residents, off-campus peers, staff, etc. Furthermore, CAP and SDSU staff members continue to lessen gaps in programmatic and student engagement efforts.

Goals include continuing and maintaining outreach initiatives such as educational programming through speakers, events, grants, etc., as well as continual group and goal development. Assessment and data retrieval is another identified need and this upcoming year that will be another focus. Marketing of AOD programming on campus will continue to be supported by CAP members through social media, flyers, the *Collegian* (the student newspaper), etc.

DIVISION OF STUDENT AFFAIRS

CHOICES AND PREVENTION (CAP): CHARTER

REVISED JANUARY 7, 2015

Responsibilities: The assembled team known as "Choices and Prevention" (CAP) shall function as a hub for activities, events, and initiatives designed to educate students on responsible lifestyle choices. CAP will not be responsible for each event and activity, but is charged with promoting cohesive topic-based messages across campus.

Mission: CAP functions as a clearinghouse for student health and wellness initiatives on campus focusing on alcohol and substance education and prevention.

Vision: CAP will be the exemplar for higher education in South Dakota for substance use education and prevention leading to collaborative relationships with campus partners, entities in the city of Brookings, and the region.

Composition and Appointment:

1. Active Membership
 - a. Dean of Students - Chair

- b. Coordinator for Conflict Prevention
 - c. Title IX Representative(s)
 - d. Counseling Supervisor
 - e. Wellness Coordinator
- 2. Office Representation - Members and their office colleagues can rotate bi-weekly attendance for steady involvement
 - a. University Housing & Residential Life
 - b. Counseling Services
 - c. Student Engagement and/or Greek Life
 - d. Academic Advising and Support
- 3. Student Representation
 - a. From Student Population
 - i. Undergraduate Students
 - 1. Student Organization Members and/or
 - 2. Student Leaders/Representatives
 - ii. Graduate Students
- 4. Liaison Representation
 - a. Promotions (Collegian, University Relations, etc.)
 - b. Athletics
 - c. Faculty
 - i. Specific faculty member(s) concerned with AOD education and prevention
 - ii. Representatives of departments with similar initiatives

Organization, Meetings, and Staff Support: CAP will meet bi-weekly during the academic year and less frequently during extended academic breaks. Administrative support will be provided from within the committee or upon request of any member of the committee to an employee in their purview.

Accountability and Reporting: A formal annual report will be written at the end of each academic year. The committee will also be responsible for the biannual Drug Free Schools and Communities Act Compliance Report at the end of every even-numbered year.

Connecting to Residents

Programmatic efforts within University Housing & Residential Life occur each academic year, and CAP continues to be available for programmatic support. This past year, for example, the Resident Hall Director of Honors and Schultz and the Chair collaborated together to provide the CAP banner at some residence hall gatherings which increased residents' awareness of CAP. Those that signed were in agreement of making healthy choices and supporting ongoing commitments to honesty and integrity.



Furthermore, residence hall communities – a wing or unit in a residence hall – have the opportunity to win the weekly drawing for drawstring bags as long as there have been no violations or AOD incidents for that time period. The bags are a designed and created locally by CFPromo in Brookings, SD. This project began in the 2014-2015 year, and has continued since. The feedback received from Resident Hall Directors is that students appreciate the bag incentives, and staff have seen them worn on campus and in the community. Fall, 2016 winners of the bags were very excited that their engagement in campus and positive choices made a difference, and their RHD was happy they received recognition. This programming will more than likely continue next year.

Partnering with Title IX/EEO:

Bystander Intervention

After submitting the “Cutting Edge Approaches to Sexual Violence Prevention” grant in Fall, 2014,

technical assistance and conference calls were provided by consultants for SDSU staff in hopes that continued, responsive programming can occur in the area of bystander intervention. The consulting committee included Dr. Alan Berkowitz as well as other state representatives involved in violence prevention. Staff that were working with the consulting committee included those in the Title IX/EEO office, Wellness Center, Counseling Services, Residence Life, and the Office of Student Conflict Prevention, Management, and Conduct Services. Note, while the assistance ended this Summer, in 2016, Dr. Berkowitz offered insight into the newly established program, Step Up.

