

Drug-Free Schools and Campuses Regulations Biennial Review

In Compliance with the Drug-Free Schools and Communities Act

South Dakota State University

2020 - 2022

Office of the Dean of Students
Submitted December 31, 2022

I have reviewed this report and support continued efforts to support our campus community through alcohol and drug education, prevention, and response.



President Barry Dunn

12/28/22

Date

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PART I: INTRODUCTION & OVERVIEW

The Biennial Review is an important evaluation undertaken to comply with the Drug-Free Schools Act. The Drug-Free Schools and Campuses Regulations require institutions that receive federal funds or financial assistance to develop and maintain alcohol and other drugs (AOD) prevention programming. Within this framework, the expectation is that South Dakota State University (SDSU) develops forms of programming, policy implementation, enforcement, etc. SDSU is a public institution and therefore must comply with these regulations.

SDSU is located in Brookings, South Dakota, and has extension locations throughout the state. For more information about SDSU [click here](#). The students and staff that are committed to succeeding at SDSU deserve an environment that upholds the policies and protocol of safety, preventative measures, education, and progression. In Figure 1 and Figure 2, the information indicates that South Dakota residents, and residents of bordering states, have higher binge drinking and intensity of binge drinking than many other states. SDSU will continue all efforts to reduce the negative effects of excessive alcohol use understanding that many students come from regions where alcohol use, arguably alcohol abuse, is normalized.

Figure 1: Prevalence of Binge Drinking Among Adults, 2018

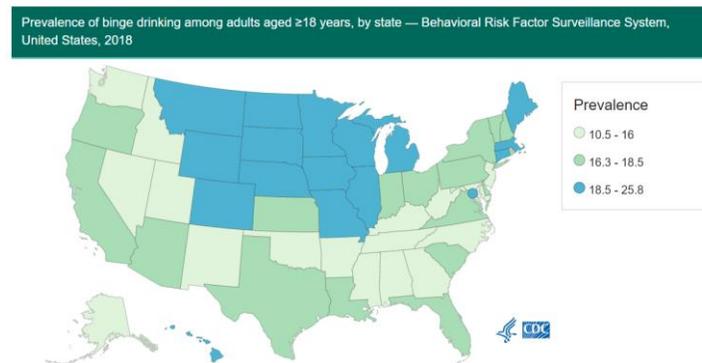
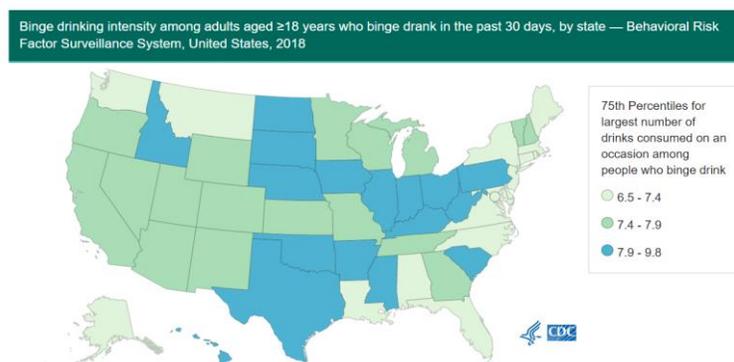


Figure 2: Intensity of Binge Drinking Among Adults, 2018



National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP)

National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP) Home

Excessive Alcohol Use



CDC's Approach

Collecting and Sharing Data to Guide Prevention Strategies

Promoting Proven Strategies and Evaluating Their Effectiveness

Supporting State and Local Health Agencies

Providing National Leadership

Excessive alcohol use is a leading preventable cause of death in the United States, shortening the lives of those who die by an average of 26 years. Excessive alcohol use includes:

- **Binge drinking**, defined as consuming 4 or more drinks on an occasion for a woman or 5 or more drinks on an occasion for a man.
- **Heavy drinking**, defined as 8 or more drinks per week for a woman or 15 or more drinks per week for a man.
- Any alcohol use by pregnant women or anyone younger than 21.

A small percentage of adults who drink account for half of the 35 billion total drinks consumed by US adults each year. CDC estimates that 1 in 6 US adults binge drinks [PDF - 171 KB], with 25% doing so at least weekly, on average, and 25% consuming at least 8 drinks during a binge occasion. Binge drinking is responsible for more than 40% of the deaths and three-quarters of the costs due to excessive alcohol use. States and communities can prevent binge drinking by supporting effective policies and programs, such as those recommended by the Community Preventive Services Task Force.

Fast Stats

Each year in the United States excessive alcohol use is responsible for:



140,000 DEATHS
shortening lives by
an average of 26 years



1 in 5 DEATHS
among adults ages 20 to 49



\$249 BILLION+
in economic costs,
or \$2.05 a drink

The Health Effects of Excessive Alcohol Use

Chronic Health Effects

Over time, excessive alcohol use can lead to chronic diseases and other serious problems, including alcohol use disorder and problems with learning, memory, and mental health. Other chronic health conditions linked to excessive alcohol use include:

High Blood Pressure, Heart Disease, and Stroke

Binge drinking and heavy drinking can cause heart disease, including cardiomyopathy (disease of the heart muscle), as well as irregular heartbeat, high blood pressure, and stroke.



Liver Disease

Excessive alcohol use takes a toll on the liver and can lead to fatty liver disease (steatosis), hepatitis, fibrosis, and cirrhosis.

Cancer

Drinking alcoholic beverages of any kind, including wine, beer, and liquor, can contribute to cancers of the mouth and throat, larynx (voice box), esophagus, colon and rectum, liver, and breast (in women). For some cancers, even less than one drink in a day can increase risk. The less alcohol a person drinks, the lower the risk of these types of cancer.

