South Dakota State University

# 2021 Annual Security and Fire Safety Reports

Tim Heaton

Chief of Police

You have made a great choice to come to South Dakota State University. The South Dakota State University Police Department provides many public safety and protective services to the university community. Department contact and other valuable information is available on the UPD website at https://www.sdstate.edu/police

South Dakota State University has a full-service, IACLEA accredited, police department comprised of experienced law enforcement administrators, certified & sworn police officers, certified emergency communications specialists, and student patrol officers. This goal, however, is not one we can accomplish alone. Crime prevention, behavioral intervention, risk identification, and problem-solving are the responsibility of everyone. The department's efforts to maintain a safe and secure environment rely on the ability to develop working relationships with the many divisions, department, organizations, educators, students, and staff that make up SD State. We believe that through partnering and problem-solving, SD State can remain one of the safest universities in the nation. While criminal incidents at SDSU are relatively low, we must remain vigilant concerning the protection of all who learn, live, research, work, and visit our campus. This is why UPD is committed to providing professional and quality policing services as we strive to make your safety and security our number one priority.

Contained in this document is the university Annual Safety Report (ASR). For the sake of convenience and simplicity, we have combined the ASR and the Fire Safety Report into a single document. This document provides information so members of the community can make informed decisions about their own safety. Additionally, the ASR provides statistical information about crimes occurring on SDSU Clery geography, a summary of provided educational programs, and other resources and information regarding the rights and responsibilities for both victims of crimes and those accused of committing crimes. Information is provided on the reporting of crimes, including confidential reporting procedure and description of victims' rights and responsibilities. I hope you find this information valuable.

**Emergency Contacts:**

UPD: 111 from campus phone

UPD: (605) 688-5117

All Brookings area Law Enforcement: 911

Jackrabbits Guardian App:

https://www.sdstate.edu/safety-security/emergency-management/jackrabbits-guardian

## Annual Security Report Review Committee
## for 2021 Calendar Year

Tim Heaton
Chief – SDSU Police Department

Tobias W. Uecker, Chair
Dean of Students

Dr. Michelle Johnson
Director of Equal Opportunity/Title IX Coordinator

Marc Rieger
Operations Sergeant – SDSU Police Department

Dr. James E. Schmaedeke
Assistant Director of Student Conduct

Kristi Pearson
Coordinator of Community Standards

## CRIME REPORT STATISTICS AND DEFINITIONS

| CRIME REPORTS | 2018 | 2019 | 2020 |
|---|---|---|---|
| **MURDER & NON-NEGLIGENT MANSLAUGHTER** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **NEGLIGENT MANSLAUGHTER** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **RAPE** | | | |
| On campus | 9 | 8 | 2* |
| Non-Campus building or property | 0 | 0 | 1 |
| Residential Facilities for Students | 9 | 6 | 2* |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 1 | 0 |
| **FONDLING** | | | |
| On campus | 1 | 4 | 28** |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 2 | 21** |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **INCEST** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **STATUTORY RAPE** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **ROBBERY** | | | |
| On campus | 0 | 1 | 0 |
| Non-Campus building or property | 0 | 1 | 0 |
| Residential Facilities for Students | 0 | 1 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |

**CAVEATS:**

* One rape reported On Campus in a Residential Facility for Students in 2020 occurred in 2014.

** Of fondling cases reported On Campus in 2020, 4 were for incidents that occurred in 2019, 3 were for incidents that occurred in 2018, and 1 was for an incident that occurred in 2017 (all involving a shared respondent); of those 8 incidents On Campus over three years, the single on-campus incident in 2017 took place in a Residential Facility for Students. Additionally, 19 fondling reports On Campus in Residential Facilities for Students were affiliated with a single unique Complainant and single unique Respondent, reported simultaneously as individual incidents having taken place “every day” for a defined time period prior to the report but ceasing after the report was made.

| CRIME REPORTS | 2018 | 2019 | 2020 |
|---|---|---|---|
| **AGGRAVATED ASSAULT** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **BURGLARY** | | | |
| On campus | 4 | 7 | 2 |
| Non-Campus building or property | 0 | 0 | 2 |
| Residential Facilities for Students | 0 | 5 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **MOTOR VEHICLE THEFT** | | | |
| On campus | 2 | 2 | 1 |
| Non-Campus building or property | 0 | 2 | 1 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **ARSON** | | | |
| On campus | 1 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 1 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **DATING VIOLENCE** | | | |
| On Campus | 9 | 4 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 9 | 4 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **DOMESTIC VIOLENCE** | | | |
| On Campus | 0 | 2 | 0 |
| Non-Campus building or property | 0 | 1 | 1 |
| Residential Facilities for Students | 0 | 2 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **STALKING** | | | |
| On Campus | 8 | 11 | 4 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 3 | 2 | 1 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |

**CAVEAT:**

***** 2018 Incident of Arson involved burn marks on common area furniture. Damage estimated at $1,540.

| HATE CRIME REPORTS | 2018 | 2019 | 2020 |
|---|---|---|---|
| **MURDER & NON-NEGLIGENT MANSLAUGHTER** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **NEGLIGENT MANSLAUGHTER** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **RAPE** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **FONDLING** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **INCEST** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **STATUTORY RAPE** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **ROBBERY** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **AGGRAVATED ASSAULT** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |

| HATE CRIME REPORTS | 2018 | 2019 | 2020 |
|---|---|---|---|
| **BURGLARY** | | | |
| On campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **MOTOR VEHICLE THEFT** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **ARSON** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **LARCENY-THEFT** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **SIMPLE ASSAULT** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **INTIMIDATION** | | | |
| On Campus | 1 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |
| **DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| Unfounded reports in this category | 0 | 0 | 0 |

**HATE CRIMES 2018:**

- One intimidation for an individual yelling an ethnic slur at another individual.

| CRIMINAL ARRESTS | 2018 | 2019 | 2020 |
|---|---|---|---|
| **LIQUOR LAW VIOLATIONS** | | | |
| On Campus | 244 | 187 | 177 |
| Non-Campus building or property | 42 | 0 | 1 |
| Residential Facilities for Students | 142 | 134 | 95 |
| Adjacent Public Property | 19 | 64 | 69 |
| **DRUG LAW VIOLATIONS** | | | |
| On Campus | 58 | 38 | 49 |
| Non-Campus building or property | 14 | 0 | 3 |
| Residential Facilities for Students | 23 | 29 | 27 |
| Adjacent Public Property | 6 | 36 | 27 |
| **WEAPONS LAW VIOLATIONS** | | | |
| On Campus | 1 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 1 | 0 | 0 |
| Adjacent Public Property | 0 | 1 | 2 |

**Non-Campus building or property 2019**

- This decrease in cases (related to previous reporting years) arises from updated guidance by the Office of Postsecondary Education contained within the Oct. 9, 2020, "Rescission of and Replacement for the 2016 Handbook for Campus Safety and Security Reporting" document. The reported 2019 numbers follow this new guidance related to defining Clery geography.

| DISCIPLINARY REFERRALS TO CAMPUS JUDICIAL SYSTEM | 2018 | 2019 | 2020 |
|---|---|---|---|
| **LIQUOR LAW VIOLATIONS** | | | |
| On Campus | 354 | 359 | 218 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 346 | 358 | 213 |
| Adjacent Public Property | 12 | 0 | 0 |
| **DRUG LAW VIOLATIONS** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |
| **WEAPONS LAW VIOLATIONS** | | | |
| On Campus | 0 | 0 | 0 |
| Non-Campus building or property | 0 | 0 | 0 |
| Residential Facilities for Students | 0 | 0 | 0 |
| Adjacent Public Property | 0 | 0 | 0 |

**Definitions of Crimes (with included references, where relevant, to University Policy):**

**Murder and Non-negligent Manslaughter** is the willful (non-negligent) killing of one human being by another. (University Policy 4:5, 2.b.vi.1.)

**Negligent Manslaughter** is the killing of another person through gross negligence.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (University Policy 4:5, 2.b.vi.2.)

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their temporary or permanent mental incapacity. (University Policy 4:5, 2.c.ii.)

**Consent** as defined in University Policy 4:5 (2.e.) is as follows:

Consent may be implied from the facts and circumstances surrounding the commission of an act. Consent will not be found where an act has been done through the use of force, coercion, or threats of immediate and great bodily harm. Submission does not equal consent, and to establish consent, a party must utterly negate any element of force, coercion, or threat. Consent, once given, may be retracted. Consent will not be found under any of the following circumstances:

i. If the victim is less than thirteen (13) years of age; or

ii. Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or

iii. If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or

iv. If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or

v. If the victim is thirteen (13) years of age, but less than sixteen (16) years of age, and the perpetrator is at least three (3) years older than the victim.

**Incest** is non-forcible sexual intercourse between persons who are related to each other within the degree where marriage is prohibited by law. (University Policy 4:5, 2.c.iii.)

**Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of sixteen (16). (University Policy 4:5, 2.c.iv.)

**Robbery** is defined as the taking or attempting to take anything of value from the care, custody, and control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault is** defined as an unlawful attack by one person upon another for the purpose in inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm.

**Burglary** is defined as the unlawful entry into a structure to commit a felony, a theft, to vandalize or trespass, or with the intent to commit a felony, a theft, to vandalize, or to trespass.

**Arson** is maliciously burning or causing to be destroyed by burning any public or private property.

**Motor vehicle theft** is defined as the theft or attempted theft of a motorized vehicle. (This classification also includes “joyriding”).

**Hate crimes** are defined for this report as crimes committed against a person who manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, gender identity, religion, ethnicity and national origin, disability, or sexual orientation. For this report, the hate crime must have been for one of the following criminal offenses that was committed where the victim was intentionally selected because one of the above listed biases motivated the perpetrator. These crimes are murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism to property.

**Liquor law violations** are defined as violations of laws or ordinances prohibiting the manufacture, sale, possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages; and all attempts to commit any of the aforementioned. (Public intoxication and driving under the influence are not included).

**Drug abuse violations** are defined as violations of State and local laws relating to the unlawful possession, sale, and use, growing or manufacturing and making of narcotic drugs.

**Weapons possession violations** are defined as violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying of deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons and all attempts to commit any of these acts.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
B. For the purposes of this definition,
    a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    b. Dating violence does not include acts covered under the definition of domestic violence (See SDSU Policy 4:5 in Appendix B).

**Domestic violence** means a felony or misdemeanor crime of violence committed by:

A. A current or former spouse of the victim by a person;
B. A person with whom the victim shares a child in common; or

C. A person who is cohabitating with or who has cohabitated with, the victim as a spouse or intimate partner;
D. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
E. Any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred (See SDSU Policy 4:5 in Appendix B).

South Dakota Codified Law Chapter 25-10 is the local statute covering domestic violence.

25-10-1. Definitions. Terms used in this chapter mean:

(1) "Domestic abuse," physical harm, bodily injury, or attempts to cause physical harm or bodily injury, or the infliction of fear of imminent physical harm or bodily injury between persons in a relationship described in § 25-10-3.1. Any violation of § 25-10-13 or chapter 22-19A or any crime of violence as defined in subdivision 22-1-2(9) constitutes domestic abuse if the underlying criminal act is committed between family or household members;

(2) "Protection order," an order restraining any person in a relationship described in § 25-10-3.1 from committing any act of domestic abuse or an order excluding any person in a relationship described in § 25-10-3.1 from the dwelling or residence of another person in such a relationship, whether or not the dwelling or residence is shared. A protection order has a duration of five years or less; and

(4) "Temporary protection order," an order restraining any person in a relationship described in § 25-10-3.1 from committing any act of domestic abuse or an order excluding any person in a relationship described in § 25-10-3.1 from the dwelling or residence of another person in such a relationship, whether or not the dwelling or residence is shared. A temporary protection order has a duration of thirty days except as provided in § 25-10-7.1.

25-10-3.1 Persons entitled to apply for protection order.

Any person who is involved in one of the following relationships with another party:

(1) Spouse or former spouse;
(2) Is in a significant romantic relationship or has been in one during the past twelve months with the abusing party;
(3) Has a child or is expecting a child with the abusing party;
(4) Parent and child, including a relationship by adoption, guardianship, or marriage; or
(5) Siblings, whether of the whole or half blood, including a relationship through adoption or marriage;

is entitled to apply for a protection order or a temporary protection order pursuant to the provisions of this chapter.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

A. Fear for the person's safety or the safety of others; or
B. Suffer substantial emotional distress

*Course of conduct* means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling (See SDSU Policy 4:5 in Appendix B).

South Dakota Codified Law 22-19A is the local statute covering stalking.

22-19A-1. Stalking as a misdemeanor--Second offense a felony.

No person may:

(1) Willfully, maliciously, and repeatedly follow or harass another person;
(2) Make a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or
(3) Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

A violation of this section constitutes the crime of stalking. Stalking is a Class 1 misdemeanor. However, any second or subsequent conviction occurring within ten years of a prior conviction under this section is a Class 6 felony.

**Introduction to the Annual Security Report**

In 1991, the U.S. Congress passed the Student Right-to-Know and Campus Security Act, which requires colleges to report the three previous years of statistics on murder, sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft, and statistics on arrests for drug and alcohol violations, arson and weapons violations. In October 1998, President Clinton signed an amendment renaming the act the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and required that all crimes motivated by hate or bias be included in the statistics. In March 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. All published Clery-related information is maintained by the Office of Student Affairs.

South Dakota State University (SDSU) recognizes the importance for an institution of higher learning to develop and maintain an environment in which the academic and social pursuits of its members can be fully realized. No community's security plan can attain maximum effectiveness unless everyone contributes to making it work. Safety and security are both personal as well as shared responsibilities. Only by accepting this collaborative responsibility can members of the university community maintain a caring environment where members support one another's safety and security and advocate for their own safety and security.

Established in 1881, what we know now as South Dakota State University began as South Dakota State College as a land-grant institution. Since then, the university has grown to offer over 200 areas of study in eight degree-granting colleges. Our undergraduate and graduate students, over 11,000 in all, learn to succeed in classes led by dedicated faculty. Hands-on research projects with nationally respected professors, internships that bring coursework to life, and choices from over 200 student organizations ensure that there is something for everyone.

**SDSU Geography**

The main SDSU campus is located in Brookings South Dakota and is approximately bordered by Highway 14 Bypass on the North, 22nd Avenue on the east, Sixth and Seventh Streets on the south, and Ninth Avenue on the west. Under normal conditions, approximately 4,100 students live on campus and the campus sees at least double that in students and employees during a traditional day in the academic year. During the 2020 Calendar Year, the impact of the global COVID-19 pandemic resulted in suspension of in-person classes from March 6, 2020, through August 19, 2020, radically decreasing daily population on campus during that time period.

Clery requires the reporting of crimes that occur in three types of locations, on **campus property** (and in on-campus **student housing** facilities, which are a subset of campus property); on **public property**, which is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to or accessible from the campus; and **non-campus property**, which is any property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by the an institution that is used in direct support of, or in relation to, the institution's educational purpose, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Campus Security Authorities (CSA)**

Any university official acting in an advisory capacity to students or student organizations has the duty to report alleged Clery crimes. These officials are referred to as Campus Safety Authorities (CSAs). CSAs are employees who have "significant responsibility for students or campus activities." A partial list of CSAs can be found in Appendix A.

In addition to the listed parties, SDSU identifies CSAs by role. The following are specific student employment roles functioning as CSAs: (numbered for reference not prioritization)

1. **Residential Life Community Assistants:** At least one community assistant (CA) resides on each floor of on-campus residential facilities operated by Residential Life. CAs may be contacted by knocking on their door, sending an email, or using a posted on-call duty phone. This information is distributed to students during beginning-of-the-year community meetings.
2. **Residential Life Front Desk Operations:** Front desks are positioned near main entrances of residence halls and are staffed by CAs who may be contacted in person or by phone during hours of operation as posted.
3. **Student Security Personnel:** Student security personnel are employed by UPD and are identified by their uniform and nametags. Individuals interested in contacting a student officer should do so by calling UPD at (605) 688-5117 or in person should the circumstances allow.
4. **Student Union Managers:** Student Union managers are responsible for the University Student Union after traditional business hours. They may be contacted at the managers' desk on the first floor of the University Student Union or by phone during posted hours of operation.
5. **American Indian Student Center Staff**
    a. The director is responsible for the American Indian Student Center after traditional business hours or in the absence of professional staff. The American Indian academic and success advisor is responsible for working with Native student organizations and with individual students on behalf of the AISC retention efforts. Staff may be contacted by calling the American Indian Student Center during normal business hours and in evening hours during programs.
    b. The program coordinator is responsible for the American Indian Student Center after traditional business hours during program events. The program coordinator is responsible for assisting with student programming as needed. Other duties determined will vary. They may be contacted by calling the American Indian Student Center.

When a CSA becomes aware of a Clery Act incident, he or she must report the incident to UPD or submit it as a disciplinary referral.

1. A CSA may become aware of a Clery Act incident by receiving a report of conduct that constitutes a Clery Act incident, witnessing an incident, or being made aware of allegations of an incident.
2. The reporting obligation arises when the CSA becomes aware of information or an allegation of conduct or behavior that reasonably appears to constitute a Clery Act incident; the CSA must not wait for criminal charges to be brought, arrests to be made, or determinations of guilt to be made.
3. The CSA must report even if the information regarding the incident was shared with him or her in confidence (confidentially).
4. Reporting can be done by phone by calling (605) 688-5117 or in person at UPD, located at 1405 Jackrabbit Avenue.

5. CSAs who are employed by Residential Life will typically report Clery crimes through the Maxient student conduct reporting system. For example, Community Assistants will resolve matters of liquor law violations when the alleged students are compliant and will not notify UPD. However, all controlled substances and similarly significant allegations are reported to UPD.
6. To ensure that this reporting occurs, CSAs receive emails annually reminding them of their obligations as a CSA and which crimes are to be reported as well as a request for information on Clery crimes known by the CSA.

**Local Law Enforcement Agencies**

**Working Relationship with State and Local Police**

Crime prevention and the apprehension of those who commit crimes on the SDSU campus are the primary goals of the South Dakota State University Police Department (UPD). To achieve these goals, UPD works closely with surrounding law enforcement agencies, specifically the Brookings Police Department (BPD), the Brookings County Sheriff's Department, and the Department of Criminal Investigation. The university has an agreement with BPD pertaining to jurisdiction, investigations of alleged criminal offenses and definition of authority.