Step Up is a program that was developed by the University of Arizona, and it allows staff open-ended opportunities to apply sessions for bystander intervention training. Thus far, the SDSU organization, Feminist Equality Movement (FEM), has taken the training and the reviews were positive. Within the training, facilitators were able to discuss with the group alcohol, bystander intervention, consent, healthy relationships, etc. Division of Student Affairs and Title IX staff are discussing how to further implement this program, or others like it. For more information go to: <http://stepupprogram.org/>.

Sexual Assault Education and Prevention

Elaine Pasqua visited SDSU in February and September of 2015, and conducted workshops with students and staff. The September evening presentation attracted over 400 students to the Student Union to learn about AOD education, sexual assault prevention, sexual health matters, etc. In September, 2016 SDSU invited Esther Lastique and Dr. Joni Frater, creators of SexEd Bootcamp, back to campus; they spoke in September, 2014. In April, 2016, CAP members developed a preventative campaign for Alcohol Awareness Month and Sexual Assault Prevention and Awareness Month. Combining these two topic areas was a powerful endeavor, and Title IX's "**It's on Us**" messaging created a statement for students to not only believe in, but display as well. See AOD Education: Outreach and Financial Support for more details.

A portion of educating on the risks of using alcohol and other drugs is having a set of reasonable policies and sanctions in place. For more information about reporting Title IX concerns, see <https://www.sdstate.edu/title-ix-0>. For more information on the policies established to promote equal opportunity and eliminate discrimination and harassment at SDSU visit: <http://www.sdstate.edu/hr/equal-opportunity/index.cfm>.

**The Board of Regents' policies relating to non-discrimination, sexual harassment, human rights complaint procedures can be found here:*

4:4 EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION

4:5 SEXUAL HARASSMENT

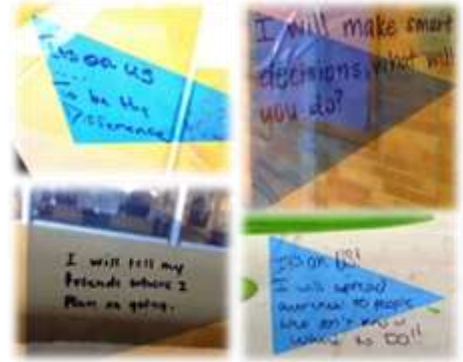
4:6 HUMAN RIGHTS COMPLAINT PROCEDURES

Go to <https://www.sdbor.edu/policy/Pages/Section-4-Personnel.aspx> for more information.

AOD Education: Outreach and Financial Support

Sexual Assault Awareness and AOD Awareness Months, April, 2016

In April, 2016, a coordinated effort between CAP, the Wellness Center, and Residential Life resulted in a **Blue Flag Campaign** for the month of April. April is both Sexual Assault Awareness Month and Alcohol Awareness Month. The Coordinator for Conflict Prevention, the Dean of Students, Health Promotions, Residential Life administration, and Title IX staff, researched various concepts for how to bring awareness to campus. It was agreed that the Blue Flag Campaign would support the "It's on Us" message that is a nation-wide effort for sexual assault prevention that was already begun by the Title IX office. On each blue flag that went up on glass, either in the Wellness Center basketball courts or in windows or doorways at residence halls, the messages conveyed were of support, encouragement, and bystander intervention. With the remaining flags left, the campaign could occur again in April, 2017. Finally, some student testimonies were utilized for relatable promotion of healthy choice making.



The **Rethinking Drinking** booklets – from the National Institute on Alcohol Abuse and Alcoholism – were utilized in the UC-109 classes in the past, as well as by Counseling Services, and they were provided to the staff at Wintrode Student Success Center. Topics from the booklet include drinking amounts, strategies for changing behaviors, and other preventative measures. Furthermore, Summer Bridge students have received the booklets in their welcome packets.