Immediate Health Effects

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions, including the following:

Injuries, Violence, and Poisonings

Drinking too much alcohol increases the risk of injuries, including those from motor vehicle crashes, falls, drownings, and burns. It increases the risk of violence [\[1\]](#), including homicide, suicide, and sexual assault. Alcohol also contributes to poisonings or overdoses from opioids and other substances.

A recent US study found that more than 40% of people who died violently had alcohol in their bloodstream.

Unintended Pregnancy and Sexually Transmitted Infections

People who binge drink are more likely to have unprotected sex and multiple sex partners. These activities increase the risk of unintended pregnancy and sexually transmitted infections, including HIV.

Poor Pregnancy Outcomes

There is no known safe amount of alcohol use during pregnancy. Alcohol use during pregnancy can cause fetal alcohol spectrum disorders. It may also increase the risk of miscarriage, premature birth, stillbirth, and sudden infant death syndrome.

To reduce the risk of alcohol-related harms, the *2020–2025 Dietary Guidelines for Americans* recommends that adults of legal drinking age can choose not to drink, or to drink in moderation by limiting intake to 2 drinks or less in a day for men or 1 drink or less in a day for women, on days when alcohol is consumed.

The *Guidelines* also do not recommend that people who do not drink alcohol start drinking for any reason and that if adults of legal drinking age choose to drink alcoholic beverages, drinking less is better for health than drinking more.

Some people should not drink, including women who are or who might be pregnant, people with certain conditions or taking certain medicines, and people who are recovering from an alcohol use disorder or unable to control the amount they drink.

CDC's Response to Excessive Alcohol Use

CDC's [Alcohol Program](#) works to prevent excessive alcohol use and its impact in states and communities by:

Collecting and Sharing Data to Guide Prevention Strategies

CDC collects data that states and communities can use to inform public health strategies to reduce excessive drinking and related harms.

The [Behavioral Risk Factor Surveillance System](#) and the [Youth Risk Behavior Surveillance System](#) collect data on alcohol use, including binge and underage drinking. They include measures such as how often binge drinking occurs, the number of drinks consumed per episode, and the rates of binge drinking in different population groups.

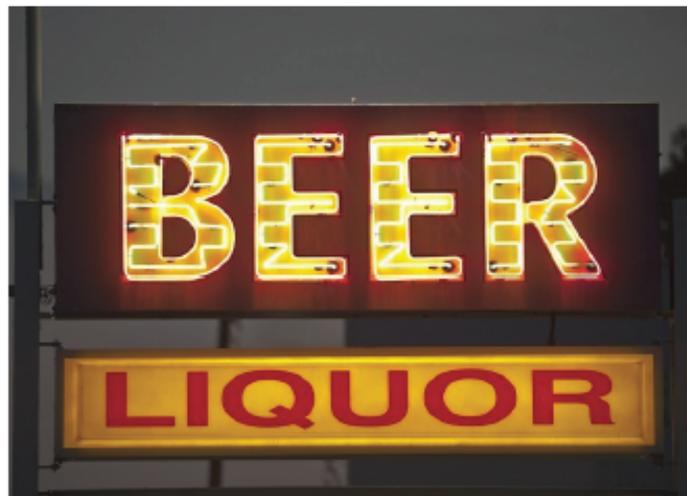
CDC's [Alcohol-Related Disease Impact](#) application provides state and national estimates of deaths and years of potential life lost from excessive alcohol use.

CDC also published [Measuring Alcohol Outlet Density: A Toolkit for State and Local Surveillance](#). Outlet density refers to the number and concentration of places that sell alcohol in a community. Higher alcohol outlet density is associated with excessive alcohol use and related harms, such as violence. One way state and local health agencies can use this toolkit is to study disparities in outlet density by the racial and ethnic makeup of a community. States and communities may then choose to use strategies like zoning and licensing to reduce disparities in the availability of alcohol and alcohol-related harms, such as violent crime.

Promoting Proven Strategies and Evaluating Their Effectiveness

CDC supports the use of evidence-based prevention strategies in states and communities with tools, training, and technical assistance. The Community Preventive Services Task Force recommends the following proven [strategies](#) to prevent excessive alcohol use and related harms in communities:

- Increase alcohol taxes.
- Regulate alcohol outlet density.
- Hold retailers accountable for harms that result from illegally serving or selling alcohol.
- Maintain existing government controls over alcohol sales (avoiding privatization).
- Maintain limits on the days and hours when alcohol can be sold.
- Use electronic devices—such as computers, telephones, and mobile devices—to screen people for excessive alcohol use and deliver a brief intervention.
- Enforce laws that prohibit alcohol sales to minors.



The US Preventive Services Task Force recommends that health care providers **screen all adults for excessive alcohol use and provide [brief intervention](#)** and referral to treatment as needed.

CDC also studies other prevention strategies, such as setting a minimum price for alcoholic beverages.

Supporting State and Local Health Agencies

CDC supports alcohol epidemiologists in nine states to conduct public health surveillance on excessive alcohol use and guide state and community efforts to prevent this behavior. Findings from CDC-supported state partnerships include

- 1 in 5 people [who die by drug overdose in New Mexico](#) has a high blood alcohol level at the time of death.
- Deaths fully due to alcohol consumption [increased](#) in Minnesota from 2000 to 2018.
- Binge drinking is associated with marijuana use in Colorado.