**Monitoring and Recording through State and Local Police**

Through established relationships with local law enforcement agencies, UPD monitors and records reported criminal activity at off-campus locations. This includes officially recognized student organizations with off-campus housing and non-campus instructional sites.

**Reporting at non-campus locations**

SDSU also reports crime occurring at non-campus locations through local police departments in those communities. The following is a list of non-campus instructional sites for 2020.

| **Name of Location** | **Address** |
|---|---|
| *Black Hills State University Center – Rapid City* | *4300 Cheyenne Blvd., Rapid City, SD* |
| *Brookings Airport* | *413 2nd Avenue Brookings, SD* |
| *Brookings High School* | *530 Elm Avenue Brookings, SD* |
| *Capital University Center* | *925 E. Sioux Ave, Pierre, SD* |
| *Madison High School* | *800 NE 9th Street, Madison, SD 57042* |
| *Northern State University* | *1200 S. Jay Street, Aberdeen, SD 57410* |
| *Community College for Sioux Falls* | *4801 N Career Avenue, Sioux Falls, SD* |
| *SDSU Rapid City Site* | *1011 11th Street Rapid City, SD* |
| *Southeast Technical Institute* | *2300 N. Career Avenue, Suite 260, Sioux Falls, SD 57117* |

This information is gathered by the Registrar's Office annually. Additional requests were sent to numerous locations where students stayed more than one night in a location for a university purpose, such as an athletic competition or academic study of regional geography or architecture.

## Reporting Crime and Daily Crime Log

### Crime Reporting Policy, Procedures and Responses

Report all crimes and emergencies to UPD by calling 111 (from a campus landline) or (605) 688-5117.

A victim of or a witness to a crime has the opportunity to report such crime and is encouraged to do so. If a crime occurs on the SDSU campus, it should be reported immediately to UPD, which has primary jurisdiction over the campus. In addition to UPD, crimes and violations of university policy may also be reported to a designated Campus Security Authority (CSA), including but not limited to a community assistant of a residence hall staff or student security officer for an event or activity. A partial list of CSAs is located in Appendix A. This list is also available on the SDSU website and provides names, titles, location and phone numbers of the designated officials and is updated by the Clery Compliance Officer in collaboration with the Human Resources Office.

All criminal actions and emergencies reported to UPD will receive immediate attention and will be investigated to determine possible legal charges.

### Non-emergency Reporting Procedures

For non-emergency assistance, please call UPD at 605-688-5117. UPD is located at 1405 Jackrabbit Avenue. While students are encouraged to report crimes to the police, other university staff, such as the Vice President of Students Affairs Office, the Title IX/EO Office or the Counseling Center staff, will also provide assistance with reporting crimes on or near campus. Residential students can also report crimes and concerns to their respective residence hall staff members.

### Confidential Reporting of Crime

For victims of a crime, reporting of the crime is voluntary. Those who choose not to pursue action with the SDSU student conduct system or the criminal justice system may want to consider making a confidential report. Unless in unique circumstances, if a complainant of a Title IX violation (rape, fondling and VAWA crimes) chooses not to file a formal complaint, SDSU will respond to the complaint without conducting an investigation. Upon request of the victim, UPD can file a report documenting the incident and reporting details only to the Title IX coordinator. The purpose of such a report is to comply with the desire to keep information confidential, while taking steps to ensure the future safety of SDSU students and staff. With such information, SDSU can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger.

Sexual Assault reporters are notified that a decision to maintain confidentiality will limit the university's ability to conduct an investigation and respond to the allegations.

Reports can also be filed anonymously via www.lighthouse-services.com/sdstate and with the Brookings Area Crime Stoppers. BPD coordinates with UPD on crimes reported to it. Crimes can be reported to Crime Stoppers by calling 605-692-STOP (7867).

## Emergency Response and Evacuation Procedures

### Campus Emergency Notification

Consistent with the requirements of the Clery Act, SDSU provides two types of alerts to the university community. They are timely warning and emergency notification. Timely warnings provide information on Clery Act crimes and other criminal activity that poses a threat to the community. Emergency notifications notify the community upon confirmation, without hesitation, of a significant emergency or dangerous situation involving an immediate threat to the health or safety of a member of the community. Both timely warnings and emergency notifications are designed to provide the necessary information to make informed decisions about safety. Both timely warnings and emergency notifications are delivered campuswide.

The annual law enforcement request for statistical information asks police departments with Clery reportable property in their jurisdiction to notify the university should a crime(s) occur that puts the university community at risk.

Information regarding incidents that meet the criteria for an emergency notification will be sent by UPD or the Emergency Management Team (EMT) chair, or designee, without delay as soon as the threat is confirmed, unless issuing of the notification will, in the professional judgement of university authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Threats will be confirmed through reports from law enforcement, fire officials, students or employees and through general public-relayed information indicating the event is authentic. Emergency notification utilizes email, telephone, desktop notification, university home webpage and university-controlled social media.

Staying informed starts with keeping your emergency contact information updated so the EMT can contact you in the event of an emergency. You will receive information from SDSU's emergency communications system, which sends notifications through landline phone, cellphone, text messages, email, and message boards to inform you about campuswide emergencies, natural disasters and closings for inclement weather. Students, faculty and staff can easily update this information at the Campus Alert System website.

It is the policy of SDSU to respond immediately to emergencies in a manner consistent with its emergency management plan, which is available on the emergency management webpage. When events warrant, timely warnings or emergency notifications will be sent campuswide. All-clear messages will be sent when the condition requiring the emergency notification has ended.

Social media, university-controlled webpages and releases to the media will provide emergency information and updates to the general community.

The university conducts tests of the emergency notification system early in the fall and spring semesters. To increase participation and registration in the emergency notification system, the fall test notification is announced. Information on how to access the system, register and provide additional information is provided in the announcement. The spring test is unannounced.

Fire drills are conducted in all on-campus academic and residential facilities. Fire drills are conducted in residential facilities semiannually, in the fall and spring semesters, while academic building drills are conducted annually. Drills are conducted without notice. Working with staff from the Department of Facilities and Services and the Department of Housing and Residential Life, fire drills are coordinated by the SDSU emergency management specialist. Drills are evaluated for compliance with evacuation procedures and fire system operations. Results are documented by the SDSU emergency management specialist and shared with building wardens and Department of Housing and Residential Life staff. These

results include a description of the exercise, time, date, location, whether the drill was announced or not and compliance with procedures. Building wardens and Department of Housing and Residential Life staff are responsible for retaining reports and disseminating reports to building occupants upon request and addressing any deficiencies identified in the report. SDSU's emergency response and evacuation procedures are described in the emergency management plan.

**Emergency Procedures**

Crimes in progress should be reported immediately by dialing 111 using a landline phone on the SDSU campus, dialing (605) 688-5117 from a cellphone for UPD, or dialing 911 for the Brookings Police Department. Whenever possible, the victim or witness of the crime should call the police directly, as firsthand information is always more accurate and complete. Emergency phones are located throughout the campus linked directly to UPD. UPD is staffed 24 hours a day, 365 days a year. When calling to report a crime or incident, please be ready to give information such as:

- A brief description of what occurred
- Where the incident occurred
- When the incident occurred
- Whether the suspect(s) have/had a weapon
- When and where the suspect was last seen
- Description of the suspect (gender, age, height, weight, hair color, clothing, facial hair, tattoos or other relevant information)

**Campus Crime Alerts – Timely Warning**

Timely warnings provide information on Clery Act crimes and other criminal activity that poses a threat to the community. A timely warning is issued by the EMT chair (refer to university policy, "Community Notification of Potential, Imminent or Active Threat to the University" Number 10.3 reproduced in Appendix C), or designee upon consultation with UPD and other departments. This information is provided to the community via campuswide email and posting on the university home webpage.

Additionally, SDSU will provide other notification to the community of incidents that do not meet the criteria for a timely warning or emergency notification but contain important safety and security related information. These notifications are provided by the EMT chair, or designee, in consultation with other university departments. Such notifications use email, webpages or other methods as determined by the university.

It is the policy of South Dakota State University to complete publicly available recordkeeping, including Clery Act reporting and disclosures without inclusion of the victim or accused individual's personally identifying information.

Community members who know of a crime or other serious incident should report that incident as soon as possible to UPD—(605) 688-5117 or 5117 on campus—so that a timely warning or emergency notification can be issued, if warranted. Typically, the SDSU Emergency Communications System is tested the first week of the fall and spring academic semesters. These tests are announced in advance. By South Dakota Board of Regents policy, all student and staff emails are automatically entered into the emergency communications system. Test announcements provide information on the emergency communications system and instruction on adding additional contact information into the system.

**Policy Statements**

**Information Collection and Preparation of Annual Report**

SDSU has the responsibility of gathering statistics, identifying reportable crimes, and reporting/publishing these statistics to the Department of Education and the SDSU community. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires certain crime statistics to be reported when they occur on campus property, public property on or adjacent to the SDSU campus, and non-campus property, as well as student disciplinary referrals and arrests for drugs, alcohol, and weapons offenses. The act also requires collection of information regarding crimes from non-law enforcement Campus Security Authorities (CSAs) who have "significant responsibility for students or campus activities." The current campus security report is compiled for the previous calendar year from statistics based upon crime reports provided by UPD, the Title IX/EO Office, incident reports received from CSAs as well as off-site police departments where SDSU courses are offered, and SDSU disciplinary referrals.

The following guidelines are utilized in developing the statistical disclosure for the report:

- SDSU reports crimes for liquor, drug and weapons violations occurring on campus, in student housing facilities, at non-campus buildings owned or controlled by SDSU, and on public property adjacent to the campus.
- The Office of Student Conduct tracks disciplinary referrals for drug, alcohol and weapons violations, as well as other Clery reportable crimes that were not reported to UPD.
- The Title IX/EO Office tracks reports of fondling, rape and VAWA crimes, as well as other Clery reportable crimes that were not reported to UPD.
- When there are two crimes associated with one incident, the UPD Records Officer determines which crime should be used for reporting purposes. The Uniform Crime Reporting (UCR) Hierarchy Rule is used to make this determination. The exception is with VAWA crimes, which are reported in addition to other crimes in one incident.
- SDSU observes laws of the state of South Dakota and South Dakota Board of Regents policies regarding alcohol and other drugs. Students participating in unapproved alcohol-related events will be referred to the SDSU student conduct system. Students of legal age of consumption will not be included in the Clery reporting statistics for disciplinary referrals for possession or consumption of alcohol. Clery reporting requirements include only violations of state liquor laws.
- To ensure accurate documentation of all criminal and disciplinary incidents connected with SDSU, criminal case files are maintained by UPD, disciplinary records will be maintained by the Office of Student Conduct, and Title IX records are retained in the Title IX/EO Office.
- All members of the SDSU community are encouraged to report any crime promptly and accurately to UPD for on-campus crimes and to local law enforcement when crimes occur off campus. Victims of crimes and third-party observers to crime may report crimes anonymously. Any person who is aware of a reportable offense and is aware the victim is unable to report is encouraged to make a report on their behalf.
- Licensed counselors and medical personnel, when acting in such roles, are exempt from reporting requirements. SDSU encourages such employees, if and when they deem appropriate, to inform their clients of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the campus security report.
- When aware that a Clery reportable offense has been committed, non-law enforcement CSAs will forward the information using relevant procedure. To the degree possible, these reports will be treated as confidential unless the victim gives permission to document identifying

information or for police to investigate. The information is also forwarded to the Title IX coordinator, for review or investigation, and to ensure that supportive measures are provided. Reporting forms include the request for specific information (e.g., date, location, nature of the offense). To preserve the victim's choice not to report, this information is used to preserve confidentiality, avoid duplicate or inaccurate statistical reporting, and assure that the incidents are, as much as possible, congruent with the FBI Uniform Crime Reporting classifications.

- A designated university official in or with a supervisory relationship to UPD will communicate with the relevant law enforcement agencies at all off-campus instructional sites as identified by the Department of Education. Data provided from the police departments from these areas will be included in the Off-Campus category in the SDSU Campus Security Report.
- SDSU does not condone or support the illegal possession, consumption, or distribution of alcohol at off-campus events sponsored by recognized student organizations. Individuals who violate SDSU alcohol regulations at off-campus events are subject to sanctions described below. Organizations that sponsor events where violations occur are subject to student conduct action, including loss of recognition.

In addition to the above guidelines, all UPD officers are required to classify incidents according to South Dakota Codified Law (SDCL) as well as Clery criteria. UPD has also designated its operations sergeant as the Records Officer for the purposes of maintaining department and institutional compliance with the Clery Act. The duties for this position include but are not limited to:

- reviewing officer reports for proper UCR, South Dakota Codified Law (SDCL) and Clery classification;
- monitoring of the daily crime log (DCL) to ensure timely reporting;
- collecting data for the Clery annual report;
- training all new UPD employees (full time, part time and student staff) on the Clery regulations;
- conducting continuous training for UPD officers and dispatchers (full time, part time and student staff) on accurate reporting and classification of all crimes, updates to the Clery Act, and information regarding access to the DCL; and,
- serving as the department's representative on the Clery Reporting Review Committee.

The university's Clery Reporting Review Committee (CRRC) is responsible for meeting all compliance and other requirements for the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This committee reports to the vice president for student affairs and enrollment management. The CRRC provides the leadership to ensure full compliance in the areas of reporting, implementing policies and procedures, updating the annual reporting list and providing educational programs. The committee membership is listed on page two of this document.

The CRRC meets a minimum of three times each year. The first meeting is designed to review updates to the law, discuss and identify off-campus instructional sites, review policies and procedures connected to the Clery Act, and gather initial data for the Annual Security Report from the Title IX/EO Office, UPD and the Office of Student Conduct. The second meeting is held to update various policies (e.g., crime reporting, emergency and non-emergency procedures, and security of facilities), identify programming efforts (e.g., campus crime procedures, crime prevention, drug and alcohol abuse education), begin reviewing crime and disciplinary data to avoid duplication of the same incident, and review communication efforts with non-campus law enforcement agencies. The third meeting will be utilized to finalize the data elements for the ASR, make any final policy updates, and confirm revised procedures for distributing of the ASR.

**Distribution of the Crime Statistics Report**

Email messages are sent to all SDSU students, faculty, and staff on or prior to Oct. 1 annually informing them of the posting of the ASR. The message directs these individuals to the specific SDSU website for this information. Hard copies are available through the UPD Communication Center, upon request.

**Security of Campus Facilities**

**Access and maintenance of campus buildings**

SDSU is a large campus, situated on 272 acres. During a typical school year, the daily population of several thousand students, staff, and faculty makes the university a small city in itself, though the suspension of in-person classes from March 6, 2020, through August 19, 2020, radically decreased the daily population of campus. The nature of the study, service, and research conducted at SDSU requires that many buildings and facilities be open and accessible 24 hours a day. Since the campus is open, many individuals find it easy to access the buildings and grounds; a few may engage in criminal activity. So, regardless of the time of day or night, no matter where people are on campus, they should be alert and aware of their surroundings and exercise common-sense safety precautions. Buildings, facilities, and landscaping are maintained in a manner that minimizes hazardous conditions. UPD officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to facilities management authorities for correction. SDSU invites reports of physical hazards through the work order process for situations such as a broken light, cracked sidewalk or overgrown shrubs. Concerns can be reported by using this link, emailing sdsu.facilitiesandservicesfrontdesk@sdstate.edu, or calling (605) 688-4637. A charge account number is not required when reporting a safety concern.

**Security considerations used in maintenance: Non-Residential Buildings**

The SDSU main campus has more than 320 buildings comprising over 4 million square feet. Most buildings with traditional manual locking mechanisms are locked by Custodial team members from approximately 10 p.m. to 6 a.m. Card reader access has been added to the primary entry points for many of the most-utilized academic buildings, both to improve building security and monitor building access. Buildings with card reader access can be secured and opened on preset schedules or on an as-needed basis. Planned additions aim to provide this card reader status to more non-residential buildings. Campus messaging indicates that it is essential for staff, faculty and students cooperate to keep closed facilities locked. Individuals are encouraged to prevent unauthorized visitors from entering campus buildings by not propping doors open, not leaving doors unlocked if entered after hours, not opening the door for unknown individuals and immediately reporting the loss or theft of keys.

**Security considerations used in maintenance: Residential Buildings**

SDSU provides available housing for up to 4,400 students in traditional residence halls, apartments, and family-designated housing. UPD and Department of Housing and Residential Life staff work closely together to create a safe and comfortable living and learning environment. The security of residential areas involves on-duty residence hall staff, apartment managers, and around-the-clock UPD patrols. Campuswide security and safety discussions are held for residents throughout the year to increase awareness of crime risks and improve campus safety. Facility and security rounds are performed daily in occupied buildings by residential life staff.

Residence hall students must also take an active role to ensure their own security by learning and fully observing all security procedures. In addition, since the campus is open, although visitors to residence halls and apartments are reasonably restricted and monitored, residents need to be alert and aware of their surroundings. Residents are responsible for the behavior of their guests. Visitors must be escorted by a resident of the residential facility at all times. To maintain the safety and security of residence halls,

residents and visitors must ensure that locked buildings stay closed and locked. Residents are strongly encouraged to keep their room or apartment door locked, always carry and protect their keys or swipe card and immediately report should either be lost or stolen. In addition, residents should not open entrance doors for people they do not know and should alert residence hall staff and UPD of attempts at unauthorized entry (for example, someone climbing in a window) or suspicious activity (an unknown person walking out of a friend's room carrying a computer).

Residents are reminded to carry provided keys and student identification when leaving their room. Tampering with and/or propping entry doors violates SDSU policy, as it endangers residents' safety, personal property, and university property.