These booklets offered a foundation of information for the **Facts for Jacks: A Student's Guide for Substance Abuse Prevention**. This 26-page guide includes the topics above, as well as specific resources found on campus, some programmatic efforts, the 2015-2016 sanctions, etc. It was designed by University Marketing & Communications with the Coordinator of Conflict Prevention and the Dean of Students. After completion, printed copies were given to UPD, Health Promotions, Counseling Services, Athletics, CAP members, Residential Life staff, etc., for use either with students they meet, during CCC or UC-109 classes, or for other campus needs. The guide was also provided online under the Student Life tab at www.sdstate.edu as a PDF file; this year it made the transition into a webpage on the SDSU website. Printed copies that are left over from last year have been recycled, reused, and available for staff to further enhance their dialogue with students about

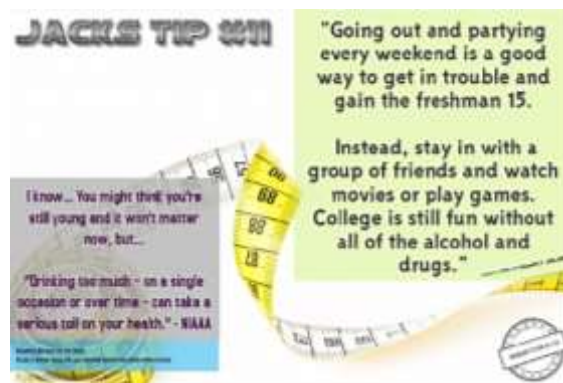


preventative strategies. They are available for the taking in the waiting area of Residential Life Administration offices, as well as put together with the 2016-2017 AOD sanctions and Division of Student Affairs Resources. These three items were bundled together in packets for easier dissemination.

Jacks Tips was launched Fall, 2016. After doing social norms campaigning with ACHA statistics for the last two or more years, personnel wanted to look at qualitative, encouraging rhetoric that came directly from students. See “How CAP Uses Data” for more information.

Educational Funding Opportunities: CAP RFPs

When applicants apply for funding opportunities, the award can be up to \$500 (unless otherwise awarded). Since the establishment of this award, starting in the 2014-2015 year, the group (or individual) can come present to CAP their concepts and how they envision the activity going, which is assessed by CAP members present, and the group decides on supporting the project. A narrative is required to give feedback about successes and areas of improvement, along with specific funding feedback, e.g. what they would have spent the funds on differently and more. The RFPs were sent out to colleagues electronically, and information also provided at the annual Wellness Fair, and through word-of-mouth. CAP’s grants for AOD education and prevention programming, included the **Boozed and Confused** program by HEROH in February, 2015. Drunk Goggles were provided, for instance, to help attendees understand the physical implications of intoxication on motor skills and other physical activities. They were able to provide their insight to over 450 students and community members. In Academic Year 2015-2016, two events were financially strengthened by grant funding: the Great American Smokeout 5K and Live Life in Full Bloom.



The **Great American Smokeout** is an annual event held every November and is sponsored through the Wellness Center. The South Dakota Quitline was promoted on their t-shirts, which CAP helped fund. Also, the Wellness Center sponsor gave a short educational presentation prior to the race educating those present about the negative effects of tobacco use. It was reported that 33 community members and students ran in the 5K, and another 50 students benefited from the educational promotion booths. Overall, the event was successful.

Live Life in Full Bloom was developed by the retention committee with University Housing & Residential Life. Three different events were held in this programmatic package: Spring Decisions (trivia questions), Mario Kart with Drunk Goggles (similar to programming in previous year), and Consent Trail Mix (to talk about what consent really means). Spring Decisions reached about 98 students, Mario Kart, six, and Consent Trail Mix around 12 students. Since this program was the first of its kind, the program facilitators acknowledged the strengths and areas of improvement, and it seems like it can be a promising future activity as per the narrative.



The annual homecoming event, “Hobo Day,” is a celebration of Jackrabbit pride; students and staff celebrate by dressing up, attending the football game, and sharing stories of Hobo events throughout the

years. Along with the festivities come various student behaviors, and that is why we focus on social norms – and this year, Jacks Tips – to relay to students not everyone drinks, and generally speaking, Jackrabbits try to make healthy choices. **Hobo Night Live** has provided alcohol-free activities, annually, since 2013. This year, approximately 800 students (including residents), community members, and families attended. Facilitators provided multiple mediums for ACHA social norm data and qualitative statements on posters, plates, and cups. The feedback post-event was that there were no reported hospital transports, and this was one of the most highly attended Hobo Night Live events.