Providing National Leadership

CDC works with other federal agencies to prevent excessive alcohol use. For example, the agency works with the Substance Abuse and Mental Health Services Administration and other federal agencies on the [Interagency Coordinating Committee for the Prevention of Underage Drinking](#), which prepares an annual report to Congress and reports on state performance and best practices to prevent and reduce underage drinking.

CDC also works with many national organizations, including the [Community Anti-Drug Coalitions of America \(CADCA\)](#), to prevent excessive drinking. CADCA, in turn, works with its member coalitions to translate effective strategies for preventing excessive alcohol use into practice at state and local levels. CDC also supports the [Center for Advancing Alcohol Science to Practice](#) to provide training and technical assistance to states and communities on effective strategies to reduce excessive drinking.



Last Reviewed: July 11, 2022

Biennial Review Process

The Biennial Review examines the implemented programs, policies, and correlating data for a period of two years. This report reviews the Academic Year 2020-2021 and Academic Year 2021-2022. Written by Coordinator Melisa Zaug and refined by the Dean of Students Tobias Uecker, the collaboration effort for data and information collection has been between the Division of Student Affairs entities and the Office of Safety and Security. Biennial Reports are kept for seven years. They are shared online on the Office of the Dean of Students website, and via InsideState, and they can be retrieved electronically, or by mail, by contacting:

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

Annual Policy Notification Process

SDSU policies are influenced by the South Dakota Board of Regents (SDBOR), and while the policies are distributed annually, online access is 24/7. Students can receive Student Code policies through multiple avenues: MyState (the online student portal), University Housing & Residential Life correspondence with move-in information, and the university's webpage. As the website has been updated and altered this academic year, the following links are direct connections to policies and information: [Student Code](#), [University Housing & Residential Life](#), and the [Board of Regents Policies](#).

PART II: ANNUAL POLICY NOTIFICATION

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

The SDBOR and SDSU policies stem from those of the State of South Dakota in the areas of human rights complaint procedures, drug-free compliance, sexual harassment, equal opportunity, etc. For more information on the Board of Regents policies, [click here](#). For more information on the South Dakota State University policy manual, [click here](#).

The South Dakota Bureau of Human Resources Employee Handbook lists multiple policies that are relevant to this report, including but not limited to the Drug and Alcohol Testing Policy, the Drug-Free Workplace Policy, the Tobacco-Free Environment Policy, the Anti-Harassment/Discrimination Policy, and the Workplace Safety Policy. To see this handbook in detail, [click here](#). *

**If this link is somehow outdated, please contact us at the Division of Student Affairs, South Dakota State University, 605-688-4493.*

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) is available for staff to receive services. The link to EAP information is also provided through the SDSU HR newsletter provided to all staff. For more information, go about EAP [click here](#).

DISTRIBUTION OF AOD POLICIES TO STUDENTS

Sanctions and conditions are available for distribution in conduct hearings, meetings between hearing officers and the student(s), events, fairs, etc. Specifically, when a student participates in the conduct process, via the Office of Community Standards, Residential Life, or in a meeting with the Dean of Students, the student receives their outcome letter, which describes the policies that were violated and related outcomes.

SDSU Alcohol/Drug Sanctions & Conditions: 2020-2021

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

- **Sanction:** Warning
- **Condition 1** - Fine up to \$50
- **Condition 2** - Online Alcohol Education Module: \$10
- **Fine Breakdown:**
 - Host - \$50
 - Belligerent Guest - \$50
 - Uncooperative Guest - \$40
 - Cooperative Drinking Guest - \$25
 - Cooperative Nondrinking Guest - \$0

Alcohol - First Offense Abusive Drinking and/or *Other Serious Behaviors

- **Sanction:** Warning or Behavioral Probation
- **Condition 1** - Fine up to \$50
- **Condition 2** - BASICS Evaluation and Education (Abuse): \$75
- **Condition 3** - Parental Notification
- **Fine Breakdown:**
 - Host - \$50
 - Belligerent Guest - \$40
 - Uncooperative Guest - \$40
 - Cooperative Drinking Guest - \$25
 - Cooperative Nondrinking Guest - \$0

Alcohol - Second Offense

- **Sanction:** Behavioral Probation
- **Condition 1** - Fine of \$75
- **Condition 2** - Choices About Responsible Drinking (CARD)
- **Condition 3** - Parental Notification

Alcohol - Third Offense

- Either **suspension** for a minimum of one semester or in compelling circumstances...
- **Sanction:** Extended Behavioral Probation
- **Condition 1** - Fine of \$100
- **Condition 2** - BASICS Re-evaluation: \$75
- **Condition 3** - Parental Notification

Abusive Drinking: Explanation

- The student had a BAC of .20 or greater
- The student reported a blackout
- The student was involved in aggressive or injurious behavior
- The student required medical attention/treatment
- The student reports having committed multiple underage violations prior to the most recent violation
- The student reports other drinking behaviors or episodes that may indicate a pattern of abuse
- When large quantities of alcohol are found in a room, specifically: fifty-or-more cans of beer (including full, partially drank and empty cans); two-or-more full bottles of hard liquor; or two or more empty bottles of hard liquor

Marijuana & Controlled Substances: First Offense

- **Sanction:** Behavioral Probation
- **Condition 1** - Fine of \$50
- **Condition 2** - BASICS Evaluation and Education: \$75
- **Condition 3** - Parental Notification

Marijuana & Controlled Substances: Second Offense

- Either **suspension** for a minimum of one semester or in compelling circumstances...
- **Sanction:** Extended Behavioral Probation
- **Condition 1** - Fine of \$75
- **Condition 2** - BASICS Re-evaluation: \$75

Marijuana & Controlled Substances: Third Offense

- **Suspension** for a minimum of one semester
- **Condition** - Fine of \$100

*Other Serious Behaviors: Partial List See Student Code of Conduct for Details

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



Contacts:

Office of Community Standards –
605-688-5148

University Housing & Residential Life –
605-688-5148

Counseling Services –
605-688-6146

University Police Department –
605-688-5117

Title IX/EEO Coordinator –
605-688-4128



Severity of sanctions are a direct result of severity of number of infractions.