*Exterior Entrance Doors:*
All exterior entrance doors (lobby, fire tower, etc.) are locked 24 hours a day, 7 days a week, with the following exceptions (note, access to student residential space is restricted to card access only even within these exceptions):

- Main lobby doors in Caldwell Hall are unlocked for access to the central Housing & Residential Life Office and to the mail center located at the Caldwell Hall front desk. Hours of open lobby access for when classes are in session for fall 2021 semester are:
    - Monday-Wednesday – 8 a.m.-7 p.m.
    - Thursday – 8 a.m.-5 p.m.
    - Friday – 8 a.m.-6 p.m.
- Main lobby doors in Hansen Hall are unlocked on a scheduled basis for access to the classrooms located in the lower level and a convenience store located in the main entrance lounge. Hours of open lobby access for when classes are in session for fall 2021 semester are:
    - Monday-Thursday – 7:30 a.m.-7 p.m.
    - Friday – 7:30 a.m.-5 p.m.
    - Saturday – 11 a.m.-5 p.m.
    - Sunday – 11 a.m.-7 p.m.
- Main lobby doors in Honors Hall are unlocked from 8 a.m.-5 p.m. Monday through Friday when classes are in session for access to the classroom and Honors College offices on the main level.
- Main doors to Larson Commons, an area which provides access to a dining facility, convenience store, mail center, and student support service offices and provides indirect access to the lobbies of Binnewies and Young Halls, are open on the following schedule:
    - Monday-Friday – 7:30 a.m.-7:30 p.m.
    - Saturday-Sunday – 9:30 a.m.-7:30 p.m.
- Main lobby doors for Spencer Hall are unlocked to provide access to a package center and mail area. Hours of open lobby access for when classes are in session for fall 2021 semester are:
    - Monday – 9 a.m.-6 p.m.
    - Tuesday-Wednesday – 9 a.m.-8 p.m.
    - Thursday – 8 a.m.-6 p.m.
    - Friday – 10 a.m.-7 p.m.
    - Saturday – Noon-4 p.m.
    - Sunday – 10 a.m.-Noon

*Internal Doors:*
A. Floor and elevator doors may be locked daily and reopened as determined by University Housing and/or hall communities.
B. Designated "fire emergency only" stair tower doors remain locked 24 hours a day and are only to be used during an emergency evacuation.

**Security Awareness Services: Daily Log**

Federal law requires that every university that "maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department," including the nature, date, time, general location, and disposition of the complaint, if known. The UPD Records Officer is responsible for ensuring the crime log is accurately and completely updated regularly during the work week and is made readily available to the campus community and general public upon request. Paper crime logs are available at UPD, located at 1405 Jackrabbit Avenue.

The law requires that this initial information be open for public inspection within two business days of the report of the crime unless the release of the information is prohibited by law and/or if the disclosure would jeopardize the confidentiality of the victim. It also requires that new information about entries be made available within two business days. All crimes reported to UPD are included in this log. If a specific day is not listed, then no crimes were reported on that day. The disposition of the crime is "case open, investigation continuing with available information" unless indicated otherwise in the entry.

**Enforcement and Arrest Authority**

SDSU's police officers are duly sworn and certified law enforcement officers with full powers of arrest. UPD employs 14 full time certified police officers, four part time certified police officers, and approximately 10 student patrol officers. Police officers patrol the campus 24 hours a day, 365 days a year to enforce applicable local, state, and federal laws; arrest violators; deter and detect criminal activity; investigate traffic accidents; respond to calls for service, and provide a full range of professional police services, including immediate response to all critical incidents and emergencies. Uniformed student patrol officers serve in a public safety capacity by providing vehicular and foot patrols, provide event and building security, conducting traffic control and parking enforcement, and assisting our law enforcement personnel as directed.

**Information on Registered Sex Offenders**

The State of South Dakota (SDCL 22-24B) requires those people convicted of a sex offense to register with the local law enforcement agency of the community in which they reside. In addition, sex offenders must notify law enforcement if they change residences.

SDCL also requires the court to inform the person charged with a sex offense of their requirement to register. The Department of Corrections is required to inform inmates under their control of the registration requirement. The State makes this information available to local law enforcement agencies. Information regarding registered sex offenders in South Dakota is available via the Internet at: https://sor.sd.gov/Home/Search, with the national database available at http://www.nsopw.gov/.

Please note that not all sex offenders who may be attending or employed at SDSU reside in Brookings or Brookings County. Be sure to indicate to the local law enforcement agency you contact that you are a current student, a prospective student, or an employee at SDSU and that you want to review the sex offender registries. Law enforcement personnel at the following locations will respond by directing you to the current information:

| | | |
|---|---|---|
| University Police Department | 1405 Jackrabbit Avenue | 605-688-5117 |
| Brookings Police Department | 307 Third Avenue | 605-692-2113 |
| Brookings County Sheriff | 315 Seventh Avenue | 605-696-8300 |

Any person who uses information contained in or accessed through the South Dakota Sex Offender Registry to threaten, intimidate, or harass any individual, including registrants or family members, or who otherwise misuses this information, may be subject to criminal prosecution. A violation is a Class 6 felony, and the violator could be sentenced to the South Dakota State Penitentiary for up to two years and could be fined up to $4,000. If you believe that any of the information found in these records is in error, or you would like additional information, please contact the sheriff of the county or the chief of police of the city where the sex offender resides.

**Alcohol and Drug Policies**

1. Purpose
   This policy and its procedures implement SDBOR Policies 4:27 and 3:4 and set forth the policies governing possession, use, or distribution of alcohol, marijuana, or controlled substances on University property. The sale of Alcoholic Beverages on University Property is subject also to SDBOR Policy 6:14 and University Policy 6:4.

2. Policy
   a. The University is committed to providing a drug free workplace. It is the intent of the University that all employees regardless of their faculty, exempt, or civil service status be subject to the restrictions set forth herein. Additional regulations for employees may be found in SDBOR Policies 4:4 and 4:14. In compliance with the Drug-Free Workplace Act of 1988, the University strictly proscribes the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances (including cannabis used or possessed for medical purposes) by its employees and agents while on duty or while in any workplace controlled by the University. For purposes of this proscription, the workplace shall include premises and vehicles owned and controlled by the University and other premises and vehicles when used by the University for education, research, service, or other official functions.
      i. Any person violating this proscription shall be subject to appropriate disciplinary actions, which may include termination of employment or expulsion from the University and SDBOR institutions.
      ii. Additional regulations may be found in SDBOR Policy 4:14.2(F). It is the intent of the SDBOR that all employees regardless of their faculty, exempt, or civil service status be subject to the policies set out in those provisions. Employees are also subject to applicable federal and state laws.
   b. While South Dakota law may permit certain actions regarding marijuana, the use and possession of marijuana, whether for medicinal or recreational purposes, is prohibited under federal law. Federal law classifies marijuana (cannabis) as a Schedule 1 controlled bstance and criminalizes the growth or use of marijuana. The use of medical marijuana is also restricted by federal laws, including the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act. Consequently, any use of marijuana on property owned or controlled by the University or at events hosted or sponsored by the University is strictly prohibited.
   c. Each person employed by the University to render services under a federal grant or pursuant to a federal contract will, as a condition of that employment, agree to (1) abide by the terms of this policy, and (2) to notify their Supervisor, or the University President, of any criminal drug statute conviction for a violation occurring in the workplace, that notice being submitted no later than five (5) days after such conviction.

i. The Supervisor, University President, or appropriate designees, shall have primary responsibility for the implementation of the foregoing policy.
ii. Each University employee who is assigned to perform services under a federal grant or pursuant to a federal contract shall be given a copy of the University's drug free environment policy.
iii. Whenever the University receives actual notice that an employee rendering services under a federal grant or contract has been convicted of a criminal drug statute violation that occurred in the workplace, the University President, or designee, shall notify the appropriate federal agency within ten (10) days after receipt of such notice.
iv. Within thirty (30) days of receipt of the notice specified in paragraph (iii), the University shall (1) take appropriate personnel action against the employee, up to and including termination, and (2) in the event that the personnel action stops short of termination, require such employee, at his or her own expense, to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by an appropriate agency.

d. In compliance with the Drug-Free Schools and Communities Act Amendments of 1989, the University strictly prohibits the unlawful possession, use, manufacture, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances by its students or employees while on University controlled property or while participating in any capacity in activities or employments sponsored by it.
    i. Students are subject to the provisions set forth by federal and state law and all SDBOR and University policies, including SDBOR Policy 3:4 and the University Student Code.

e. No possession, use, manufacture, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances is permitted on premises controlled by the University, except:
    i. When needed in conjunction with approved research activities;
    ii. When alcohol is possessed, used, or distributed in a lawful manner inside a dwelling occupied by an employee who, as a condition of employment, is required to maintain a residence on premises controlled by the University;
    iii. When 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;
    iv. When the possession, use, or distribution of the controlled substance is incidental to treatment by a licensed health care professional authorized to prescribe such substances. For purposes of this section, a prescription does not include a written certification for use of medical marijuana, pursuant to SDCL 34-20G-1(23). Employees who use medical marijuana pursuant to a validly issued written certification when not on property controlled by the University may subsequently report to work or participate in activities as long as such use does not cause impairment or inability to perform the duties of their position; or
    v. When alcohol is possessed, used or distributed in a lawful manner on University property designated by the University President as places where such possession, use and distribution may be permitted, subject to the conditions prescribed. Additional requirements for the sale of Alcoholic Beverages are set forth in SDBOR Policy 6:14 and University Policy 6:4.

f. The University has designated a limited number of sites on campus where lawful alcohol possession and consumption may be permitted without sale as part of a University sponsored event or activity, upon University President approval. Areas for sale of Alcoholic Beverages are established pursuant to University Policy 6:4. Those sites designated as areas for activities without sale include the following locations:
    i. Football tailgate areas (pursuant to University Football Tailgating Policy)
    ii. Designated reception areas in the Oscar Larson Performing Arts Center
    iii. University Student Union
    iv. McCrory Gardens
    v. South Dakota Art Museum
    vi. Agricultural Heritage Museum
    vii. Designated hospitality areas in Frost Arena
    viii. Club 71 and Coughlin Alumni Lounge

    The University President may designate additional sites on campus where the lawful alcohol possession and consumption is permitted, subject to the restrictions of this and other University and SDBOR policies and procedures, and a properly issued Permit.
g. Approved alcohol use will be limited to wine and beer. Only individual serving-sized cans of beer will be permitted under this policy. No kegs or other large containers of beer may be used on campus. Mixed drinks and liquor will not be permitted.
h. University individuals or groups requesting permission to serve alcohol on campus are prohibited from advertising the availability of alcohol use on campus.
i. Whenever an officially recognized organization is permitted under this policy to conduct a social function at which alcohol will be provided, it must adhere to the following guidelines:
    i. If the function includes the sale of alcoholic beverages, appropriate permits and licenses must be obtained;
    ii. The organization sponsoring the event should implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who appear intoxicated;
    iii. Persons of legal age must be designated as servers. They must be trained to monitor alcohol consumption, and they alone may have direct access to alcoholic beverages.
    iv. Attractive nonalcoholic beverages must be equally available and on display.
    v. The consumption of alcoholic beverages must be limited to the area designated for the event.
    vi. A reasonable portion of the budget for the event must be designated for the purchase of food items, and food must be available throughout the event.
        1. Officially recognized student organizations remain subject to the additional restrictions set forth in the Student Code which prohibit expenditure of organizational funds for alcoholic beverages.
    vii. Alcohol service must be discontinued well before the event is expected to end.
    viii. Alcohol use should never be the primary focus of the event. Drinking contests and other activities that encourage consumption of alcohol are strictly prohibited.
    ix. Advertising may not mention the availability of alcohol in a prominent way, nor may advertising mention the amount of alcoholic beverages available. If mention is made, equal attention must be given to the availability of nonalcoholic beverages.
    x. Officially recognized organizations will have the responsibility to provide those persons conducting the event with copies of these regulations. They will also be responsible for implementing these regulations.

xi. Officially recognized organizations must agree to abide by the foregoing regulations as a condition of continued recognition.

j. Persons who violate the provisions of this policy will be disciplined.
   i. Students will be subject to discipline as set forth in the Student Code. The Student Code sets forth additional policies governing student possession, use, or distribution of alcohol, marijuana, or controlled substances.
   ii. Disciplinary procedures for employees will vary according to the individual's status as a Civil Service employee, as a non-faculty exempt employee, or as a faculty member. Disciplinary measures shall be imposed pursuant to those procedures that are appropriate to the employee's classification.
   iii. Employees whose unlawful possession, use, or distribution of alcohol, marijuana, or controlled substances violates this policy may be subject to those disciplinary measures set out in SDBOR Policy 4:14, SDBOR Policy 4:4, and ARSD 55:10:07:01; except that absent extraordinary circumstances, a second infraction will be deemed just cause for termination.
   iv. Where the infraction constitutes a felony offense under South Dakota or federal law, the essential facts of the infraction will be referred to law enforcement authorities. Referral of a matter to law enforcement authorities will not require suspension of disciplinary proceedings nor delay imposition of discipline.

k. The University is responsible for preparing and distributing annually to all students and employees written statements that set forth in detail the following:
   i. SDBOR and/or University policies that regulate the possession, use, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances, together with the relevant disciplinary procedures and sanctions;
   ii. Legal sanctions under local, state, or federal law for the unlawful possession, manufacture, or distribution of illicit drugs and alcohol;
   iii. Health risks associated with the use of alcohol, marijuana, or controlled substances; and
   iv. Any available programs for alcohol, marijuana, or controlled substances counseling, treatment, rehabilitation, or re-entry.

l. The University is required to report, on a biennial basis:
   i. Evidence about the degree to which its alcohol, marijuana, and controlled substances programs have been effective in reducing academic, social, and employment problems associated with the use of such substances;
   ii. Any changes in University or SDBOR policies that might enhance program effectiveness; and
   iii. Data showing what disciplinary measures were imposed on students or employees pursuant to the foregoing policies.
      1. The data provided in response should contain sufficient detail to demonstrate that sanctions were imposed consistently and equitably among those students and employees who became subject to discipline.

m. Nothing in this policy abrogates the applicable requirements of the Americans with Disabilities Act.

3. Procedures

a. The University reserves the right to approve or deny requests for alcohol use without sale at its sole discretion. Sales of Alcoholic Beverages on University Property are subject to review and discretionary approval under University Policy 6:4.
    i. Groups or individuals wishing to obtain authorization for Alcoholic Beverage possession or consumption without sale in accordance with this policy must submit a fully completed Alcoholic Beverage Non-Sale Permit Application with the reservation or facility use agreement for review and routing through the applicable facility use reservation process to the University President, or designee.
    ii. A fully completed Alcoholic Beverage Non-Sale Permit Application and all required documents, including a facility reservation or facility use agreement, security plans, and any other requested information must be submitted at least ten (10) business days prior to the proposed event. Once the applicant and unit have signed, the application and accompanying documents will route through the approved electronic process to Facilities and Services, Safety and Security, the University-designated food and beverage provider, and the University President, or designee, for review.
    iii. The University President, or designee, will review the application, required documents, internal unit approvals, and will indicate whether the permit is approved or disapproved on the Alcoholic Beverage Non-Sale Permit Application. Following the University President's, or designee's, decision and signature, a copy of the fully completed application will be provided to the applicant and the unit.
    iv. The University President, or designee, may require additional review of facility use reservations, facility use agreements, security plans, food and Alcoholic Beverage contracts, and other supporting information and documentation by other University officials to inform the President's, or designee's, decision whether to approve or deny an application.
        1. If the application is not approved, the University President, or designee, will indicate the reason for the disapproval.
        2. If the application is approved, the University President, or designee, will approve a Permit for the event.
    v. If the Permit is approved, it will be displayed at the Permitted Event at point of service.

4. Responsible Administrator

    The Vice President and General Counsel is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

The University has designated the following residential locations for legal alcohol consumption as follows:

1. Hansen Hall in rooms where the resident(s) are of legal drinking age (21 years of age) provided that no one under age 21 is present while alcohol is being consumed.
2. Meadows and Southeast Neighborhood Apartments and Townhomes in units where the resident(s) are of legal drinking age (21 years of age), provided that no one under age 21 is present while alcohol is being consumed.
3. Residence Hall Director apartments provided that no one under age 21 is present while alcohol is being consumed.

**Education, Awareness and Prevention: Definition of Terms**

**Programs to prevent:** The term **programs to prevent** refers to comprehensive educational and training programs intended to prevent violence that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and consider risk and protective factors as they occur on the individual, relationship, community and societal levels.

**Primary prevention:** The term **primary prevention** refers to programming, initiatives, and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

**Awareness programs:** The term **awareness programs** refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence, and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience-specific programming (including both students and employees). Awareness month campaigns, "Speak Outs," rallies or marches, informational poster campaigns or resource websites, and educational programming that focus on sharing resources and information about these issues are examples of awareness programs.

**Bystander intervention:** The term **bystander intervention** refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.

**Risk reduction:** The term **risk reduction** refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate sexual violence (SV), dating/domestic violence (DV), and stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security.

**Ongoing awareness and prevention campaigns:** The term **ongoing awareness and prevention campaigns** refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SV, DV, and stalking prevention. These programs will occur at different levels throughout the institution (i.e., faculty, athletics, and incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes SV, DV, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

**Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy and Programs**

**Procedures for Survivors to Follow**

SDSU is committed to providing a safe environment for all students, employees, and guests. UPD, administration, and others work to prevent crime and violence on campus. SDSU has specific policies prohibiting sexual assault, domestic violence, dating violence, and stalking. If any of these occur, SDSU stands ready to fully investigate any such reports and provide supportive measures including counseling services to all parties involved. Information regarding the investigation process will be provided to the complainant and respondent, including the maximum disciplinary sanction that may be imposed for the alleged violation. The privacy and dignity of all involved will be protected. In addition, SDSU personnel offer assistance to all individuals with contacting university and other law enforcement officials. SDSU understands and communicates to victims that they have the option of reporting or not reporting an incident to law enforcement.

Allegations that occur outside of SDSU owned or controlled property or programs/activities will be dismissed. However, regardless of location, students, employees and program participants who report to SDSU they have been a victim of one of the aforementioned crimes shall be provided supportive measures necessary to restore their ability to perform academically, socially and/or in their employment. Individuals involved in a Title IX investigation are provided with written notifications about options for, and available assistance in, financial aid and international student services along with changing academic, living, transportation and working situations, if such measures are reasonably available, regardless of whether or not the complainant chooses to report the crime to campus police or local law enforcement.

Sex offenses include the subjection of another person to any sexual act against that person's will, without one's consent, whether forcible or non-forcible. It may be coerced through force or threats of force or with someone who is unconscious, or someone who is incapable of giving consent. The university treats both fondling and rape as extreme forms of harassment. Disciplinary sanctions for sexual harassment include: warning, probation, loss of privileges, restitution, educational/personal development sanctions, residence suspension, residence expulsion, suspension, expulsion withholding of a degree and revoking admission and/or degree. Employee sanctions can range from remedial measures to termination. The South Dakota Board of Regents (SDBOR) Title IX policy and procedure can be seen at https://www.sdbor.edu/policy/documents/1-17.pdf. The SDBOR policy covering the Student Code of Conduct is available at https://www.sdbor.edu/policy/Documents/3-4.pdf. For description of SDSU's policies and their relation to SDBOR Policy and Procedure, please see the Student Conduct Code at http://www.sdstate.edu/StudentCode.