How CAP Uses Data:

Social Norms Campaign

ACHA surveys have afforded staff with the ability to use SDSU-specific data from both 2013 and 2015 for social norms campaigning. The social norms campaign started Spring, 2014 and since then social norms have been provided electronically, via media outlets such as the *Collegian* or Facebook, and during prime events such as Hobo Day, Halloween, the Wellness Fair, Spring Break, etc. The Coordinator for Conflict Prevention also provided ACHA statistics to the Residential Life staff using them during the Live Life in Full Bloom event(s). Statistics provided were related to alcohol, marijuana, academic choices, and health and wellness.



Jacks Tips

As previously mentioned, **Jacks Tips** was launched this Fall, 2016. The Jacks Tip questionnaire was launched with multiple inquiries, such as: "If you could give students a tip, what would it be.... For being a successful student..... For maintaining health and wellness..... For socializing without using alcohol and drugs.... [or] For dealing with a friend or peer who has had too much to drink (this can apply to someone using marijuana or other drugs)?"

Feedback thus far from staff and students is that the Jacks Tips are relatable and creative. The strength in these is that they are student testimonies, which is more relatable than a staff member making recommendations. What is still in development is connecting students' testimonies with health-related risks of AOD use or other policy relevant materials. Signs of alcohol poisoning were shared in Jacks Tip #91, as seen here, and more Tips have shared wellness info and supporting the creation and maintenance of having a respectful environments for all. Jacks Tips are shared on social media, via Facebook, with Residential Life and the HEROH peer educator group; both get tagged for further networking.



Choices and Prevention Annual Report 2014-2015 Content:

AOD Program Strengths

The AOD program strengths lie in the passion of the educators. Students who receive information about AOD use, abuse, and consequences are fortunate to have educators who are engaging and informed about the topic. Similarly, the educators are interested in reaching students where they are, not trying to scare or belittle students into making more healthy decisions.

While the program may benefit from a full-time AOD / chemical dependency (CD) counselor who could lead other AOD educators on a strategic path to educating students, a Coordinator for Conflict Prevention, who has a background as a certified social worker, was hired during Fall 2014. The Choices and Prevention team has been developing a strategic plan to use the resources available to educate students and the focus remains to be preventative, not reactive. Still, this endeavor will progress in time as partnerships between campus organizations and departments increase. Finally, after evolving campus-wide collaboration, developing a community coalition would help support and inform alcohol education practices as they affect the larger community.

AOD Program Opportunities

Beyond identified student groups, the goal is to further establish relationships with the students in the bell curve that have yet to become involved in organizations – and may not be interested in doing so – but who may need some assistance or direction for their wellbeing in the internal and external struggles of peer dynamics and challenges revolving around AOD use. To close the gaps in programming and student engagement, SDSU staff members need a cohesive and comprehensive plan.

AOD Programming Goals

Social norms statistics regarding student perceptions and behaviors, some of which include AOD behaviors, were designed and developed for launching in Spring, 2014. For the 2012-2014 Biennial Alcohol and Other Drug Report, these progressions and objectives were identified in December, 2014:

- 1) Grant submitted for train-the-trainer in Social Norms Approach and Bystander Intervention in November, 2014. SDSU has been offered a debriefing post-submission and will implement what staff already understand of the approach and intervention into training and education programming in the future.
- 2) In development is establishing joint AOD educational programming that stems from chemical dependency class curriculum, UC 109/Wellness and HEROH curriculum, with a possible correlation with sexual assault and conflict prevention information.
- 3) To encourage students to make better choices, specifically regarding AOD use and preventative decisions, campus services on MyState will be updated to include student services that support development of emotional wellbeing via counseling, physical wellness, tutoring, financial management information, etc. The goal is to have the services listed during Spring Semester (2015) with the technological updates.
- 4) Promotion materials for CAP and the Our State pledge: CAP Banner at Hobo Week, in residence halls, and during specific times in the academic year; drawstring bag prizes for positive behavior in residence halls; advertisements for responsible decision making for Hobo Week, Halloween, and Facebook posts for Thanksgiving, Winter Break, and New Year's Eve via CAPSDState page.