SDSU Alcohol/Drug Sanctions & Conditions: 2021-2022

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

- Sanction: Warning
- Condition 1 - Fine of \$50 (only if student has been drinking)
- Condition 2 - Online Alcohol Education Module

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

- Sanction: Warning or Behavioral Probation
- Condition 1 - Prime for Life: \$100
- Condition 2 - Parental Notification (if sanctioned probation)

Alcohol: Second Offense

- Sanction: Behavioral Probation
- Condition 1 - Fine of \$75
- Condition 2 - Choices About Responsible Drinking (CARD)
- Condition 3 - Parental Notification

Alcohol: Third Offense

- Either suspension for a minimum of one semester or in compelling circumstances...
- Sanction: Extended Behavioral Probation
- Condition 1 - Fine of \$100
- Condition 2 - Prime for Life: \$100
- Condition 3 - Parental Notification

Abusive Drinking: Explanation

- The student had a BAC of .20 or greater
- The student reported a blackout
- The student was involved in aggressive or injurious behavior
- The student required medical attention/treatment
- The student reports having committed multiple underage violations prior to the most recent violation
- The student reports other drinking behaviors or episodes that may indicate a pattern of abuse
- When large quantities of alcohol are found in a room, specifically: fifty-or-more cans of beer (including full, partially drank and empty cans); two-or-more full bottles of hard liquor; or two or more empty bottles of hard liquor

Marijuana & Other Drugs: First Offense

- Sanction: Behavioral Probation
- Condition 1 - Parental Notification
- Condition 2 - Educational Paper #8: Marijuana and Illegal Substances
- Condition 3 - Online Marijuana Educational Module
- Condition 4 - Fine of \$50

Marijuana & Other Drugs: Second Offense

- Either suspension for a minimum of one semester or in compelling circumstances...
- Sanction: Extended Behavioral Probation
- Condition 1 - Fine of \$75
- Condition 2 - Prime for Life: \$100
- Condition 3 - Parental Notification

Marijuana & Other Drugs: Third Offense

- Suspension for a minimum of one semester
- Condition - Fine up to \$200



Contacts:

Office of Community Standards:
605-688-5148

University Housing & Residential Life:
605-688-5148

Counseling Services:
605-688-6146

University Police Department:
605-688-5117

Title IX/EEO Coordinator:
605-688-4128



PART III: AOD USE PREVALENCE

Rates of Prevalence & Incidents, Needs Assessment and Trend Data

SDSU Annual Security Report; Crime and Disciplinary Referral Data for liquor law Violations

CRIMINAL ARRESTS	2020	2021
On Campus	177	186
Non-Campus building or property	1	6
Residential Facilities for Students	95	116
Adjacent Public Property	69	112
On Campus	49	25
Non-Campus building or property	3	5
Residential Facilities for Students	27	17
Adjacent Public Property	27	33
DISCIPLINARY REFERRALS TO THE CAMPUS JUDICIAL SYSTEM		
On Campus	218	180
Non-Campus building or property	0	0
Residential Facilities for Students	213	180
Adjacent Public Property	0	0
On Campus	0	0
Non-Campus building or property	0	0
Residential Facilities for Students	0	0
Adjacent Public Property	0	0

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

Data regarding policy violation charges, findings, and sanctions are collected in the Maxient student conduct software system. For the entire Annual Security Report, [click here](#).

Needs Assessment and Trend Data

Discussing Health & AOD Risks on Campus

Another method of trying to understand students' perceptions and general trends is by analyzing data found within the American College Health Association's National College Health Assessment (ACHA-NCHA II).

Quick Facts from Surveys

The statistics below are from the biennial ACHA-NCHA II. While more specific questions are asked in the survey, these percentages stem from the executive summaries in both years.

The percent of students who reported alcohol use affected their academic performance (within a 12-month period).	5.3% (in 2015 survey) 4.8% (in 2017 survey) 2.8% (in 2022 survey)
Actual use of alcohol vs. perceived use (within a 30-day period)	65.6 % actual (in 2015 survey) 63.8 % actual (in 2017 survey) 67.1% actual (in 2022 survey)
Students who reported choosing not to drink alcohol most of the time or always when they partied/socialized (within a 12-month period).	23.0% (in 2015 survey – M, 17.5%, F, 26.5%) 28.5% (in 2017 survey – M, 21.1%, F, 31.5%) 18.5% (in 2022 survey – M, 23.4 %, F, 15.9%, Trans/Gender Non-conforming, 25%)
When drinking alcohol, the percentage of students who reported “doing something they later regretted (within a 12-month period).”	37.6% (in 2015 survey – M, 39%, F, 36.6%) 34.5% (in 2017 survey – M, 35.7%, F, 33.6%) 22.2% (in 2022 survey – M, 22.7%, F, 21.6 %, Trans/Gender Non-conforming, 20%)

*Source: American College Health Association-National College Health Assessment (ACHA-NCHA-II) for South Dakota State University, Spring 2022. N=695

Responding to Student Needs: Class Attendance and AOD Screenings

Students attend events, classes, or counseling either independently or by recommendation. When students violate an alcohol policy, the sanctions or conditions could include an assessment before a BASICS or CARD motivational interview and screening for Prime for Life with Counseling Services.