**Campuswide Training Program**

Purpose

Campuswide training is provided to students and employees to ensure an environment free of harassment or discrimination. It is important that all campus community members have an awareness of the ways in which Title IX and Equal Opportunity impact everyone on our campus.

**Training Components**

*Online Training for all employees and students*

The South Dakota Board of Regents (SDBOR) contracted with Vector Solutions, in an effort to standardize Title IX training provided to all SDBOR students and employees and to initiate a succession

of Title IX training courses. Vector Solutions offers a variety of training programs, so that training can target given audiences and additional trainings can be offered throughout the year. All employees are required to complete annual Title IX training as were all students in 2020 due to changes in Title IX regulations. The library of courses is called SafeColleges and the course mandated for all students is titled "Title IX Rights and Protections." The completion rate for freshmen students in 2020 was 96%, for all other undergraduate student levels was 94% and the response rate for graduate students was 91%. In addition, Freshmen students were required to complete a training titled, "Sexual Violence Prevention," which had a completion rate of 94%.

Returning employees are required to repeat or complete additional online refresher training a minimum of annually or as legislation requires. The employee completion rate for 2020 was 99.9%, with only two permanent employees not in compliance. The Title IX coordinator is responsible for selecting the materials, but training materials evolve as applicable laws and policies are revised. Each training session reminds individuals of the current contact information of the SDSU Title IX coordinator. It is important to note that this online training applies to all employees, including leadership personnel.

*On-site Training – Investigations and Hearings*

The Board of Regents conducted Title IX training to all system Title IX coordinators on August 19, 2020, September 24, 2020, and December 7, 2020. The Title IX coordinator will be conducting a Title IX/EO training for Title IX/EO deputies, hearing board members and administrators in Fall 2021. SDSU employees working with Title IX investigations and hearings on a regular basis must attend.

*Training Schedule / Long Term Plan*

Individuals who investigate Title IX/EO complaints are required to complete Title IX/EO related training at a minimum of annually or as legislation requires, to ensure they stay knowledgeable about the process and to keep up to date with changes to applicable SDSU policies, state and federal laws. All training materials are posted on the Title IX/EO public webpage at www.sdstate.edu/office-title-ixequal-opportunity.

*Title IX Coordinator, Investigators and Deputies:*

The Title IX coordinator and investigators are required to complete Title IX related training to enhance their understanding of Title IX and how to investigate complaints and conduct live disciplinary hearings in a manner that protects the rights of all involved parties and promotes accessibility. In addition, these employees are required to complete online or in-person training through the SDBOR at a minimum of biennially.

**Title IX Training Content**

The following information is included in the student version of "Title IX Rights and Protections" from SafeColleges:

a. *Introduction* - Defining Title IX and the school's obligation
b. *Defining Sexual Harassment* – Sexual assault statistics, who is at risk, categories of sexual harassment, quid pro quo, hostile environment harassment, sexual harassment criteria, gender discrimination, and consent
c. *Regulations and Obligations* – Formal complaints and investigations, the role of the Title IX coordinator, how to report complaints, employees with authority, confidential reporting sources, SDSU's duty to respond, supportive measures (examples and must be non-disciplinary), standard of evidence, alcohol amnesty, and the impact of alcohol on consent

d. *Grievance Process*- Investigation process, interviews, informal resolutions, reporting to law enforcement, live hearings, advisers, cross-examination, determination letters, and appeal rights

The following information is included in the SafeColleges employee online training:

a. *Introduction* – Statistics of sexual harassment, overview of Title IX, gender discrimination, and legislature and oversight.
b. *Tutorial* – Types of sexual harassment covered by Title IX; severe, pervasive, and objectively offensive; quid pro quo; discriminatory conduct; consequences of not complying with Title IX; retaliation and protected activity; SDSU obligations; officials with authorities; training; supportive measures; reporting; disclosure of information; confidential sources; Title IX coordinator roles; how and what to report, and duty to respond.
c. *Scenarios* – What would/should you do.

*Communication Strategy*

The communication strategy supports the institutional training objectives and provides action items for the communication of the campuswide Title IX training. This plan serves as a guideline for all internal and external communication for all SDSU employees and students. The training focuses on SDSU's commitment to educating our community regarding policy, procedures, and full observation of Title IX policies.

*Key Messages of Communication*

Training educates campus community members on what Title IX is and how it impacts our campus. In addition to all aspects of Title IX, offered trainings include instructions on how to respond and how to report concerns, policies and procedures, bystander intervention information and ways to maintain a respectful environment. Training also includes information regarding the need for federal compliance as required for all employees and incoming students and strongly encouraged for all other students. Requiring training for incoming students will foster a culture of education around these topics with the intention of leading to increased comfort in reporting incidents but decreased numbers of assaults or harassing behaviors. For 2020, all students were required to complete online Title IX training.

*Training Protocols*

SDSU is committed to providing relevant training to foster a safe campus community. Title IX training will be offered and strongly recommended as stated above in "Key Messages of Communication" to all members of the campus community. The objectives and the method of the training will vary depending on an individual's role in the campus community. The Title IX coordinator will be responsible for training coordination, training content as well as the management of training records.

*Students*

All new students at SDSU are mandated to complete online training. The training content provides general information and directs the students on whom to contact with any concerns.

Student participation is recorded via SafeColleges so that the training record may be managed by the Title IX coordinator.

Students are provided access to a brochure that contains references to applicable SDSU policies and resources available on campus and in the Brookings community to assist victims of sexual harassment sexual assault, dating violence, domestic violence, and stalking. The brochure contains current contact information, including name, physical address, telephone number, and email address, for the Title IX coordinator. This information is available at https://www.sdstate.edu/office-title-ixequal-opportunity.

*Faculty and Staff*

All SDSU faculty and staff, including student employees, are required to complete online training that raises awareness on both Title IX and Equal Opportunity concerns. The training content provides general information and identifies whom to contact with any concerns. New faculty and staff complete the training within 30 days of employment, under the direction of the Title IX coordinator. The onboarding process is not considered complete until the faculty or staff member has completed the training.

SDSU employees are required to complete the online training program. Similar to the students, this is achieved by emailing a link to the training session. Individuals use their credentials to sign into the session so that the training record may be managed by the Title IX coordinator.

Employees are provided access to a brochure that contains references to applicable SDSU policies and resources available on campus and in the Brookings community to assist victims of sexual harassment and sexual violence. The brochure contains the current contact information, including name, physical address, telephone number, and email address, for the Title IX coordinator and designated deputies and investigators at SDSU. This information is available on the SDSU Title IX website.

After the initial training session, faculty and staff are required to repeat or complete additional online refresher training a minimum of one time per year. The Title IX coordinator is responsible for selecting the materials aligned with applicable laws and policies. Each training session reminds individuals of the current contact information of the Title IX coordinator and designated deputies at SDSU.

*Leadership, Committees, and University Police Department*

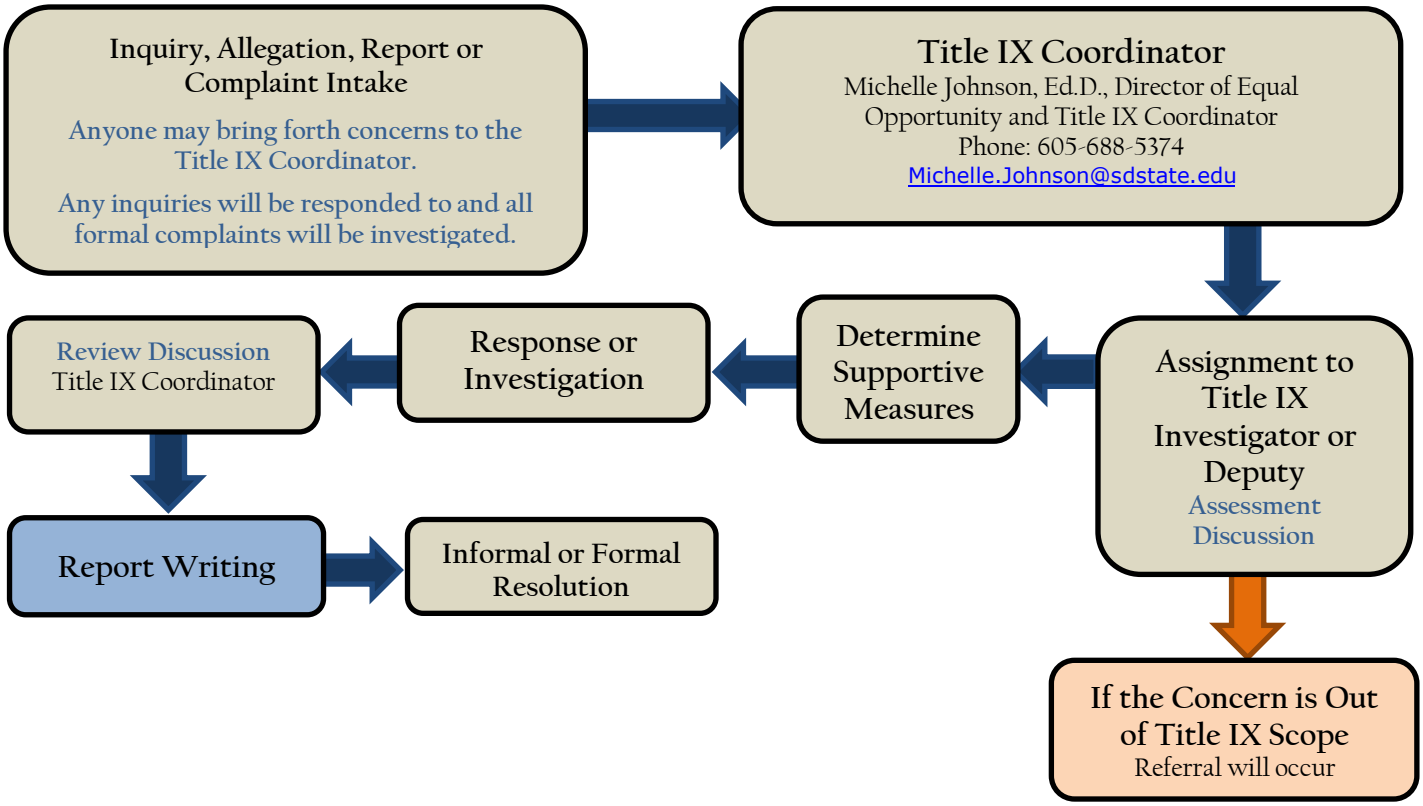
In addition to the online training for faculty and staff, those who are in a leadership role at SDSU are required to participate in training to review Title IX, Equal Opportunity and SDSU policies. Individuals required to receive this training are as follows: president, provost, vice presidents, deans, directors, supervisors, UPD personnel, student conduct hearing panels, academic appeals committee, Title IX coordinator, deputies, investigators and advisory committee. Training will also be provided to various other roles that involve a great deal of student contact or support or roles that are involved in the process as defined by the Title IX coordinator. These individuals will be required to complete this level of training at a minimum of every other year, or based on federal regulation, to ensure they stay knowledgeable about the process and to keep up to date with changes to applicable SDSU policies, state and federal laws.

*Title IX Coordinator, Investigators and Deputies*

In addition to the online training for employees and the training for leadership and committees, the Title IX coordinator, investigators and designated deputies are required to attend annual training to increase their understanding of Title IX and to ensure SDSU is acting in compliance with guidelines applicable to Title IX. The Title IX coordinator is responsible for overseeing and, in certain situations, conducting the training sessions, including the online training.

It is the responsibility of the Title IX coordinator to manage and record the training attendance for all members of the campus community and to ensure that members are provided with the brochure containing resources and contact information for Title IX personnel.

**Investigative Process Flow Chart**




## SDBOR Title IX Investigation & Hearing Timeline

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Intake & Invest-igation** | **5 work** days - Written notice of formal complaint | **5 work** day notice of all meetings | **10 work** days - determine if conduct would be sexual harassment | **5 work** days - If complaint is dismissed to provide written notice to both parties | **Hearing Prep** | **10 calendar** days - both parties & advisors review report & evidence & provide recommended edits | **10 work** days prior to hearing - review report & all evidence to see if recommend-ations were adopted. If not, supply in writing their disagreement | **15 calendar** day notice of hearing | **10 calendar** days after notice of hearing to request Office of Hearing Examiners if exceeds $2500 or property right may be terminated | **After Hearing** | **10 work** days - petition for review to Executive Director (ED) | **5 work** days - ED provide written notice to other party - Other party has **5 work** days to provide written statement |

*Investigative Process*

All inquiries, allegations, reports, or complaints relating to discriminatory conduct, harassment, sexual assault, domestic violence, dating violence, or stalking based on gender will be forwarded to the Title IX coordinator for response or investigation. All formal complaints will be investigated.

- ❒ Intake Process - Upon receipt of inquiries, allegations, reports, or complaints, that information must be immediately communicated to the Title IX coordinator for proper entry into the Case Management System (CMS). This communication should occur within one business day of the inquiry, allegation, report, or complaint. Regarding Title IX allegations, only formal complaints occurring on property owned or controlled by SDSU, or during an SDSU event or activity, will be investigated.
- ❒ Assignment – The Title IX coordinator will assign the case to an investigator (who may be a deputy Title IX coordinator) and enter that information into the CMS. The Title IX coordinator may also choose to proceed independently with the case.
- ❒ Immediately following assignment, the Title IX coordinator will facilitate an assessment discussion with the assigned deputy. The assessment discussion will identify and document the following items clearly:
    - Confirmation that the case aligns with the scope of Title IX and/or EO policies.
    - If the case is not within the Title IX scope, the Title IX coordinator will communicate that to the complainant and/or refer as appropriate. This will then be documented within the CMS.
    - Identify applicable policies and provide clear notice of these procedures to the individuals involved.
    - Determine if the complainant would like to file a formal complaint – notify the Title IX coordinator of their decision
        - Determine any necessary supportive measures for both parties and request such measures from the Title IX coordinator
    - Identify the scope of the investigation and any individuals to be interviewed.
        - These individuals may be directly involved or indirectly involved in the complaint.
    - Identify relevant questions to be asked of each individual.
- ❒ Response or Investigation process ensues.
    - Record all significant dates / interview dates of the investigation.
    - Log the receipt of information, evidence, and other materials as obtained in the course of the investigation.
    - Log delays.
    - Log procedural communications with administrators, attorneys, etc.
    - Deputy will organize and compile investigative documentation from all interviews.
        - As the interview proceeds, there may be additional individuals who are identified as necessary to meet with as well. It also may be necessary to meet with an individual more than once if the deputy must clarify something or ask additional questions.
        - Gather relevant documentation from each individual when possible.
    - Research and analyze the information gathered in conjunction with the policies and/or laws that may apply. Deputy will give critical thought to the complaint or inquiry, information and documentation gathered, and will determine if they need to verify or confirm any other aspects of their information or details of the situation.

- ❒ Deputy will communicate with the Title IX coordinator and schedule a review discussion to review information collected. This discussion will also serve as an opportunity to consider if any further information must be sought.
- ❒ Deputy will draft the investigative report.
- ❒ The Deputy will draft outcome letters to the complainant and respondent. Formal complaints involving Title IX allegations will not include an outcome, but rather, notification that the investigation has been completed.
    - Title IX coordinator must ensure accuracy of all documents.
    - The outcome letters will be emailed or mailed to the complainant and respondent via the CMS.
- ❒ Deputy will organize all investigative notes, documents, policy, and legal references relative to the investigation. Deputy will update CMS and upload appropriate documentation into the CMS file.
- ❒ Deputy will convert all investigative information into electronic files. These, along with any other electronic files or email correspondence will be shared with the Title IX coordinator. Hard copies of investigative information will also be provided to the Title IX coordinator for secure, central filing.

**Risk Reduction Strategies**

- Upstander Intervention: The University modified StepUP! training, with permission, to promote and present "Got Your Back, Jack!" upstander intervention. During 2020, StepUp! was presented online during Thumpstart, and all incoming freshmen were strongly encouraged to attend.
- New Student Orientation (NSO): The Division of Student Affairs hosts one-day orientation programs in June, July, and August. During the programs, a session is offered to all incoming students and their parents that contains information about sexual assault prevention. In addition, The Title IX coordinator sets up a table containing sexual assault, dating violence, domestic violence, and stalking prevention information and is available to answer questions and provide additional information. In 2020 and 2021, Title IX/EO employees participated in 12 NSO sessions each year, which were conducted via Zoom. In addition, a Title IX/EO presentation was conducted during International Student Orientation.
- Staff Training: The Title IX Office provides training for permanent and student staff members, upon request. Due to the pandemic, limited presentations were conducted in 2020. CA Training was conducted to approximately 135 permanent and student staff members employed by the Divisions of Student Affairs and Academic Affairs. The training included the definitions of sexual assault, domestic violence, dating violence and stalking; Quid Pro Quo; consent; bystander intervention; and how to report complaints.
- Title IX/EO Monthly Training Series: Due to COVID-19, no monthly trainings were provided in 2020.
- Miscellaneous Presentations – The Title IX/EO Office conducted in-person Title IX/EO related trainings, upon request, to various forums. In March 2020, Title IX/EO employees presented during the Diversity Academy to approximately 40 individuals.
- Outside Presenters: SDSU hosts outside presenters, who specialize in Title IX related topics, to provide education to students and employees.
    - Sex Signals: In September 2020, the Title IX/EO Office sponsored the event conducted via Zoom which "examines what roles culture and privilege play in justifying unhealthy and dangerous beliefs about what is acceptable social and sexual behavior."

- YOU@SDState Online Portal: This online resource designed for personal computers and mobile devices emphasizes individual well-being and self-awareness to connect students to information, campus resources, peers, and opportunities. The purpose of the YOU portal is to serve students the right resources at the right time, so they are better able to deal with the life events that occur in college. Utilizing activities in three main areas—succeed, thrive, and matter—students can assess and improve their lifestyle in a way that captures their health, sense of purpose, and life trajectory.
- Class Presentations: Due to the COVID-19 pandemic, limited class presentations were conducted in 2020.