- 5) Staff reviewing AOD survey programming: eChug and other concepts, and their effectiveness for Academic Year 2015-2016.
-

CAP Annual Report Goal Content from 2015-2016 Content:

AOD Program Goals & Policy Recommendations

Continuous strategic planning has afforded CAP the ability to maintain and support programmatic efforts to bring to students alcohol and other drug awareness and education. There is not necessarily one target population of CAP, but many – residents, off-campus peers, staff, etc. Furthermore, CAP and SDSU staff members continue to lessen gaps in programmatic and student engagement efforts.

Goal include continuing and maintaining outreach initiatives such as educational programming through speakers, events, grants, etc., as well as continual group and goal development. Assessment and data retrieval is another identified need and this upcoming year that will be another focus. Marketing of AOD programming on campus will continue to be supported by CAP members through social media, flyers, the *Collegian*, etc.

Counseling Services Center

The Counseling Services Center employs licensed counselors for mental health needs and who makes referrals to alcohol programs. They also offer a National Screening Day for alcohol use once a year. Pamphlets are available in the waiting area on alcohol use. Counseling appointments are free to students. Other resources include East Central Behavioral Health for evaluations and individual sessions, as well as First Step, and both are located in the Brookings area. Avera and Brookings Health System are also available to students and community members. The Counseling Center staff administer alcohol and chemical dependency assessments to students, and makes further recommendations for these students, when needed.

Counseling Services - Wellness Center Information, SDSU: <http://www.sdstate.edu/wellness-center/counseling/index.cfm>

University Housing & Residential Life

Using the intentional interaction program model, Residence Hall Directors and Community Assistants create dialogue and activities that increase awareness for students' development. Focus is on student wellness and success in multiple areas. Discussions involving alcohol and other drugs prevention, stress management, emotional well-being, etc., are some of the appropriate topics for the first-year and second-year students in campus housing.

University Police Department

UPD programs focus on alcohol and drug awareness, personal safety, sexual assault and violence risk reduction, etc. They offer presentations to a multitude of audiences. For more information go to: <http://www.sdstate.edu/safety-security/university-police/presentations-programs>.

Wellness Center

- ✓ **Helping Everyone Reach Optimal Health (HEROH) Programs:** HEROH is a student volunteer peer education organization that operates out of the SDSU Wellness Center. As certified peer educators, HEROH provides information regarding substance abuse in classrooms and residential halls. Presentations are conducted each fall and spring semester on timely topics such as binge drinking,

alcohol poisoning, and the dangers of driving under the influence of alcohol.

- ✓ **Safe Ride Home:** The mission of Safe Ride is to save lives, prevent injuries, protect neighborhoods from late night vandalism, and keep impaired drivers off the road by offering SDSU students, Brookings community members, and visitors a safe transportation alternative. The program operates on two routes on Wednesday, Friday, and Saturday evenings from 9:00 PM to 2:30 AM; each route is completed, approximately, every 25 minutes. Routes focus on the more densely populated residential areas, the SDSU campus community, and downtown areas. In the 2014-2015 academic year, Safe Ride provided transportation for 16,289 people. In the 2015-2016 academic year, the number increased significantly to 20,068 individuals. The transportation program runs from late August to the beginning of May. For Safe Ride Routes and Bus Times:
www.sdstate.edu/sites/default/files/SafeRide16_1.pdf.
- ✓ **Student Health 101 Newsletter:** The newsletter offers information to students about many topics, including alcohol and other drugs, student success, relationship building, stress management, etc. It is available electronically and students can sign up for it via text/e-mail. For more information go to:
<http://sdstate.readsh101.com>.
- ✓ **Wellness Center Monthly Newsletter:** This newsletter provides information on alcohol and drug abuse awareness and prevention four times per year.

PART VI: ALCOHOL'S EFFECTS ON THE BODY

The following information is wholly copied from the National Institute on Alcohol Abuse and Alcoholism. This information can be found at <https://www.niaaa.nih.gov/alcohol-health/alcohols-effects-body>.

Drinking too much – on a single occasion or over time – can take a serious toll on your health. Here's how alcohol can affect your body:

Brain:

Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

Heart:

Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure
- Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.