Academic Year	Course	Number of Students Assigned
2020 - 2021	BASICS	67
2020 - 2021	CARD	53
2020 - 2021	Online Alcohol Module	304
2021 - 2022	CARD	33
2021 - 2022	Online Alcohol Module	213
2021 - 2022	Prime for Life	18

PART IV: AOD POLICY

Enforcement and Compliance Inventory & Related Outcomes

*Drug-Free Schools and Communities Act**

Title IV — 21st Century Schools

SEC. 401. 21ST CENTURY SCHOOLS.

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

TITLE IV--21ST CENTURY SCHOOLS

PART A — SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 4001. SHORT TITLE.

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

SEC. 4002. PURPOSE.

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

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

SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated —

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

(2) Such sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

**To review the U.S. Department of Education Drug-Free Schools and Communities Act [click here](#).*

Student Code and Subsequent Processes – Specific Policy Information

The information from the Student Code of Conduct included below is for reference purposes only. This is not intended to serve as the official Student Code of Conduct. The active student code can be found by [clicking here](#).

Policy [relevant sections of Student Conduct Code, SDSU Policy 3.1, below]

Alcohol Amnesty

c. Alcohol Amnesty

- i. This section aims to remove the barriers that may prevent any Student from seeking emergency medical attention by providing an opportunity for the University to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol-related injuries or deaths, and increase the likelihood that Students will seek medical attention in crisis situations.
- ii. A Student who seeks emergency medical attention (or who has emergency medical attention sought on their behalf) for alcohol-related consumption will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to that incident, as long as the Student completes the following requirements:
 1. Participates in an initial meeting with the Senior Student Affairs Officer, or designee; and
 2. Completes all recommendations from the Senior Student Affairs Officer, or designee; and
 3. Submits proof of completion of all recommendations within the time frame designated by the Senior Student Affairs Officer, or designee, at the initial meeting.
- iii. A bystander Student who has engaged in alcohol consumption and who seeks emergency medical attention for someone else, or tries to actively engage in assistance for someone else for that person's alcohol-related consumption will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to their own consumption but will be invited to meet with the Senior Student Affairs Officer, or designee.
- iv. The University will not pursue any disciplinary action related to any alcohol or drug

consumption against any Student who has been sexually assaulted or sexually harassed, for their use of alcohol at the time of the sexual assault or sexual harassment.

- v. 3.c.ii. and 3.c.iii. of this section will only apply to a Student who seeks emergency medical attention before police or University employees or agents take any official action or intervention related to the alcohol consumption.
- vi. Alcohol amnesty does not preclude disciplinary action regarding other violations of the Student Code.
- vii. Alcohol amnesty only applies to the University's Student conduct process. It does not apply to any criminal, civil, or other legal consequence for violations under federal, state, or local law.
- viii. Alcohol amnesty is not designed to protect or shield those Students who repeatedly violate the Student Code. The Senior Student Affairs Officer, or designee, may assess each situation on a case-by-case basis, denying the safeguards of alcohol amnesty if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under this Student Code.

Prohibited Conduct Related to Alcohol and Other Drugs

f. Prohibited Conduct

- i. The following sections describe actions that detract from the effectiveness of the University's productive living-and-learning community. Any Student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the Student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another SDBOR or University Policy, the definition contained in this policy shall be used to address prohibited conduct by a Student.
- viii. Use and Misuse of Substances
 - 1. [3.f.viii.1.] The unauthorized manufacture, sale, possession, use, or consumption of the following by Students:
 - a. [3.f.viii.1.a.] Alcohol;
 - b. [3.f.viii.1.b.] Marijuana (including cannabis used or possessed for medical purposes); or
 - c. [3.f.viii.1.c.] Controlled substances.
 - 2. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on University Premises when:
 - a. Needed in conjunction with approved research activities;

- b. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional Students who are at least twenty-one (21) years of age;
 - c. Alcohol is possessed, used, or distributed in a lawful manner on University Premises that have been designated by the University President as places where such possession, use, and distribution may be permitted, subject to such conditions as the University President may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the SDBOR;
 - d. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances. 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). Students who use medical marijuana pursuant to a validly issued written certification when not on property controlled by the University may subsequently report to class or participate in activities as long as such use does not cause impairment or disrupt academic or campus activities.
 - e. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a SDBOR or University Policy; or
3. [3.f.viii.3.] The unauthorized possession of any drug paraphernalia including, but not limited to, any equipment, materials, or products of any kind which are used, intended for use, designed for use, or have been used for the manufacture, distribution, use or storage of any controlled substance.

Student Conduct Process

1. Allegations

- ii. Allegations of misconduct may be reported against any Student by anyone. Allegations shall be directed to the Student Conduct Officer in the Office of the Vice President for Student Affairs. The reporting party will disclose the facts that form the basis for the allegation, the identities of any other witnesses, and any other relevant information regarding the alleged misconduct.
 - 1. Allegations of academic misconduct will be reported to the Student Conduct Officer but are initially addressed through SDBOR Policy 2:33 and University Policy 2:4.
 - 2. Allegations of Human Rights Violations shall follow the process outlined in SDBOR Policy 1:18 and University Policy 4:6.
 - a. The investigator assigned must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the University determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the University.