**Recognition of Abusive Behaviors and Avoiding Potential Attacks**

In terms of domestic and dating violence, abusive behavior is defined as follows: harmful or unwanted behavior that is inflicted upon any person, by a partner of an intimate relationship. Abusive behavior is generally a pattern of control that one person exercises which physically harms, induces fear, prevents someone from acting at will, or forces a person to behave in an unwanted manner. Abusive behavior can be verbal, psychological, emotional, financial, physical, sexual, or spiritual in nature and can include threats, isolation, and intimidation.

Individuals who witness or encounter abusive behaviors are recommended to:

- Go to a safe area away from the abuser.
- Immediately contact UPD—(605) 688-5117—or Brookings Police Department— (605) 692-2113.
- Report the situation to the Title IX coordinator—(605) 688-5374, via equal.opportunity@sdstate.edu or completing an on-line report at lighthouse-services.com/sdstate.
- Contact SDSU Student Counseling Services at (605) 688-6146. (SDSU students only)
- Report the situation to an SDSU CSA for support and assistance in further reporting of the incident.

**What Victims Can Do Immediately Afterward**

Anyone who believes they have been sexually assaulted, stalked, or a victim of dating or domestic violence should contact any person in authority (police, residence hall staff, etc.) as soon as possible. For example:

- Students who live in the residence halls may contact their hall staff.
- Victims can call UPD without making a formal report at (605) 688-5117, who will at the request of the student contact an SDSU counselor. In addition, students will be advised of their option to file a report with the Brookings Police Department, and SDSU will provide assistance in reporting. If the assault occurred in another jurisdiction, UPD will assist the victim report to the appropriate agency with jurisdiction. The Brookings Police Department can be contacted at (605) 692-2113. The phone number for the Brookings County Sheriff's Office is (605) 696-8300.
- Students may contact UPD to file an anonymous report and/or get information about resources and assistance without being required to provide further information.
- Victims of sexual assault are encouraged to contact the SDSU Title IX coordinator at (605) 688-4128.
- Students may contact the Brookings Domestic Abuse Shelter by calling (605) 692-SAFE (7233) for immediate assistance, information, and help in deciding options. All calls are confidential. The

Brookings Domestic Abuse Shelter is a member of the Eastern Plains Sexual Assault Response Team (EPSART).

- Victims can also seek medical attention at the Brookings Health System. Victims are not required to report the incident to law enforcement or the SDSU Division of Student Affairs before seeking medical attention.

Students and employees may report sexual assault, stalking, and dating or domestic violence situations to the Title IX coordinator online via lighthouse-services.com/sdstate or by calling the 24-hour, toll-free, reporting hotline at 1-844-880-0004. Reports can be filed anonymously. South Dakota state law requires that all felonies reported to any SDSU official also be reported to a law enforcement agency. Victims of the aforementioned crimes that did not result in a felony can decline to report the incident to law enforcement officials.

It is strongly recommended that victims seek medical attention. The Brookings Health System has Sexual Assault Nurse Examiners (SANE) who are forensically trained in assisting and advocating for victims. Requesting a forensic evaluation does not require victim to file a police report. Victims are not responsible for the cost of the examination as stated in South Dakota Codified Law:

> 22-22-26. Payment for rape or sexual offense examinations--Reimbursement by convicted defendant. If a physician, hospital, or clinic examines the victim of an alleged rape or sexual offense the examination shall be provided without cost to the victim. The physician, hospital, or clinic shall be paid for the cost of the examination by the county where the alleged rape or sexual offense occurred, which shall be reimbursed by any defendant if convicted.
>
> **Source:** SL 1986, Ch. 182; SL 2005, Ch. 120, § 402; SL 2012, Ch. 126, § 1; SL 2013, Ch. 108, § 1.

As part of the investigative process, sexual assault victims are advised NOT to bathe, shower, clean up, or change clothes. If a victim must change their clothing, they should put all of the clothing they were wearing in a paper bag and take it with them to a medical facility. Medical attention is necessary to evaluate any injuries (some may not be apparent), assess for sexually transmitted infection and/or pregnancy, and collect evidence. Although victims may not want to file a police report immediately after the incident, it is important for all victims to preserve evidence. Victims of sexual assault and other forms of harassment are also encouraged to protect and preserve digital information such as text, emails, phone calls, and social media site information. If they choose to report the sexual assault in the future, the evidence can be used to support their allegations. Evidence may also support efforts to secure a protection order.

**What SDSU Offers Students**

Confidential counseling is available to all students from SDSU Student Counseling Services by calling (605) 688-6146 to help victims deal with feelings that frequently arise due to sexual assaults, which may include guilt, fear, shame, anger, embarrassment, or helplessness. Counseling services are available to all students regardless of whether the incident occurred on or off campus.

Support to involved individuals' academics, transportation, financial aid, work at SDSU and living situation will be provided, if reasonably available. By law, instances reported to any employee with authority to act must be forwarded to the Title IX coordinator, which may be done by the party receiving the initial report. The Title IX coordinator records and investigates formal complaints of sexual harassment including sexual assault, stalking, domestic violence and dating violence, as well as general

discrimination and harassment. All investigations are conducted in a prompt, fair, and impartial manner by Title IX employees who receive annual training pertaining to such allegations. Title IX employees are trained annually on how to conduct an investigation in a fair and impartial manner that provides the same rights and opportunities to all parties involved. Incidents found to meet the criteria for sexual assault, dating violence, domestic violence or stalking, according to a preponderance of evidence standard, will be remedied in a prompt, fair, and impartial manner. All complainants and respondents will receive written notification of resources, including counseling, health, mental health, victim advocacy, and legal assistance.

Complainants will be notified of the process and their right to file for temporary and permanent protection orders, free of charge, and UPD and the Title IX/EO Office will assist students with doing so, upon request. In addition, SDSU will assist in the enforcement of protection orders, when made aware of such orders. The university will also evaluate the need for and institute campus bans or no contact orders when requested. Supportive measures will be provided in a manner which does not result in harm to the responding party, or that provides the responding party with immediate appeal rights.

**Resources: On Campus**

- Emergency Assistance/Information and Safety Escorts
    - South Dakota State University Police Department—(605) 688-5117 (call from on-campus landline phones—111). This number is provided on the back of each SDSU student ID
- Medical Services (Students only)
    - SDSU Student Health Clinic (118 Miller Wellness Center)—(605) 688-4157
- Counseling Services (Students only)
    - SDSU Student Counseling Services (118 Miller Wellness Center)—(605) 688-6146
- Student Conduct Procedures (Students only)
    - Assistant director for student conduct (167 Caldwell Hall)—(605) 688-5148
- Student Affairs Office (Students only)
    - Vice president for student affairs and enrollment management (312 Morrill Hall)—(605) 688-4493
    - Associate vice president for student affairs (312 Morrill Hall)—(605) 688-4493
    - Dean of students (312 Morrill Hall)—(605) 688-4493
- Students' Association (Students only)
    - Legal advice without representation—(605) 688-5181
- Director of equal opportunity/Title IX coordinator (100 Morrill Hall)—(605) 688-5374
- Employee relations specialist (100 Morrill Hall)—(605) 688-4128

**Resources: Off Campus**

- Medical
    - Brookings Hospital Emergency Room (322 22nd Avenue)—(605) 696-9000
    - Sexual Assault Nurse Examiners (SANE) who are forensically trained in assisting and advocating for victims (Brookings Hospital)
    - Avera Medical Group Brookings (400 22nd Avenue)—(605) 697-9500
- Advocacy/Counseling
    - Brookings Domestic Abuse Shelter—(605) 692-SAFE (7233)
    - Brookings Behavioral Health and Wellness—(605) 697-2850

- Police
    - Brookings Police Department (307 3rd Avenue)—(605) 692-2113
    - Brookings County Sheriff's Office (315 Seventh Avenue)—(605) 696-8300

**Supportive Measures**

Supportive measures are defined by SDBOR Policy 1:17 as *"Non-disciplinary, non-punitive individualized services offered to the complainant or the respondent."* The Title IX/EO Office provides, in writing, to both parties involved in sexual assault, domestic violence, dating violence and stalking allegations, a list of possible supportive measures. The Title IX/EO Office initiates discussions of such measures and maintains as confidential any measures provided to either party, to the extent that maintaining such confidentiality does not impair the ability of the university to provide supportive measures. The following are the supportive measures outlined in SDBOR Policy 1:17 and other frequently used measures, which vary depending on the nature and severity of the allegations and evidence.

- **Supportive Measures:**
    - Counseling services
    - Mutual contact restrictions
    - UPD escort services
    - Restrictions from specific university-controlled areas
    - Come and go access (permission to only be on campus for courses)
    - Leaves of absence
    - Increased security and monitoring of certain areas of the campus
    - Assistance with contacting law enforcement—report filing and protection orders
    - Removal or restriction from participating in clubs or organizations
    - Restrictions from attending university-controlled events
    - Restriction of access to university-controlled public areas
    - Housing or office relocation
    - Removal from university-controlled housing
    - Referral to Brookings Area Domestic Abuse Shelter
    - Academic supports
        - Hold harmless for absence from class
        - Extended time for assignment completion
        - Class assignment revisions or resubmissions
        - Re-take of course exam
        - Reschedule of course exam
        - Adjustment to course schedule
        - Petition for an incomplete in a course
    - Request to drop a course with no "W" on transcript
    - Request to drop a course/grade from transcript
    - Parking relocation
- **Referral to Resources:**
    - Dean of Students (Students only)
    - Assistance with financial aid (Students only)
    - Assistance with contacting law enforcement
    - Referral to Brookings Area Domestic Abuse Shelter
    - Legal aid services (Students only)
    - Relevant Disability Services

- Multicultural Affairs Office (Students only)
- Office of International Affairs (Students only)
- Employee relations specialist (Employees only)
- Employee Assistance Program (Employees only)
- Ombuds Office

**University Disciplinary Sanctions and Procedures**

Procedures for university disciplinary action for Title IX-related offences follow SDBOR policy 1:17. The following information applies to accused perpetrators of sexual harassment, which includes fondling, rape, domestic violence, dating violence, and stalking based on gender.

Disciplinary proceedings for policies unrelated to sexual harassment may be initiated in response to conduct that arises out of membership in the institutional community, otherwise prohibited under the student conduct code that adversely affects the institutional community or their pursuit of its objectives.

1) The consumption of alcohol before or during the assault, by the survivor that violates law or policy will not be a Student Conduct matter and therefore should not prevent a survivor from reporting the incident.
2) The Title IX Coordinator, or designee, shall determine if supportive measures shall be invoked for either involved party.
3) For formal complaints in which the allegations could satisfy the criteria for sexual harassment, as per SDBOR Policy 1:17, a hearing examiner is hired to conduct a hearing. Hearing examiners utilize a preponderance of evidence or "more likely than not" standard of evidence to resolve all cases of sexual harassment, as defined by SDBOR Policy 1:17.
    a) The types of hearings utilized by the SDBOR/SDSU are specified below. The type of hearing determined based on the information pertaining to the reported policy violation along with the desires of the involved parties. An informal resolution will be utilized only when the allegations do not involve SDSU employee to student, and an outcome can be agreed upon by both parties. When an outcome cannot be fully agreed upon, the formal process will be utilized, even if for only the sanctioning component.
        i) Informal: Typically, each party and their advisor meets individually with a designated conduct hearing officer. The accused individual (Respondent) and the conduct officer may reach resolution on the outcome. To proceed with an informal resolution, the Complainant must agree, in writing, to resolving the complaint informally.
        ii) Formal: *"Institutions shall provide for a live hearing conducted before a hearing examiner using the contested case proceedings set forth in SDCL chapter 1-26. However, the use of the procedures afforded to contested case proceedings under SDCL chapter 1-26 is not determinative as to the matters status as a contested case under South Dakota law. The individual facts and circumstances shall determine whether or not the matter meets the legal threshold for a contested case, regardless of the process afforded herein. Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The institution shall create an audio or audiovisual recording, or transcript,*

*of any live hearing and make it available to the parties for inspection and review"* (SDBOR Policy 1:17).

b) The steps in both types of hearings include contact with the Respondent and Complainant. Neither party is required to participate. Institutions shall ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties provided.

c) If a party or witness does not submit to cross-examination at the live hearing, the hearing examiner may choose whether to rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, the hearing examiner cannot draw an inference about the determination regarding responsibility solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

d) When students are participating, they and their advisors are provided the evidence that will be reviewed during the hearing prior to the hearing to prepare for cross-examination

e) SDSU provides notice to both parties at least 15 days in advance of the live hearing. See SDBOR Policy 1:17 for content of such notice. Whether the informal or formal process is used, every individual engaged in the process receives a fair and just review of the information, has the opportunity to articulate their point of view, and benefits from procedural due process. Both the Complainant and Respondent have the right to petition for review of the outcome of a formal hearing regarding human rights violations. The process to petition for review is included later in this section. The factors for determining the type of process to use regarding allegations of dating violence, domestic violence, sexual assault or stalking based on gender are as follows:

    i) For investigations to be conducted, formal complaints must be signed by the complainant, or in extenuating circumstances, the Title IX Coordinator. In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality and may need to proceed with an investigation regardless of the complainant's desires. In cases where the complainant requests confidentiality or chooses not to sign a formal complaint and the circumstances allow the University to honor that request, the University will offer supportive measures, as needed. A complainant has the right, and can expect, to have reports taken seriously by SDSU when reported, and to have incidents investigated and properly resolved through these procedures.

        (1) An institution must investigate the allegations in a formal complaint when the allegations occur on SDSU owned or controlled property and/or during an SDSU sponsored event or activity occurring in the United States. A formal complaint may be filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegations of sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Within 5 working days of receiving a formal complaint, the institution must provide written notice to the parties who are known.

            (i) Within 10 working days of receiving a formal complaint, SDSU shall determine whether the conduct alleged, if taken as true, would constitute sexual harassment, and if the allegations contained in the formal complaint occurred in SDSU's education program or activity. The university shall dismiss the formal complaint if the factual allegations, if taken as true, either fail to constitute

sexual harassment; did not occur in SDSU's education program or activity; or occurred outside the United States.

(ii) SDSU may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by, or otherwise affiliated with, the university; or specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

SDSU shall ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties.

(a) The University shall provide equal opportunity to the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

(b) SDSU may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

(c) SDSU shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

(d) The university shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, at least 5 working days in advance.

(e) SDSU shall ensure both parties and their advisors have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the institution must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The university must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

(f) SDSU shall create an investigative report that fairly summarizes relevant evidence and, at least 10 working days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

(2) The university shall provide for a live hearing conducted before a hearing examiner using the contested case proceedings set forth in SDCL chapter 1-26. Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The institution shall create an audio or audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review.

(3) Institutions shall provide notice to both parties at least 15 days in advance of the live hearing.

(4) If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be an attorney. Without limiting the due process provided for contested case proceedings pursuant to SDCL chapter 1-26, the live hearing must:

(a) Permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

(b) Require cross-examination to be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

(c) If requested by either party, provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing examiner and parties to simultaneously see and hear the party or the witness answering questions.

(d) Require the hearing examiner to determine whether any question asked of a complainant, respondent, or witness is relevant before they may answer the question and explain any decision to exclude a question as not relevant before a party or witness answers a cross-examination or other question.

(e) Ensure questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(f) Ensure that if a party or witness does not submit to cross-examination at the live hearing, the hearing examiner must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, the hearing examiner cannot draw an inference about the determination regarding responsibility solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

(5) The hearing examiner shall issue a proposed determination to the SDSU president or their designee, who cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The university must then issue a written determination regarding responsibility. To reach this determination, the institution must apply the preponderance of the evidence standard. In reviewing the proposed determination, SDSU must give due regard to the hearing examiner's opportunity to observe the

witnesses. If the university rejects or modifies the proposed determination of the hearing examiner, or any part thereof, the reasons for doing so shall be provided in writing to the parties.

(6) The university must provide the proposed written determination to the parties simultaneously. The proposed determination regarding responsibility becomes final either at the conclusion of the petition for administrative review to the Executive Director, or if a petition for administrative review is not filed by either party in accordance therewith, the date on which the petition for administrative review would no longer be considered timely. If no petition for administrative review is filed within the timeframe provided, upon the expiration thereof, the proposed determination of the institution shall constitute the final decision on the matter, which is subject to appeal to circuit court in accordance with the provisions of SDCL ch. 1-26. 5.6. The Title IX Coordinator is responsible for effective implementation of any remedies.

4) Following a determination of responsibility by SDSU, the disciplinary sanctions listed below in this section may be imposed on the respondent. More than one of these disciplinary sanctions may be imposed for any single finding of responsibility. Imposition of a disciplinary sanction may be delayed or suspended on such conditions as the institution may prescribe.

**Warning** – A statement to the respondent that the respondent has violated this policy.

**Probation** – Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the respondent is later found to have engaged in any additional violation(s) during the probationary period.

**Loss of Privileges** – Denial of specified privileges for a designated period of time. The privileges of continued participation in institutional activities, and/or access to institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the respondent's expense.

**Restitution** – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.

**Educational/Personal Development Sanctions** – work assignments, service to the institution or community, workshops, counseling or other related educational, training or personal development activities.

**Residence Suspension** – Separation of the respondent from the institution'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.

**Residence Expulsion** – Permanent separation of the respondent from the institution's residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.

**Suspension** – Separation of the respondent from the institution 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 institution may not enroll at another institution until the period of suspension has ended.

**Expulsion** – Permanent separation of the respondent from the institution. A respondent who has been expelled from one institution may not enroll at another institution. A sanction of expulsion will take the form of suspension pending completion of the appeals process.

**Adverse Employment Action(s)** – the institution may take adverse employment action, to include suspension, with our without pay, reassignment, demotion, and termination.

**Withholding Degree** – the institution may withhold awarding a degree otherwise earned until the completion of the grievance process or the completion of all disciplinary sanctions imposed.

The complainant and respondent may petition for administrative review of the university's proposed determination regarding responsibility, and SDSU's dismissal of a formal complaint or any allegations therein, by petitioning in writing to Executive Director of the Board of Regents no later than ten (10) working days after notice of SDSU's decision is deemed received. Petitions for administrative review under this section are limited those made on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A petition filed with the Executive Director must include the party's supporting arguments and documentation. Petitions that fail to include supporting arguments and documents or which are not made on one of the bases set above will be rejected.