Liver:

Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

Pancreas:

Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

Cancer:

Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the:

- Mouth
- Esophagus
- Throat
- Liver
- Breast

Immune System:

Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Learn more about [alcohol's effects on the body](#).

PART VI: ALCOHOL AND OTHER DRUG COMPREHENSIVE PROGRAM GOALS AND OBJECTIVES

Biennium Period Being Reviewed

- 1) Continue to utilize and track the effectiveness of BASICS.
- 2) Continue to support programming focused on alcohol use reduction, such as Hobo Night Live, during homecoming week.
- 3) Increase the authentic conversations with parents and students regarding AOD.
- 4) Utilize data mining, data management, and data analytics to further understand and explain alcohol use trends and sanction effectiveness.

PART VII: ALCOHOL AND OTHER DRUG GOAL AND ACHIEVEMENT AND OBJECTIVE ACHIEVEMENT

Biennial Term 2012-2014 to Current

***Goal 1:** Submitted grant; we only received technical assistance.

***Goal 2:** Succeeded in collaboration with UC-109 classes between AOD, Title IX/EEO, and Health Promotions staff.

***Goal 3:** Due in part to software change on the website management, Goal 3 was limited to mass distribution of *Facts for Jacks* through MyState.

***Goal 4:** Promotion materials have been continuing.

***Goal 5:** AOD survey program, e-Chug and other concepts, have been evaluated. E-Chug has been kept as a focused use for BASICS as a specific alcohol use response.

PART VIII: AOD SWOT/C ANALYSIS

Policy Analysis – Strengths, Weaknesses, Opportunities, and Threats

Strengths:

- *Clarity in policies.
- *Consistent application and enforcement.
- *Professional judgment utilized to help encourage student education.
- *Amnesty policy.
- *Alcohol sales policy.

Opportunities:

- *Track E.R. transport visits in Maxient.
- *Create consistent reports with type and number of sanctions administered, by violation.
- *Develop an all-encompassing report with time series data collection, in regarding to trends.

Weaknesses:

- *New policies are under review, so impact has not been fully realized.

Threats:

- *Regional culture demonstrates a high tolerance for alcohol use and abuse, which translates to dangerous behaviors in the college age population.
- *The trend or environmental support for the “college student’s rite of passage,” i.e. having experiences that instill partying behavior, binge drinking, or other unhealthy activities

Programs/Interventions Analysis – Strengths, Weaknesses, Opportunities, and Threats

Strengths:

- *More direct AOD information presented during the summer at New Student Orientation to parents.
- *More direct AOD information presented to students the day after move-in, at Thumpstart.
- *Student-centered social norming through Jacks Tips.

Opportunities:

- *Develop detailed process summary metrics regarding program and intervention effectiveness.
- *Pursue further program level outcome data, i.e. students altered attitudes, behavior change, or other environmental/trend data, etc.

Weaknesses:

- *No opportunity for specific and required alcohol education.
- *Removal of general Freshman seminar courses, in favor of college-specific seminars, which may lead to a reduction of non-academic content.
- *Centralized programming calendar has not yet been developed.

Threats:

- *Pervasive alcohol use seen as an inescapable reality, in this region.
- *Student comfort with believing inaccurate myths about alcohol use, even when confronted with counter data.

PART IX: RECOMMENDATIONS FOR NEXT BIENNIUM

- 1) Continue to develop more frequent educational opportunities for sharing with students and staff the health risks involved with alcohol use and binge drinking.
- 2) Maintain dialogue about learning outcomes relatable to alcohol education, and develop dialogue points and objectives from a generalized context to specifically outlined outcomes. Implement across campus in the Division of Student Affairs and other partner departments.
- 3) Maintain programming, but expand upon assessment development regarding programs, educational outcomes, and data management.
- 4) Increase continuity between Academic Affairs, Division of Student Affairs, and campus administrators, in regards to prevention programs, treatment interventions, and research in substance use and abuse areas.

PART X: CONCLUSION & ACKNOWLEDGMENTS

Our biennial report development is made better due to the dedication of Division of Students Affairs staff. Furthermore, the guidance of the Illinois Higher Education Center's checklist made this report more organized and efficiently written.

Visit this site for more details: https://www.lsu.edu/academicaffairs/lacasu/site_files/item71310.pdf.