- b. The investigator assigned must be trained to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, including both evidence that tends to suggest a violation and evidence that tends to suggest no violation, and take into account the unique and complex circumstances of each case.
 - c. The investigator assigned should avoid using any investigative techniques or approaches that apply sex stereotypes or generalizations.
 - d. Each party should be provided written Notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation.
 - e. The investigation should result in a written report summarizing the relevant evidence that tends to suggest a violation and evidence that tends to suggest no violation.
 - f. The investigator assigned must make findings of fact and conclusions as to whether the facts support a Human Rights Violation.
- iii. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct a pre-investigation inquiry to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation.
- 1. The Student Conduct Officer must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the University determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the University.
 - 2. As to off-campus conduct, the Student Conduct Officer shall determine whether the incident adversely affects the University, any Organizations, members of the University community, or the pursuit of their lawful objectives.
 - 3. Allegations of academic misconduct that are not informally resolved pursuant to SDBOR Policy 2:33 and University Policy 2:4 will enter the Student Conduct process here.
 - 4. Allegations of Human Rights Violations that are not informally resolved pursuant to SDBOR Policy 1:18 and University Policy 4:6 will enter the Student Conduct process here.
- iv. If the Student Conduct Officer determines that either (i) the allegations, if true, would not violate the Student Code or (ii) that the allegations are not credible, then the Student Conduct Officer should inform the Complainant of this determination and inform the Complainant that the allegations may be re-submitted should additional information become available.
- v. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible and will be investigated, the Student Conduct Officer shall provide written notice to the Respondent within fifteen (15) days of receiving the report of alleged misconduct or notification from the Faculty Member of the need

to address alleged academic misconduct through the Student Code.

- vi. The written notice to the Respondent must include the following:
 1. The alleged behavior that would be a violation of the Student Code;
 2. The date and location of the alleged behavior;
 3. The section(s) of the Student Code alleged to have been violated;
 4. The name of the Complainant;
 5. A time to meet with the Student Conduct Officer to provide the Respondent with the opportunity to give their account of the incident leading to the allegation of misconduct;
 6. Information about the right to have an Advisor present throughout the Student Conduct process;
 7. Information about both the informal and formal resolution processes;
 8. A time for a hearing to occur no earlier than ten (10), and no later than twenty (20), days after this written notice is deemed received to address any alleged violations that are not informally resolved.
 - a. The minimum time limit may be waived by the Respondent.
 - b. The maximum time limit may be extended at the discretion of the Student Conduct Officer.
- vii. At the time that the written Notice to the Respondent is sent, a written notice shall also be sent to the Complainant containing the information about the right to have an Advisor present throughout the Student conduct process, information about both the informal and formal resolution processes, and the time for the hearing to address any alleged violations that are not informally resolved.
- viii. The Student Conduct Officer will conduct an investigation of the allegations, which may include speaking with witnesses and reviewing any documentation. Only in instances where the Student Conduct Officer determines that there is sufficient evidence to establish that the Respondent violated the Student Code by a preponderance of the evidence will the allegations proceed to informal or formal resolution.
 1. For matters involving Human Rights Violations where an investigation was conducted pursuant to SDBOR Policy 1:18 and University Policy 4:6, no additional investigation is required.
 2. If the Student Conduct Officer determines that there is insufficient evidence to establish that the Respondent violated the Student Code by a preponderance of the evidence, the Student Conduct Officer will inform both parties of this fact and will cancel the hearing. This notification should also inform the parties that the investigation may be re-opened

should additional information become available.

c. Interim Measures

- i. In certain circumstances, the Senior Student Affairs Officer, or designee, may impose interim measures that go into effect immediately, prior to a hearing before a Student Conduct Panel, and remain in effect until no longer needed.
 1. Interim measures are intended to protect the interests of both the Complainant and the Respondent prior to a hearing. Interim measures may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, University work schedule modifications, interim residence suspension, or interim suspension. Interim measures that restrict the ability of either party to discuss the investigation should be avoided, as they may inhibit the ability of either party to obtain and present evidence or otherwise to defend their interests. Written Notice of interim measures shall be provided to the party to whom the interim measures are directed.
 - a. In circumstances involving allegations of stalking, interim measures must be provided upon the request of a Complainant if such measures are reasonably available.
 - b. In fairly assessing the need for a party to receive interim measures, the Senior Student Affairs Officer, or designee, may not rely on fixed rules or operating assumptions that favor one party over another, nor make such measures available only to one party.
 - c. Interim measures should be individualized and appropriate based on the information gathered by the University, making every effort to avoid depriving any Student of their education.
 - d. The interim measures needed by each Student may change over time, and the Senior Student Affairs Officer, or designee, should communicate with each Student throughout the Student Conduct process to ensure that any interim measures are necessary and effective based on each Student's evolving needs.
 2. Interim suspension may be imposed only for one or more of the following purposes:
 - a. To ensure the safety and well-being of members of the University community or preservation of University property or other property located on premises controlled by the University;
 - b. To ensure a Student's own physical or emotional safety and well-being; or
 - c. To ensure the normal operations of the University where a Student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.
 3. During the interim suspension, the Student may be denied access to residence facilities, the campus (including classes), and all other University activities or privileges.