Within five working days of receiving a petition for administrative review, the Executive Director, or designee, shall provide written notice of the petition to the other party. That party will have five working days from the date of the notice to submit a written statement to the Executive Director in support of, or challenging, the outcome. Petitions for administrative review will be limited to a review of:

1. The written determination of the institution, which shall include the proposed determination of the hearing examiner;
2. The verbatim record of the hearing;
3. Supporting documents submitted as part of the hearing; and
4. Written statements and/or supporting documentation submitted by the respondent and/or complainant in accordance with the appeal process set forth herein.

**Type and Frequency of Programs regarding Campus Security Procedures and Practices, Crime Prevention, and Drug and Alcohol Abuse**

The key to preventing crime is awareness, which is best achieved through education. SDSU is committed to educating all students, faculty, and staff.

**Type and Frequency of Campus Security Awareness Programs**

- New Student Orientation (NSO): At the orientation programs in June, July, and August, information on campus safety and security is provided to parents and students. Approximately 2,000 students and their parents attend the NSO sessions each summer.

- New Student Training: The Office of Title IX/EO employees in coordination with various volunteers provide training on the topics of sexual assault and upstander intervention the day after new students move on campus before classes begin. In 2020, such training was conducted virtually due to COVID-19.
- International Student Orientation: The Office of International Affairs and UPD present sessions on campus safety and security to international students twice a year, once in the fall and once in the spring.
- Housing and Residence Hall Staff Fire Safety Training: During fall staff training, the live-in staff attend fire safety presentations and participate in fire safety exercises. This includes in-hall training on fire alarm response and procedures as well as education on fire safety policies. In addition, the Brookings Fire Department instructs the staff on fire safety and the proper use of fire extinguishers.
- Housing and Residence Hall Student Staff and Full-time Staff Training: Every fall, all student and full-time staff attend training regarding campus safety and security.
- Initial Residence Hall Meetings: These meetings are required for all hall residents and are held in the fall, during the first week of school in all 16 residence halls. Campus safety and security procedures are highlighted along with emergency response procedures and disciplinary policies.
- Behavioral Intervention Team Staff Training: This team is comprised of staff from Student Counseling Services, UPD, Department of Housing and Residential Life, Athletics, Miller Wellness Center, Human Resources, and Academic Affairs and is chaired by a representative of the Office of the Vice President for Student Affairs and Enrollment Management. Information on the Behavioral Intervention Team that includes the ability to refer a member of the community can be found on the following link.
- Active Shooter Response Training: UPD provides active shooter response training to the university community. Specific trainings are scheduled and additional trainings may be provided to any group or organization in the university community.
- Emergency planning and evacuation: Emergency planning and evacuation: SDSU places an emphasis on emergency planning. Fire drills are conducted in residential facilities every semester, with drills annually in administration and academic buildings. All drills are evaluated upon completion with after action items noted and addressed. Emergency management training is conducted throughout the year.

**Type and Frequency of Crime Prevention Programs**

Crime prevention is an obligation shared among community members to promote a safe and secure environment. SDSU provides a wide variety of training opportunities for the community. Students and employees are encouraged to be responsible for their own safety and security and the security of others. The programs listed below are designed as a resource for this responsibility.

- Sexual Assault Prevention Programming: UPD and the Title IX/EO Office offer and present sexual assault prevention programs over the course of the academic school year to the following groups: Athletics, Department of Housing and Residential Life staff and residents, and academic clubs. Presentations are offered to any SDSU group upon request.

**Type and Frequency of Drug and Alcohol Abuse Programs**

- Online Training for Incoming Students: Required for all first-year students, this 25-minute course provides college students with important awareness of issues related to alcohol and some precautions to consider. Sections of the online module include "The College Drinking Scene," "Harmful Effects of Drinking," "When and How to Get Help," and "How to Protect Yourself and Others."
- Chemical Dependency Assessments/Screenings: Student Counseling Services administers alcohol and chemical dependency assessments to students, and makes further recommendations for these students, when needed.
- Choices About Responsible Drinking (CARD): This 90-minute course is taught by the coordinator for community standards, assisted by others as needed. This is a small-group course where students discuss their relationship with alcohol. The course provides basic information about alcohol use and potential consequences. The course is designed to help the student realistically evaluate their AOD usage and its impact on their life and then to generate personalized solutions that will help them attain a more productive college experience.
- Online Module – "Alcohol and Other Drugs: Sanction": This reality-driven course is designed for students in need of additional training. It is typically utilized as a sanction in a first-offense alcohol policy violation, but it can be applied in other settings as needed. This course is designed to help students better understand why they struggle with alcohol and/or other drugs, and it provides suggestions for avoidance strategies and other tactics that fit each student's personality. The course highlights the potential negative effects of these substances on academics, physical and mental health, social life, and life after college.
- BASICS: This is an individualized education and counseling program to meet the needs of students who have a second alcohol policy violation or a first violation where health or safety were at risk. This involves an initial meeting and a follow-up meeting.
- Fizz with the Fuzz: Presented by UPD, these programs focus on underage drinking and the dangers of driving under the influence of alcohol and/or other drugs. It is offered year-round at the request of any group, class, or organization.
- Hobo Night Live: An annual alternative program designed to offer activities for students wishing to disengage from alcohol-related homecoming events.
- Wellness for Life (HLTH 100) and Lab (HLTH 100L): This course is offered for academic credit. Course content includes drug and alcohol information in addition to other health and wellness topics.
- Helping Everyone Reach Optimal Health (HEROH) Programs: HEROH is a student volunteer peer education organization that operates out of the Miller Wellness Center. As peer educators, HEROH provides information regarding substance abuse in classrooms and residence 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.
- Choices and Prevention (CAP)/Alcohol and Drug Abuse Prevention Team (ADAPT): This committee functions as a clearinghouse for student health and wellness initiatives on campus focusing on alcohol and substance education and prevention. It provides assistance through the use of social norms campaigns, educational activities (guest speakers and class presentations), programming, and advertising.

- Student Counseling Services: The Student Health and Counseling Center (SHCC) employs six full-time licensed counselors, 1 full-time counselor working toward licensure, and 1 full-time counselor preparing to begin full licensure process. All counselors address mental health needs and provide referrals to alcohol programs. Counselors also offer conduct screenings based on individual needs.
- Residence Life Programs: Department of Housing and Residential Life staff members provide active programming on the topic of alcohol and drug use/abuse. Consideration is given to events associated with excessive alcohol use.
- YOU@SDState Online Portal: This online resource designed for personal computers and mobile devices emphasizes individual well-being and self-awareness to connect students to information, campus resources, peers and opportunities. Decision-making around alcohol is among the areas students can explore through the portal.
- Spring Break Kits: HEROH provides the "Spring Break Safety Prevention tips & kits" during the annual SDSU Wellness Fair in February and the week prior to spring break in the Wellness Center and on Main Street in the University Student Union.
- National Collegiate Alcohol Awareness Week (NCAAW): The HEROH group on campus provides education to their peers regarding alcohol awareness and high risk drinking via presentations and tabling during throughout the week.
- Rabbit Ride: In partnership with the Brookings Area Transit Authority, SDSU sponsors a free transportation system Friday and Saturday evenings during the academic year. The Rabbit Ride program provides a safe method of transportation to potentially impaired individuals. The mission of Rabbit 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.

**Missing Student Notification Policy:**

1) Policy
    a. For the purpose of this policy, a student is missing when the student's whereabouts are unknown and unexplained for a period of time that would be regarded as highly unusual or suspicious by persons familiar with the student's plans, habits or routines.
    b. Any person, including those not affiliated with the University, may report a University student as missing by filing a report with the University. It is not necessary to wait until the student has been missing for twenty-four (24) hours before making such a report. Reports may be made to the Vice President for Student Affairs, successor, or designee, or at the University Police Department.
    c. Current contact information for the Vice President for Student Affairs: South Dakota State University, Morrill Hall 312, Box 2201, Brookings, SD 57007; Telephone: (605) 688-4493.
        i. Current contact information for the University Policy Department: 1405 Jackrabbit Avenue South Dakota State University, Box 520, Brookings, SD 57007; Telephone: 111 from on-campus phones or (605) 688-5117 from off-campus phones.
    d. Upon receipt of a missing student report, the Vice President for Student Affairs, successor, or designee, will promptly notify the University Police Department, and the University will attempt to locate the student on campus or at other sites controlled by the University and engage the University Police Department in this effort.

i. Initial efforts to contact students will involve telephone or other electronic communications.
ii. If unable to contact the students by electronic means, University personnel will attempt to contact the students at their residence on the campus or in the municipal limits of the city of Brookings.
iii. If students who reside in University controlled residences do not respond to electronic contacts or to knocking on their doors, student affairs personnel may enter the students' rooms in order to assess the condition of the room and to look for visible personal property (wallet, keys, cell phone or clothing) that might provide clues as to whether the student has taken an extended trip or other planned absence from the residence hall. If the initial investigation is being undertaken by the University Police Department, they will either request that student affairs personnel enter student rooms, or they will obtain search warrants.
iv. University personnel may pursue such additional or other investigative activities as are reasonable under the circumstances.

e. If the University determines that the student has been missing for a period of twenty-four (24) hours, or if it cannot locate the student and it determines that the student appears to be missing, the University will immediately notify the Brookings City Police Department that the student is missing by calling 911 or by visiting 307 3rd Avenue, Brookings, South Dakota, or successor location of the Brookings City Police Department, unless the Brookings City Police Department was the entity that made the determination that the student is missing.
f. When the University notifies local law enforcement agencies, it will also notify such persons as the student may have designated as an individual to be notified pursuant to this policy in the event that the student becomes missing (see section 2i. below).
    i. In the case of un-emancipated students under the age of eighteen (18), the University will notify the students' custodial parents or legal guardians.
g. The University will determine whether circumstances suggest that others living, working or participating in activities at the University may be in danger, and if it determines that such a danger may exist, it will warn the campus.
h. The Office of the Vice President for Student Affairs is responsible for publishing this policy electronically through websites designed to convey emergency or law enforcement information; for incorporating its provisions into student handbooks or similar publications; and will otherwise assure that students know, or should know, of its provisions.
i. At the time that a student is accepted as a resident in University controlled housing, the student will be given an opportunity to designate an individual to be notified pursuant to this policy in the event that the student becomes missing.
    i. Students will be provided confidential means to designate such individuals and to update their designations.
    ii. Such contact information will be held as a confidential student record and will only be accessible to authorized university officials and may not be disclosed outside a missing person investigation.
    iii. Un-emancipated students under the age of eighteen (18) will be informed that, in the event that they become missing, the University will notify a custodial parent or legal guardian pursuant to this policy.

**II. Annual Fire Safety Report**

This report is due Oct. 1 of each year and contains:

- A description of the fire safety system for each on-campus student housing facility.
- The number of fire drills held the previous calendar year.
- The institution's policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities.
- Procedures for student housing evacuation.
- Policies for fire safety education and training programs for students, faculty, and staff.
- A list of the titles of each person or organization to which individuals should report that a fire has occurred.
- Plans for future improvements in fire safety, if determined necessary by the institution.

**Fire Reporting**

When a fire incident occurs, the University fire alert system notifies UPD at a central control panel. Additionally, residential students and staff should report the fire to any community assistant, residence hall director, area coordinator, residential life assistant director, residential life associate director or director of University Housing and Residential Life. Students living in university-owned or -controlled property should report the fire first by calling 911 and then contact their property manager. After students have called 911 and are safe and secure, students in Greek community housing should contact the Greek Life Advisor.

**Fire Safety – Procedures and Documentation**

Any institution that maintains an on-campus student housing facility must collect fire statistics, publish an annual fire safety report, and keep a "fire log." These requirements are separate from those of the campus crime reporting.

**Fire Statistics:** The following statistics must be collected and reported, both in the annual fire safety report and the U.S. Department of Education's web-based data collection system, for each on-campus student housing facility.

- The number of fires and the cause of each fire.
- The number of deaths related to the fire.
- The number of injuries related to the fire that resulted in treatment at a medical facility.
- The value of property damage related to the fire.

| Fires - Summary 2018-2020 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2018 | | | 2019 | | | 2020 | | |
| Name and Street Address of Facility | Fires | Injuries | Deaths | Fires | Injuries | Deaths | Fires | Injuries | Deaths |
| Ben Reifel Hall<br>1351 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hyde Hall<br>1451 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Honors Hall<br>1426 Student Union Lane | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Schultz Hall<br>1456 Student Union Lane | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Fires - Summary 2018-2020 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2018 | | | 2019 | | | 2020 | | |
| Name and Street Address of Facility | Fires | Injuries | Deaths | Fires | Injuries | Deaths | Fires | Injuries | Deaths |
| Meadows North<br>717 11th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meadows South<br>707 11th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Binnewies Hall<br>821 Jackrabbit Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brown Hall<br>1391 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Caldwell Hall<br>934 Student Union Lane | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hansen Hall<br>857 11th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spencer Hall<br>1010 Campanile Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thorne Hall<br>980 Campanile Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Abbott Hall<br>950 Campanile Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mathews Hall<br>1416 Student Union Lane | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pierson Hall<br>1452 Student Union Lane | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waneta Hall<br>1026 9th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wecota Annex<br>1101 Medary Avenue | | | | | | | 0 | 0 | 0 |
| Young Hall<br>947 Jackrabbit Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| State Court 1<br>1414 8th Street | 0 | 0 | 0 | | | | | | |
| State Court 2<br>1416 8th Street | 0 | 0 | 0 | | | | | | |
| State Court 3<br>1418 8th Street | 0 | 0 | 0 | | | | | | |
| State Court 4<br>1420 8th Street | 0 | 0 | 0 | | | | | | |
| State Court 5<br>1422 8th Street | 0 | 0 | 0 | | | | | | |
| State Court 6<br>1424 8th Street | 0 | 0 | 0 | | | | | | |
| Alpha Gamma Rho<br>1929 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alpha Xi Delta<br>715 20th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Fires - Summary 2018-2020 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2018 | | | 2019 | | | 2020 | | |
| Name and Street Address of Facility | Fires | Injuries | Deaths | Fires | Injuries | Deaths | Fires | Injuries | Deaths |
| Farm House<br>729 20th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lambda Chi Alpha<br>1303 7th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sigma Alpha Epsilon<br>621 20th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pi Kappa Alpha<br>727 14th Avenue | 0 | 0 | 0 | | | | | | |
| Sigma Phi Epsilon<br>710 Campanile Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ceres<br>721 20th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| House 4<br>712/714 13th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| House 6<br>700 14th Avenue | 0 | 0 | 0 | | | | | | |
| House 7<br>710 14th Avenue | 0 | 0 | 0 | | | | | | |
| House 8<br>714 14th Avenue | 0 | 0 | 0 | | | | | | |
| House 9<br>729 14th Avenue | 0 | 0 | 0 | | | | | | |
| Apartment 1-7<br>704 12th Avenue | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apartment 1-9<br>910 11th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Square Townhouses<br>1727 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Square Townhouses<br>1817 8th Street | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Square Townhouses<br>1735 8th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Townhomes Building 1<br>1453 7th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Townhomes Building 2<br>1447 7th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Townhomes Building 3<br>1443 7th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Townhomes Building 4<br>1439 7th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Townhomes Building 5<br>1435 7th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |
| Apartments – Southeast<br>1460 8th Street | | | | 0 | 0 | 0 | 0 | 0 | 0 |

| Fires - Summary 2018-2020 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2018 | | | 2019 | | | 2020 | | |
| Name and Street Address of Facility | Fires | Injuries | Deaths | Fires | Injuries | Deaths | Fires | Injuries | Deaths |
| | | | | | | | | | |
| **Total** | **1** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** |

**Caveat (2018):**

- Fire in Mathews hall involved vape pen that ignited inside a backpack causing damage to the room charged to the responsible student at $1,832.92

**Fire Log:**

The law requires institutions to use either a hard copy log or an electronic format. SDSU provides a hard copy log that is available at UPD. The fire log for the most recent 60-day period must be open to public inspection, upon request, during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Fires are recorded by the date they were reported. For each fire, the nature of the fire, the date the fire occurred, the time of day the fire occurred, and the general location of the fire are included. If a specific day is not listed, then no fires were reported on that day.

**Policies and rules on fire safety in student housing facilities**

**Fire/Health/Safety Inspection**

Room inspections are intended to ensure the health and safety of not only the room's residents but also other individuals who live in the community. Authorized Department of Housing and Residential Life staff may inspect a resident's room to ensure the room is free of fire, health, and safety threats. The Department of Housing and Residential Life will give at least a 24-hour notice to residents, except in cases authorized by its director to check on an imminent danger or need. These inspections are routinely completed during winter and spring break. To guard against fire danger, several policies apply in residential facilities. Please note that for the safety and protection of life and property, violation of these regulations will be grounds for immediate confiscation and possible disposal of prohibited item(s) and as necessary, action through the student conduct process.

**Fire Safety Systems in SDSU Residential Facilities Fall 2021**

**SYSTEM TYPES LEGEND:**

A. Automatic Sprinkler System
B. Fire Alarm System Monitored by the South Dakota State University Police Department
C. Smoke Alarm in each sleeping room, interconnected and in common areas and suites
D. Individual Battery Operated Smoke Alarms

| Residential Facilities | Residence Type | System Type(s) | Fire Extinguisher Devices | Evacuation Plans & Placards | Number of Evacuation (Fire) Drills Each Calendar Year |
|---|---|---|---|---|---|
| Abbott Hall<br>950 Campanile Avenue | Residence Hall | A, B, C | YES | YES | 2 |
| Ben Reifel Hall<br>1351 8th Street | Residence Hall | A, B, C | YES | YES | 2 |

| Fire Safety Systems in SDSU Residential Facilities Fall 2021 | | | | | |
|---|---|---|---|---|---|
| **SYSTEM TYPES LEGEND:**<br>A. Automatic Sprinkler System<br>B. Fire Alarm System Monitored by the South Dakota State University Police Department<br>C. Smoke Alarm in each sleeping room, interconnected and in common areas and suites<br>D. Individual Battery Operated Smoke Alarms | | | | | |
| **Residential Facilities** | **Residence Type** | **System Type(s)** | **Fire Extinguisher Devices** | **Evacuation Plans & Placards** | **Number of Evacuation (Fire) Drills Each Calendar Year** |
| Binnewies Hall<br>861 Jackrabbit Avenue | Residence Hall | B, C | YES | YES | 2 |
| Brown Hall<br>1391 8th Street | Residence Hall | B, C | YES | YES | 2 |
| Caldwell Hall<br>934 Student Union Lane | Residence Hall | B, C | YES | YES | 2 |
| Hansen Hall<br>511th Street | Residence Hall | B, C | YES | YES | 2 |
| Honors Hall<br>1426 Student Union Lane | Residence Hall | A, B, C | YES | YES | 2 |
| Hyde Hall<br>1451 8th Street | Residence Hall | A, B, C | YES | YES | 2 |
| Mathews Hall<br>1416 Student Union Lane | Residence Hall | B, C | YES | YES | 2 |
| Meadows North<br>717 11th Street | Apartment | A, B, C | YES | YES | 2 |
| Meadows South<br>707 11th Street | Apartment | A, B, C | YES | YES | 2 |
| Pierson Hall<br>1452 Student Union Lane | Residence Hall | B, C | YES | YES | 2 |
| Schultz Hall<br>1456 Grove Lane | Residence Hall | A, B, C | YES | YES | 2 |
| Spencer Hall<br>1010 Campanile Avenue | Residence Hall | A, B, C | YES | YES | 2 |
| Thorne Hall<br>980 Campanile Avenue | Residence Hall | A, B, C | YES | YES | 2 |
| Waneta Hall<br>1026 9th Avenue | Residence Hall | B, C | YES | YES | 2 |
| Young Hall<br>947 Jackrabbit Avenue | Residence Hall | B, C | YES | YES | 2 |
| Alpha Gamma Rho<br>1929 8th Street | Fraternity | C | YES | NO | 2 |
| Alpha Xi Delta<br>715 20th Avenue | Fraternity | A | YES | NO | 2 |
| Farm House<br>729 20th Avenue | Fraternity | C | YES | NO | 2 |

| Fire Safety Systems in SDSU Residential Facilities Fall 2021 | | | | | |
|---|---|---|---|---|---|
| **SYSTEM TYPES LEGEND:**<br>A. Automatic Sprinkler System<br>B. Fire Alarm System Monitored by the South Dakota State University Police Department<br>C. Smoke Alarm in each sleeping room, interconnected and in common areas and suites<br>D. Individual Battery Operated Smoke Alarms | | | | | |
| **Residential Facilities** | **Residence Type** | **System Type(s)** | **Fire Extinguisher Devices** | **Evacuation Plans & Placards** | **Number of Evacuation (Fire) Drills Each Calendar Year** |
| Sigma Phi Epsilon<br>1712 8th St. | Fraternity | A, C | YES | NO | 1 |
| Sigma Alpha Epsilon 3<br>621 20th Avenue | Fraternity | A | YES | NO | 2 |
| Lambda Chi Alpha<br>1303 7th Street | Fraternity | D | YES | NO | 2 |
| Ceres<br>721 20th Avenue | Fraternity | A | YES | NO | 2 |
| House 4 712 1/2 & 712/714<br>13th Avenue (one structure) | Six Plex | D | YES | NO | 0 |
| Apartment 1-7<br>704 12th Avenue | Apartment | C,D | YES | NO | 0 |
| Apartment 1-9<br>910 11th Street | Apartment | C (all),D (half of units) | YES | NO | 0 |
| Garden Square Townhouses<br>1727 8th Street | Townhouse | D | YES | NO | 0 |
| Garden Square Townhouses<br>1735 8th Street | Townhouse | D | YES | NO | 0 |
| Garden Square Townhouses<br>1817 8th Street | Townhouse | D | YES | NO | 0 |
| Townhomes Building 1<br>1453 7th Street | Townhouse | A, B, C | YES | YES | 0 |
| Townhomes Building 2<br>1447 7th Street | Townhouse | A, B, C | YES | YES | 0 |
| Townhomes Building 3<br>1443 7th Street | Townhouse | A, B, C | YES | YES | 0 |
| Townhomes Building 4<br>1439 7th Street | Townhouse | A, B, C | YES | YES | 0 |
| Townhomes Building 5<br>1435 7th Street | Townhouse | A, B, C | YES | YES | 0 |
| Southeast Apartments<br>1460 8th Street | Apartments | A, B, C | YES | YES | 2 |

**Portable electrical appliances**

The capacity of the electrical system in the residence halls is limited. Overloading these systems can present fire and safety hazards. If students want to increase the number of outlets in their room, they are required to use Underwriter Laboratory (UL) approved multiple outlet power strips that must be plugged directly into wall outlets. All power strips and UL cords must be in good condition. Power strips must have 15-amp circuit breakers.

Radios, stereos, desk lamps, televisions, and other small appliances are permitted, provided the equipment is kept in safe operating condition. However, lamps with halogen bulbs are not permitted. The only cooking equipment permitted in student rooms are appliances made of solid-state construction with thermostats, no open coils, and automatic shut-offs (i.e., slow cookers, coffee pots).

- Two refrigerators per room are permitted; each must not individually exceed 5 cubic feet.
- Only one microwave per room is permitted; not to exceed more than 700 watts.
- Electric grills are permitted for use in kitchen areas only.

The following items are not permitted in SDSU residence halls:

- Open element appliances such as space heaters, immersion heaters, kerosene heaters, hot plates, broilers, ovens, or electric skillet/fry pans.
- Sun lamps, halogen lamps, and neon signs.
- Air conditioning units not provided by the university.
- Outside antennae/satellite dishes.
- Potpourri pots (candle and electric).
- Candle warmers.
- Hoverboards.
- Air fryers.

Further, no internal combustion engines will be allowed in the residence halls. This includes, but is not limited to, motorized scooter/skateboards, lawn tools, remote controlled toys, etc.

**Smoking**

SDSU's campus is tobacco-free. Smoking and vaping are not permitted anywhere in the facilities and on campus grounds. No products containing tobacco are allowed on campus.

**Open flames**

Use of candles with a wick or use of any other item that has an open flame or burning embers is prohibited. Decorative candles with the wick(s) removed or cut off are permitted. However, candle warming plates are not allowed. The use of incense that must be ignited is prohibited. Spray scents are allowed.

**Smudging and Pipe Ceremony Policy**

In deference of the ceremonial use of smoke as a way of life of American Indian/Alaska Native people, American Indian/Alaska Native students may carry out—within the privacy of their dormitory rooms—cultural practices consistent with traditional ceremonies and observances that involve the use of sacred plants. Typically, the smoke associated with this spiritual practice lasts for a brief duration of time. American Indian/Alaska Native students are required to submit a Ceremonial Use Exemption form to the director of the American Indian Student Center (AISC). The director of the AISC will work in partnership with the director of the Department of Housing and Residential Life to review all submitted requests and to assure the respectful governance of ceremonial smoke in residential halls. Any smudging under this

policy must include a specification of the planned procedures and adhere to other SDSU procedures and policies concerning safety on campus. American Indian/Alaska Native students are expected to resubmit the Ceremonial Use Exemption form each academic year.

In addition, the AISC serves as a designated venue where smudging and pipe ceremonies may be conducted by students, staff, faculty, and community members and may possibly be used at the start/end of meetings, counseling sessions, and other events and occasions including, but not limited to, pedagogy. Other campus spaces may be evaluated, in collaboration with the Department of Facilities and Services, to assess if rooms are equipped with appropriate ventilation systems.

**Other Fire Hazards**

- Heat sensors and/or smoke detectors shall not have anything attached to or within 2 feet of them. It is a violation of fire code to cover, tamper with, or tape over a smoke or heat sensor.
- Nothing may be hung from light fixtures, fire detectors/sprinklers, or ceilings.
- Flammable liquids, including charcoal lighter fluid, propane tanks, and explosives are not allowed in the residence halls.
- Fire towers and enclosed stairways are regulated by state and local fire codes. No flammable items may be stored, hung, or placed in these spaces. In addition, these spaces must be kept free of any item that may obstruct clear and safe passage.

**Fire Detection Equipment**

Fire alarms, firefighting, and detection equipment installed in the halls are for the safety of all residents. Every residence hall room contains a smoke alarm and heat sensor. Residents are expected to become familiar with their location and operation. In case of a fire, students should activate the nearest alarm station.

Tampering with firefighting or fire detection equipment endangers the lives of all residents. Cases of tampering are investigated and responsible individuals face serious campus and legal action.

**Fire Alarm Evacuation**

It is SDSU policy that everyone is required to leave the building immediately and in an orderly fashion when a fire alarm is sounded and to remain outside until authorized to return by the Brookings Fire Department or UPD. The primary intention of an alarm is to clear the building and save lives. Unless every other evacuation route is inaccessible, do not jump from a window during a fire alarm.

The hall staff will conduct general safety meetings early in each semester on all emergencies, but as a general rule, in the event of a real fire:

1. Move as close to the floor as possible when there is smoke.
2. Check doors to see if they are hot before proceeding.
3. Occupants who are unable to evacuate a room should:
    a. Stuff towels under the door.
    b. Hang a sheet from the window as this indicates to firefighters that people are trapped in the room.

**False Alarms**

False fire alarms are illegal and dangerous. Every time a building is evacuated, there is the possibility of injury. Frequent false alarms tend to create a feeling of false security and it becomes more difficult to evacuate the building. In the event of an actual fire, this could lead to serious consequences. For these reasons, everyone must evacuate immediately every time the alarm sounds. Students who do not evacuate the hall during a fire alarm face student conduct action. Any student found guilty of causing a false fire alarm or fire may be subject to suspension, expulsion, arrest, and fines.

**Policies for Fire Safety Education and Training Programs for Students and Employees**

Each residence hall is supervised by a residence hall director. Each residence hall is also staffed with undergraduate students serving as community assistants (CAs). These individuals receive training throughout the school year outlining fire and emergency evacuation procedures as well as working with UPD and emergency personnel.

Soon after the residence halls open for the year, residents attend a community meeting with their CA. At that meeting, the CA outlines fire and emergency evacuation procedures and discusses policies and procedures regarding electrical appliances, smoking, and open flames. Students also have online access to the Department of Housing and Residential Life Handbook that contains policies and procedures regarding fire and personal safety.

Additionally, CAs check residence hall rooms during semester and spring breaks. At this time, the CA ensures that students are in compliance with fire and other life safety policies.

**Plans for Future Improvements in Fire Safety**

**Fraternities**
No improvements are planned in the coming year.

**Residential Campus Facilities (Housing & Residential Life)**
Projects completed in the last year:

1. Binnewies and Mathews Halls fire alarm systems were upgraded during summer 2020. These improvements provided the ability to have more detailed information from the alarm system should an alarm arise.

Projects in design for construction in 2022:

1. Pierson Hall will undergo a renovation project from June 2022 to June 2023 that will include the installation of a fire suppression system, as well as any additional detector heads that would supplement the new system. The building will be offline for student residency for the 2022-2023 Academic Year.

**Non-residential Campus Facilities (Facilities and Services)**
Projects completed in the last year:

1. Crothers Engineering Hall – extend fire sprinkler system to serve remodeled spaces in the building.

Projects in design for construction in late 2021:

1. Renovation of the first and second floors of Berg Agriculture Hall. This will upgrade these floors to full accessibility, extend the fire sprinkler system to serve the entirety of both floors, and thus the entire building. The fire detection system will be modernized by extending the system serving the basement and third floors to serve the entire building. The exit stairways will be upgraded to meet modern life safety requirements.
2. Renovation of Lincoln Hall. This will upgrade these floors to full accessibility. A fire sprinkler system will be installed to serve the entire building. The fire detection system will be modernized.

## Appendix A: Report Campus Crime to UPD or Any of These Personnel: Campus Safety Authorities (CSA)

| Department | Title | Office | Last Name | First Name | Email @sdstate.edu | Phone Area code 605 |
|---|---|---|---|---|---|---|
| University Police Department | UPD Dispatch Personnel | SUPD 104 | | | | 688-5117 |
| University Police Department | University Police Chief | SUPD 104 | Heaton | Timothy | Timothy.Heaton | 688-5117 |
| University Police Department | Deputy Chief | SUPD 104 | Kilber | Michael | Michael.Kilber | 688-5117 |
| University Police Department | Operations Sergeant | SUPD 104 | Rieger | Marc | Marc.Rieger | 688-5117 |
| Student Affairs | Vice President for Student Affairs | SAD 312 | Willis | Michaela | Michaela.Willis | 688-4493 |
| Student Affairs | Assoc. Vice President for Student Affairs | SAD 312 | Wermedal | Douglas | Douglas.Wermedal | 688-4493 |
| Student Affairs | Dean of Students | SAD 312 | Uecker | Tobias | Tobias.Uecker | 688-4493 |
| Student Affairs | Director for Student Health & Counseling | SSWC 113 | Lunday | Tamara | Tamara.Lunday | 688-4157 |
| Student Affairs | Student Health Clinic Associate Director | SSWC 115 | Andersen | Brenda | Brenda.Andersen | 688-4157 |
| Student Affairs | Director for Recreation and Fitness | SSWC 100 | Landmark | Shari | Shari.Landmark | 688-5386 |
| Student Affairs | Assistant Director Counseling Services | SSWC 159 | McLaughlin | Jessica | Jessica.McLaughlin | 688-6146 |
| Student Affairs | Assistant Director Wellness Center | SSWC 100 | Weber | Mariah | Mariah.Weber | 688-4312 |
| Student Affairs | Fitness Coordinator | SSWC 111 | Lowe | Ellen | Ellen.Lowe | 688-4543 |
| Student Affairs | Senior Director - Student Union | SSU 150 | Novotny | Jennifer | Jennifer.Novotny | 688-4960 |
| Student Affairs | Assistant Director Student Union | SSU 150 | Mark | Venhuizen | Mark.Venhuizen | 688-4960 |
| Student Affairs | Director of New Student Orientation | SSU 150 | Karnopp | Adam | Adam.Karnopp | 688-4960 |
| Student Affairs | Assistant Director for Student Activities | SSU 136 | VACANT | VACANT | VACANT | 688-4425 |
| Student Affairs | Greek Life Advisor | SSU 136 | Yunker | Katie | Kathryn.Yunker | 688-4425 |
| Student Affairs | Associate Director for Career Development | SSU 136 | Fuller Bordewyk | Sherry | Sherry.Bordewyk | 688-4425 |
| Student Affairs | Director of Multicultural Affairs | SSU 065 | VACANT | VACANT | VACANT | 688-4504 |
| Student Affairs | Coordinator of Disability Services | SSU 271 | Hartenhoff-Crooks | Nancy | Nancy.Crooks | 688-4504 |
| Student Affairs | Asst Director for Student Conduct | SCH 167 | Schmaedeke | James | James.Schmaedeke | 688-5148 |
| Student Affairs | Coordinator for Community Standards | SCH 167 | Pearson | Kristi | Kristi.Pearson | 688-5148 |
| Student Affairs | Director of Housing and Residential Life | SCH 167 | Peterson | Becky | Rebecca.Peterson | 688-5148 |
| Student Affairs | Associate Director of Residential Life | SCH 167 | Kaberline | Chris | Chris.Kaberline | 688-5148 |
| Student Affairs | Housing and Residential Life Area Coordinator | SCH 167 | Dominguez | Brian | Brian.Dominguez | 688-5148 |
| Student Affairs | Housing and Residential Life Area Coordinator | SCH 167 | Miller | Maggie | Margaret.Miller | 688-5148 |
| Student Affairs | Residence Hall Director - Young Hall | SYH 143 | Walker | Dylan | Dylan.Walker | 688-5424 |
| Student Affairs | Residence Hall Director - Brown Hall | SBH 137 | Bult | TJ | Tyler.Bult | 688-6524 |
| Student Affairs | Residence Hall Director - Hansen Hall and Meadows Apartments | SHN 153 | Heppner | Brooke | Brooke.Heppner | 688-5016 |
| Student Affairs | Residence Hall Director - Mathews Hall | SMH 101 | Shirley | Nick | Nicholas.Shirley | 688-6318 |
| Student Affairs | Residence Hall Director - Pierson Hall | SREF 128 | Guenther | Adam | Adam.Guenther | 688-5136 |
| Student Affairs | Residence Hall Director - Binnewies Hall | SBN 144 | Condelli | Nathaniel | Nathaniel.Condelli | 688-4824 |
| Student Affairs | Residence Hall Director - Honors and Schultz Halls | SCH 127 | Kratz | Brianna | Brianna.Kratz | 688-6533 |
| Student Affairs | Residence Hall Director - Abbott, Spencer and Thorne Halls | SSH 102 | Rowbotham | Aaron | Aaron.Rowbotham | 688-5140 |
| Student Affairs | Residence Hall Director - Hyde and Ben Reifel Halls | SREF 128 | Walker-Merry | Brooke | Brooke.Merry | 688-5136 |
| Student Affairs | Residence Hall Director - Caldwell Hall | SCH 114 | Knitter | Trevor | Trevor.Knitter | 688-5180 |
| Student Affairs | Director – American Indian Student Center | SAIS 127 | VACANT | VACANT | VACANT | 688-4066 |
| Student Affairs | American Indian Academic and Success Advisor | SAIS 124 | VACANT | VACANT | VACANT | 688-5263 |
| Student Affairs | Program Coordinator – American Indian Student Center | SAIS | Selena | Olvera | Selena.Olvera | 688-6416 |
| Academic Affairs | Program Director – Upward Bound | SMC 120 | Contarino | Samantha | Samantha.Contarino | 688.6653 |
| Student Affairs | Director of Admissions | SESC 511 | Helmbolt | Shawn | Shawn.Helmbolt | 688-4486 |