4. A Student placed on interim suspension shall be given written notice of interim measures, which shall include:
 - a. The reasons for the interim suspension;
 - b. The parameters of the interim suspension; and
 - c. Information concerning the right to appeal the interim suspension.
5. Interim Suspension Appeal Process
 - a. The Student must submit a written request for a meeting to the Senior Student Affairs Officer, or designee.
 - b. The Senior Student Affairs Officer, or designee, will schedule a meeting with the Student as soon as practical and no later than three (3) days after receiving the written request. At this meeting, the Student is provided the opportunity to raise any objections to the interim suspension or to request alternative interim measures.
 - c. The Senior Student Affairs Officer, or designee, has sole discretion regarding interim measures.
- d. Informal Resolution
 - i. The Student Conduct Officer may speak separately and individually with the Complainant and the Respondent to determine whether the alleged misconduct can be resolved through informal resolution.
 1. In matters involving allegations of Human Rights Violations, informal resolution may not take the form of having the Complainant and the Respondent be in the same room at the same time, unless both parties agree in writing.
 2. In matters involving allegations of Human Rights Violations, the Student Conduct Officer should consider whether the informal resolution is equitable and will end the misconduct, prevent its recurrence, and address its effects.
 - ii. Informal resolution may be reached where:
 1. The parties involved mutually agree to a full resolution of the alleged misconduct that is acceptable to the Student Conduct Officer. This must be documented in writing and signed by the Complainant, Respondent, and Student Conduct Officer.
 2. The Respondent waives a formal hearing by admitting to the misconduct and accepting the proposed sanctions. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - a. This type of informal resolution is not available in matters involving allegations of Human Rights Violations.

3. Partial informal resolution may be reached where the Respondent admits to the misconduct but does not accept the proposed conduct sanctions. When this occurs, the process moves to formal resolution with the hearing being limited to the question of appropriate conduct sanctions. This must be documented in writing and signed by the Respondent and the Student Conduct Officer.
 - a. This type of informal resolution is not available in matters involving allegations of Human Rights Violations.
 4. Informal resolution shall be final, and the parties who agreed in writing to informal resolution waive any right to appeal otherwise available under this policy and SDBOR Policy 3:4.
 5. The Student Conduct Officer's involvement in attempting to informally resolve the allegation of misconduct does not impact the Student Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.
 6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the formal resolution process.
 - a. If an informal resolution is reached, the Student Conduct Officer shall prepare written findings and conclusions, and any sanctions resulting from a violation during the informal resolution process. If the complaint included more than one allegation of misconduct, each allegation must have a separate decision.
- e. Formal Resolution
- i. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.
 - ii. The composition of the Student Conduct Panel shall be determined as follows:
 1. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:
 - a. Option 1: only the Student Conduct Officer; or
 - b. Option 2: the Student Conduct Officer and any University employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a Student has violated the Student Code and to recommend imposition of conduct sanctions.
 2. For matters involving allegations of academic misconduct, the Student Conduct Panel must include at least one Faculty Member or academic administrator appointed by the Provost in the form described in Option 2 above.

3. Both the Complainant and the Respondent will be provided notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that (i) the Student Conduct Panel include additional members (Option 2), and/or (ii) a Student Conduct Panel member be replaced due to an actual or reasonably perceived conflict of interest. Such requests must be submitted, in writing to the Senior Student Affairs Officer no later than twenty-four (24) hours after the notice is provided to the party. The Senior Student Affairs Officer shall make a final decision as to these requests and will provide notice to both parties of the decision.
- iii. Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:
 1. Hearings shall be conducted in private. Witnesses other than the Complainant and the Respondent may only be present during the hearing while presenting their information.
 2. The Chair shall have sole discretion and final decision-making authority over the following:
 - a. Whether an individual's conduct interferes with the hearing and requires that individual's removal;
 - b. Whether written information, materials, documents, and statements submitted are relevant and will be accepted for consideration by the Student Conduct Panel;
 - c. All questions about the interpretation of the Student conduct process; and
 - d. Whether to have separate or joint hearings when a hearing would involve more than one Respondent.
 - iv. Neither the Complainant nor the Respondent are required to attend or participate in the hearing, and such decision will have no bearing on the question of whether the Respondent violated the Student Code.
 - v. The Respondent has no obligation to provide any information, materials, documents, or witnesses, or answer any questions and is presumed to not have violated the Student Code. The burden is on the University to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation of the Student Code occurred.
 - vi. If the Complainant or Respondent wants the Student Conduct Panel to review any materials or documents or wants to present any witnesses at the hearing, such materials and documents and/or witness lists must be submitted to the Chair by the following deadlines in order to be considered:
 1. In matters alleging Human Rights Violations, all materials and documents and/or witness lists must be submitted at least seventy-two (72) hours before the hearing. Additionally, a copy of the final report prepared by the Title IX/EO Coordinator will be provided to the Complainant, Respondent, and the Student Conduct Panel members.
 2. For all other matters, all materials and documents and/or witness lists must be submitted at least twenty-four (24) hours before the hearing.

3. The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.
- vii. The Complainant and the Respondent have the right to be assisted by an Advisor of their choice, at their own expense. Ordinarily, no more than two Advisors for each Student shall be permitted. The Advisor is limited to advising the Student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.
- viii. The Student Conduct Officer shall record the audio of the hearing.
- ix. Generally, the hearing will be conducted in the following order:
 1. The Chair will ask each individual present at the hearing to identify themselves by providing their name and role at the hearing (e.g. Complainant, Respondent, member of the Student Conduct Panel, etc.).
 2. The Chair will remind the Respondent:
 - a. Of the materials that the Student Conduct Panel received prior to the hearing;
 - b. Of the right to have an Advisor present;
 - c. Of the right to refuse to speak as a witness against themselves;
 - d. That the refusal to speak as witness against themselves will have no bearing on the question of whether the Respondent violated the Student Code;
 - e. Of the alleged behavior that would be a violation of the Student Code; and
 - f. Of the section(s) of the Student Code alleged to have been violated.
 3. The Chair will provide the Complainant with the opportunity to engage in the hearing. If the Complainant agrees to engage, then:
 - a. The Chair will provide the Complainant the opportunity to provide any additional relevant factual details that were not previously provided. The Complainant may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The Complainant may decline but still present witnesses.
 - b. The Chair will ask the Complainant to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - c. The Student Conduct Panel will then ask questions of the witness.
 - d. The Chair will ask the Respondent for any questions for the witness. The Respondent will provide the Chair any questions in writing.
 - e. The Chair will ask the witness any questions provided by the Respondent that the Chair

determines to be relevant.