| Department | Title | Office | Last Name | First Name | Email @sdstate.edu | Phone Area code 605 |
|---|---|---|---|---|---|---|
| Student Affairs | Director of Financial Aid | SESC 511A | Vollan | Beth | Beth.Vollan | 688-4703 |
| ARAMARK | Director of Operations | SSU 073 | Haro | Heidi | Heidi.Haro | 697-2552 |
| President's Office | President | SAD 222 | Dunn | Barry | Barry.Dunn | 688-4111 |
| President's Office | Chief of Staff | SAD 222 | Weber | Karyn | Karyn.Weber | 688-4111 |
| President's Office | Ombudsperson | SAG 114 | Picconi | Nicole | Nicole.Picconi | 688-6474 |
| University Counsel | University Counsel | SAD 222 | Greene | Tracy | Tracy.Greene | 688-5248 |
| Academic Affairs | Provost & Vice President, Academic Affairs | SAD 230 | Hedge | Dennis | Dennis.Hedge | 688-4173 |
| Finance & Business | Vice President for Finance & Busines | SAD 324 | Holbeck | Mike | Michael.Holbeck | 688-4455 |
| Information Technology | Vice President Technology and Security | SAD 208 | Overby | David | David.Oberby | 688-4988 |
| Research | Vice Pres, Research & Sponsored Programs | SAD 200 | Scholl | Daniel | Daniel.Scholl | 688-5642 |
| Academic Affairs | Associate Provost | SAD 230 | Marshall | Don | Donald.Marshall | 688-4173 |
| Facilities | Asst Vice President, Facilities & Services | FSB 100 | Mielke | Barry | Barry.Mielke | 688-4136 |
| Diversity Enhancement | Chief Diversity Officer | SAD 124 | Williams | Kas | Kas.Williams | 688-5585 |
| Academic Affairs | Dean of Agriculture, Food and Environmental Sciences | SAG 131 | Killefer | John | John.Killefer | 688-5133 |
| Academic Affairs | Dean of Arts, Humanities & Social Sciences | SWG 251 | Sargeant | Lynn | Lynn.Sargeant | 688-4723 |
| Academic Affairs | Dean of Education & Human Services | SWG 249 | Barnes | Paul | Paul.Barnes | 688-6181 |
| Academic Affairs | Dean of Engineering | SCEH 201 | Berdanier | Bruce | Bruce.Berdanier | 688-4161 |
| Academic Affairs | Dean of Natural Sciences | SWE 227 | Wolf-Hall | Charlene | Charlene.WolfHall | |
| Academic Affairs | Dean of Honors College | SBL 126 | Bott-Knutson | Rebecca | Rebecca.Bott | 688-5268 |
| H.M. Briggs Library | Chief University Librarian | SBL 108 | Tornquist | Kristi | Kristi.Tornquist | 688-5106 |
| Academic Affairs | Dean of Nursing | SWG 255 | Krogh | Mary Anne | MaryAnne.Krogh | 688-4098 |
| Academic Affairs | Dean of Pharmacy & Allied Health Professions | SAV 133 | Hansen | Dan | Dan.Hansen | 688-5591 |
| Academic Affairs | Director of the Graduate School | SAD 130 | Lounsberry | Nicole | Nicole.Lounsberry | 688-4181 |
| Academic Affairs | Asst. Vice President for International Affairs | SBL 119 | Stauff | Jon | Jon.Stauff | 688-4122 |
| Academic Affairs | Director of Study Abroad | SBL 119 | Gillman | Sally | Sally.Gillman | 688-6094 |
| Academic Affairs | Dir. International Students & Scholars | SBL 119 | Wymer | Greg | Greg.Wymer | 688-4482 |
| University College | Director First Year Advising Center | SWSC 112 | Owen | Jody | Jody.Owen | 688-4155 |
| Env. Health and Safety | Emergency Management Specialist | SAD 119 | Trygstad | Jayme | Jayme.Trygstad | 688-4260 |
| Human Resources | Asst Vice President, Human Resources | SAD 100 | VACANT | VACANT | VACANT | 688-4128 |
| Human Resources | Employee Relations Specialist | SAD 100 | Serrett | Marc | Marc.Serrett | 688-4128 |
| Title IX / EO | Title IX Coordinator/Director of Equal Opportunity | SAD 100 | Johnson | Michelle | Michelle.Johnson | 688.4128 |
| Athletics | Director of Athletics | SPE 253B | Sell | Justin | Justin.Sell | 688-6388 |
| Athletics | Senior Associate Athletic Director/Senior's Women's Administrator | SPE 255 | Heylens | Kathy | Kathy.Heylens | 688-5308 |
| Athletics | Senior Associate Athletic Director - Administration | SPE 251 | Maher | Matt | Matt.Maher | (402) 689-9893 |
| Athletics | Senior Associate Athletic Director – Facilities and Operations | SPE 253A | Holm | Jeff | Jeff.Holm | 595-2403 |
| Athletics | Head Coach – Baseball | SPE 275 | Bishop | Rob | Rob.Bishop | 690-9851 |
| Athletics | Head Coach – Men's Basketball | SPE 281 | Henderson | Eric | Eric.Henderson | 690-1783 |
| Athletics | Head Coach – Women's Basketball | SPE 271 | Johnston | Aaron | Aaron.Johnston | 690-8412 |
| Athletics | Head Coach – Cross Country/Track and Field | DSAC 244 | DeHaven | Rod | Rod.DeHaven | 651-3645 |
| Athletics | Jumping Seat Coach – Equestrian | Equestrian Center | Andronowitz | Jessica | Jessica.Andronowitz | (561) 703-2347 |
| Athletics | Western Coach – Equestrian | Equestrian Center | Jordan | Gates | Jordan.Gates@jacks.sdstate.edu | (330)749-0113 |
| Athletics | Head Coach – Football | DSAC 238 | Stiegelmeier | John | John.Stiegelmeier | 690-6422 |
| Athletics | Head Coach – Golf (Interim) | SPE 119 | Nagy | Mike | Michael.A.Nagy | (906)286-2282 |
| Athletics | Head Coach – Soccer | SPE 262S | Thompson | Brock | Brock.Thompson | 690-1270 |
| Athletics | Head Coach – Softball | SPE 277 | Wood | Krista | Krista.Wood | (402) 960-9884 |
| Athletics | Head Coach – Swimming | SPE 290A | Humphrey | Doug | Douglas.Humphrey | (402) 540-1148 |
| Athletics | Head Coach – Volleyball | SPE 273 | Georgalas | Dan | Dan.Georgalas | (847) 962-4420 |
| Athletics | Head Coach – Wrestling | SPE 263 | Hahn | Damion | Damion.Hahn | (612) 964-0525 |

**Appendix B: 4:5 Prevention of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

Office/Contact: Office of Human Resources
Source: SDBOR Policy 1:17.1 and 1:18
Link: https://www.sdbor.edu/policy/documents/1-17-1.pdf;
https://www.sdbor.edu/policy/documents/118.pdf

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**SOUTH DAKOTA STATE UNIVERSITY**
**Policy and Procedure Manual**

SUBJECT: Prevention of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
NUMBER: 4:5

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1. Purpose

   State and federal laws and policies strictly prohibit dating violence, domestic violence, sexual assault, and stalking, often treating such actions as criminal offenses. Such misconduct is not permitted or tolerated at the University. This policy and its procedures set forth standards regarding reports of dating violence, domestic violence, sexual assault, and stalking and the consequences of engaging in such misconduct at the University.

2. Definitions

   a. Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

      i. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

      ii. For the purposes of this definition:
         1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
         2. Dating violence does not include acts covered under the definition of domestic violence.

   b. Domestic violence means a felony or misdemeanor crime of violence committed by:

      i. A current or former spouse or intimate partner of the victim;

      ii. A person with whom the victim shares a child in common;

iii. A person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;

iv. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

v. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

vi. For purposes of this section, violent crimes are determined under the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program, which classifies four (4) offenses involving force or threat of force as violent crimes: murder and non-negligent manslaughter, rape, robbery, and aggravated assault, as set forth in 34 C.F.R. part 668 Appendix A to Subpart D of part 668 – Crime Definitions in Accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program:

1. Murder and Non-Negligent Manslaughter means the willful (non-negligent) killing of one human being by another.
2. Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
3. Robbery means the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence or by putting the victim in fear.
4. Aggravated Assault means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

c. Sexual Assault means any offense that constitutes rape, fondling, incest, or statutory rape:

i. Rape has the same meaning as given above in 2.b.vi.2.

ii. Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

iii. Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by SDCL § 25-1-6, which provides that:

> Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sister of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.

iv. Statutory Rape means sexual intercourse with a person who is under the statutory age of sixteen (16).

d. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

i. Fear for the person's safety or the safety of others; or

ii. Suffer substantial emotional distress.

iii. For the purposes of this definition:

1. Course of conduct means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communications to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
3. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

e. Consent may be implied from the facts and circumstances surrounding the commission of an act. Consent will not be found where an act has been done through the use of force, coercion, or threats of immediate and great bodily harm. Submission does not equal consent, and to establish consent, a party must utterly negate any element of force, coercion, or threat. Consent, once given, may be retracted. Consent will not be found under any of the following circumstances:

i. If the victim is less than thirteen (13) years of age; or

ii. Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or

iii. If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or

iv. If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or

v. If the victim is thirteen (13) years of age, but less than sixteen (16) years of age, and the perpetrator is at least three (3) years older than the victim.

f. To the extent that this policy is intended to implement protections arising under the criminal law, amendments to those underlying statutes will be deemed to have been incorporated hereon on the effective date of such amendments.

g. For purposes relating to the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), conduct constituting dating violence, domestic violence, sexual assault, and stalking under this policy shall be reported as crime, irrespective of its treatment under South Dakota law.

i. For purposes of its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, the South Dakota criminal law classifications align with the definitions set out in this policy as follows:

1. Consent is defined as set forth in 2.e. above;
2. Dating violence includes domestic abuse as defined in SDCL ch. 25-10 that occurs between persons involved in a romantic relationship as defined in SDCL § 25-10-3.2 who are not cohabiting and who have never cohabited;
3. Domestic violence includes domestic abuse as defined in SDCL ch. 25-10 that occurs between persons involved in a romantic relationship as defined in SDCL § 25-10-3.2 who are cohabiting and who have cohabited;
4. Sexual assault includes rape as defined in SDCL § 22-22-1; sexual contact with a minor as defined in SDCL § 22-22-7; sexual contact as defined in SDCL § 22-22-7.1 without consent as set forth in SDCL § 2222-7.4 or with a person incapable of consenting as set forth in SDCL § 22-22-7.2; and attempts to commit such offenses as defined in SDCL § 22-4-1; and
5. Stalking includes stalking as defined in SDCL ch 22-19A.

3. Policy

a. Any student, employee, or other person participating in University activities or using University facilities who engages in conduct that would constitute dating violence, domestic violence, sexual assault, or stalking, as defined herein, in circumstances that implicate the person's fitness to study, work, participate in the functions or use the facilities at the University will be held accountable for their conduct and may be expelled, terminated, denied further participation in University programs or use of University facilities, or otherwise disciplined, upon notice and opportunity to be heard. Students will also be subject to sanctions as set forth in University Policy 3:1, Student Conduct Code, and other perpetrators will be subject to the disciplinary procedures applicable to their status at the University. The decision to pursue disciplinary charges of dating violence, domestic violence, sexual assault, or stalking will not preclude pursuit of additional, related charges arising from the same facts.

b. The Title IX/EO Coordinator is responsible for review and handling reports of dating violence, domestic violence, sexual assault, or stalking at the University in conjunction with federal and state law and SDBOR and University policies.

c. Title IX/EO Coordinator contact information shall be maintained and made available in, and disseminated to the University community and general public by, the University Title IX/EO Coordinator Office located in the University Office of Human Resources, or successor unit.

d. The Title IX/EO Coordinator will establish and coordinate educational and training programs for members of the University community to engage awareness and to help prevent dating violence, domestic violence, sexual assault, and stalking at the University. The requirements and method of training will be dependent on an individual's role in the University community. The Title IX/EO Coordinator is responsible for developing and following a training protocol to meet the necessary requirements.

e. The Title IX/EO Coordinator, not Deputies, is responsible for posting notices to students, staff, visitors, and other members of the University community to inform them of SDBOR and University policies and procedures and of their rights as potential victims of dating violence, domestic violence, sexual assault, or stalking, strategies for self-protection, and University resources for reporting incidents and preserving evidence. Such notices will encourage victims to report incidents to the Title IX/EO Coordinator and will contain a clear, accurate identification of the person currently serving as the Title IX/EO Coordinator at the University. Such notices will also make reference to University and community resources available to assist victims.

4. Procedures

a. Victims of dating violence, domestic violence, sexual assault, or stalking at the University should contact the Title IX/EO Coordinator, or Deputy, at the University to make a report. In cases of emergency, victims should call 111 from on-campus phones and 911 from off-campus phones to reach University Police. Victims may also utilize one of the

fifteen emergency call boxes located across campus, and a University Police Officer will respond to the area immediately.

b. Upon receipt of such a report, the Title IX/EO Coordinator will meet with the victim to discuss the incident and resources available at the University and in the community to assist the individual.

c. The Title IX/EO Coordinator, University Police, and any other appropriate University official(s) made aware of the misconduct will take appropriate safety measures to help prevent the misconduct from occurring again.

d. The Title IX/EO Coordinator and other affiliated parties should follow the procedures set forth in University Policy 4:6 regarding the complaint and investigation process following such misconduct.

5. Responsible Administrator

The Title IX/EO Coordinator, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of modifications to this policy and its procedures.

SOURCE: Approved by President on 08/01/2014. Revised in conjunction with SDBOR revisions; Approved by President on 09/30/2015. Revised (clerical edits only) on 11/16/2018.

**Appendix C: Community Notification of Potential, Imminent or Active Threat to the University**

Office/Contact: Division of Technology and Security
Source: Clery Act, codified at 20 U.S.C. § 1092 (f); 34 CFR 668.46(e) and (g).
Link: https://www.gpo.gov/fdsys/pkg/USCODE-2011-title20/html/USCODE-2011-title20-chap28- subchapIV-partF-sec1092.htm

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**SOUTH DAKOTA STATE UNIVERSITY**
**Policy and Procedure Manual**

SUBJECT: Community Notification of Potential, Imminent or Active Threat to the University
NUMBER: 10:3

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1. Purpose

   This policy and its procedures set forth the guidelines for when and how the University provides information to the University community regarding potential, imminent and active threats to the University in compliance with the Clery Act and other applicable laws and policies.

2. Definitions

   a. Timely Warnings: Notifications to the University community that provide information on Clery Act crimes that occur on University Clery geography, are reported to campus security authorities, the University Police Department ("UPD"), or local law enforcement, and pose a serious or continuing threat to students and employees.

   b. Emergency Notifications: Notifications to the University community that alert the University community to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the University campus.

   c. Other Notifications: In addition to Timely Warnings and Emergency Notifications, the University, at its discretion, may provide information to the University community when an incident does not meet the threshold for a Timely Warning or an Emergency Notification.

3. Policy

   a. The University establishes campus safety and security measures to be observed by and for the benefit of all students, employees, and visitors. Timely Warnings, Emergency Notifications, and Other Notifications are designed to inform and direct community members to mitigate the damage of a real or potential threat to

the University. To accomplish this, the University uses redundant means of communication to provide Timely Warnings, Emergency Notifications, and Other Notifications to the University community.

b. The University issues Timely Warnings when a situation arises that constitutes a Clery Act crime within the Clery Geography of the University, which are reported to Campus Security Authorities, and that the University considers to constitute an serious ongoing or continuing threat that meets the criteria for notification as set forth in this policy, its definitions and procedures. Emergency Notifications are issued without hesitation upon Community Notification of Potential, Imminent or Active Threat to the University the confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety, unless the Emergency Notification will compromise efforts to assist a victim, contain the incident, or otherwise mitigate the emergency. In every case, an evaluation of the circumstances will be conducted to determine if a Timely Warning or Emergency Notification is required or if Other Notification is appropriate. Notifications will be issued and shall be continually updated until it has been determined the threat is contained or ended.

c. Decisions to issue a Timely Warning, Emergency Notification or Other Notification to the University community shall be made on a case-by-case basis dependent on the nature of the incident and the continuing danger to the campus community. In criminal cases, information will be provided to the extent possible without compromising law enforcement efforts.

d. The Chair of the Emergency Management Team, or designee, in consultation with the appropriate member(s) of the Emergency Management Team, and other University units as appropriate, is responsible for initiating Timely Warnings, Emergency Notifications, and Other Notifications to the campus community.

e. The University's Emergency Management Team (EMT), under the direction of its Chair, is responsible for the preparation for, response to, and recovery from real or potential emergencies that affect, or may affect, the University community.

f. Individuals with information warranting a Timely Warning, Emergency Notification, or Other Notification should report circumstances to UPD.

g. Two times per year a request will be sent electronically to individuals new to the University requesting that they designate their notification preferences at least once per year.

h. The University's emergency communication system is tested within the first two (2) weeks of the fall and spring academic semesters. These tests will be announced prior to being conducted and will contain the location of the University's plans on emergency communications, emergency planning and response, and the evacuation of the University campus.

4. Procedures

    a. Timely Warnings

        i. When a situation is known to the University that constitutes a Clery crime within the University's Clery geography and poses an ongoing threat to safety and security, the case will be evaluated for possible Timely Warning.

        ii. The Chair of the Emergency Management Team, or designee, upon consultation with designated units as appropriate, will issue a Timely Warning as soon as pertinent information is available. Community Notification of Potential, Imminent or Active Threat to the University

        iii. Timely Warnings will be provided to the University community via campus-wide email and posting on the University's webpages.

        iv. Timely Warnings shall contain sufficient information about the nature of the threat to allow members of the campus community to take protective action. This information will include as appropriate: a succinct statement of the incident; possible connection to previous incidents, if applicable; date, time and location of the warning; description and drawing of any suspects, if applicable and available; and other relevant and important information.

    b. Emergency Notifications

        i. In situations where an imminent or active threat to the University has been confirmed, the Chair of the Emergency Management Team, or designee, upon consultation with designated units as appropriate, will issue an Emergency Notification to the University community without delay.

        ii. Emergency Notifications will be sent using the University emergency communication system, which will include notifications through email and other formats selected by the subscribers. This notification system may also include desk phones, personal and University-owned computer monitors, video display monitors, cellular phones, and text messages. Information will also be displayed on official University webpages and social media.

        iii. Emergency Notifications will provide sufficient information to inform individuals of threat mitigation needs.

        iv. University may elect to send Emergency Notifications based on geographically limited effect such as weather alert not being sent to Clery

Geography when not affected by severe weather. University may separate notifications by residence halls and other geographic areas.

c. Other Notifications

i. In situations where a Timely Warning or Emergency Notification is not warranted, the Chair of the Emergency Management Team, or designee, upon consultation with designated units as appropriate, may issue Other Notifications to the campus community in order to mitigate potential threats and assist with safety and security.

ii. Other Notifications may use email, webpage, or other formats determined by the University. Community Notification of Potential, Imminent or Active Threat to the University

iii. Other Notifications will provide sufficient information to inform individuals of threat, safety, or security needs.

d. Updates to the original Timely Warning, Emergency Notification, or Other Notification messaging will be issued by the Chair of the Emergency Management Team, or designee, in consultation with designated units as appropriate.

5. Responsible Administrator

The Vice President and General Counsel, or designee, is responsible for the ad hoc and annual review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 02/05/2015; Revised and Approved by President on 10/06/2017; Revised and Approved by President on 09/14/2021.