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

Code);

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

1. In each case in which the Chair determines that a Respondent has violated the Student Code, the Chair shall determine and impose appropriate conduct sanction(s). Where a violation of SDBOR or University Policy is established, and where a conduct sanction is mandated under SDBOR or University Policy, that conduct sanction shall be imposed.
 - a. Conduct sanction decisions must be made for the purpose of deciding how best to enforce the Student Code and should reflect a proportionate response to the violation.
 - b. In matters involving Human Rights Violations, the Chair should consider whether the sanctions are equitable and will end the misconduct, prevent its recurrence, and address its effects.
 - c. In matters involving Human Rights Violations, the Chair should consider the impact of separating the Respondent from their education before imposing a conduct sanction of suspension or expulsion.
2. In matters involving allegations of academic misconduct that are informally resolved pursuant to SDBOR Policy 2:33 and University Policy 2:4, the Student Conduct Officer will receive the information from the Faculty Member and shall determine and impose appropriate conduct sanction(s).
3. Complainants shall be informed in writing and at the same time as the Respondent of any outcome and conduct sanctions imposed in the following circumstances:
 - a. When the conduct sanction involves remedial action that directly relates to the Complainant (e.g., a directive requiring the Respondent to not have contact with the Complainant);
 - b. Where the allegations against the Respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA; or
 - c. Where the allegations against the Respondent would also constitute Human Rights Violations. In this circumstance, the rationale for the result must also be included.
 - e. Where the University finds that a hostile environment exists, the University shall also inform the Complainant of other steps the University has taken to eliminate the hostile environment.
4. FERPA allows the University to disclose the final results of a conduct proceeding when the Chair determines that the Respondent violated the Student Code and that violation falls within the definition of a crime of violence or a non-forcible sex offense as defined by FERPA. For purposes of this subsection, "final results" means the name of the Respondent, the violation committed, and any conduct sanction(s) imposed by the University.
5. FERPA further allows the University to inform the parents or legal guardians of a Respondent younger than twenty-one (21) years of age that the Respondent has violated University Policy concerning the use or possession of alcohol or controlled substances.
 - a. At the University, parental notification will likely occur when:

- i. The Student, through a hearing, is determined to be responsible for an alcohol or drug related violation in which:
 - 1. a minimum sanction of behavioral probation resulted; or
 - 2. it has been determined that the Student had a blood alcohol content (BAC) of .20 or greater; or
 - 3. transport to a medical facility due to alcohol poisoning was required; or
 - 4. At the discretion of the Vice President for Student Affairs, or designee, and
 - 5. The Student is less than twenty-one (21) years of age; and
 - 6. The Student commits the offense while on University owned or controlled property; or
 - 7. The Student commits the offense during travel sponsored by a University department, college, or recognized Student Organization; or
 - 8. The Student commits the offense while attending an event sponsored by a University department, college, or recognized Student Organization.

- ii. Notification by another South Dakota public university within the SDBOR system that a University Student has been involved in a situation on that university's campus which leads to a minimum sanction of behavioral probation and the Student is less than twenty-one (21) years of age.

- iii. An emergency medical circumstance exists related to alcohol/drugs, even if no violation has occurred. Hospital personnel, family members, or friends may have also notified parents.

- c. Parental notification will likely not occur when:
 - i. The Student is twenty-one (21) years of age or older; and
 - ii. The Student is merely reported to be involved in a violation of the alcohol/controlled substance policy. (Notification only occurs after a hearing has been conducted and a hearing officer/body has determined that the Student violated policy.)
 - iii. The sanction for the policy violation is less severe than behavioral probation.

- d. Decisions regarding parental notification are made by the Vice President for Student Affairs, or designee, in consultation with the appropriate reporting parties.

- e. Notification, except in emergency circumstances, will be done in writing by the Vice President for Student Affairs, or designee.

- f. Students will be sent notice in writing of a parental notification letter. Such correspondence will be sent seven (7) calendar days in advance of the parental notification letter being sent.

in or completion of educational programming at the Student's expense.

2. Fines – Monetary payments that are associated with certain sanctions. Students will be required to pay for educational programming, chemical dependency screening, not completing sanctions, and, as applicable to formal hearings with a panel, reimburse the University for the room and equipment rental if found responsible for a violation of the Student Code.
3. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
4. Educational Activities – Work assignments, essays, service to the University, community service, workshops, or other related educational activities.
5. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the Student conduct process or the completion of all conduct sanctions imposed.
6. Revoking Admission and/or Degree – The University may revoke admission to, or a degree awarded from, the University for violation of University standards for obtaining admission or the degree, or for other serious violations of the Student Code committed by the Respondent prior to graduation.

iv. Conduct sanctions shall not be made part of the Respondent's permanent academic record, but shall become part of the Respondent's conduct record. The Respondent's conduct record containing conduct sanctions other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the Student Code. The Respondent's conduct record containing any of the conduct sanctions above shall be maintained permanently. Where restitution is required of a Respondent, the University reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.

v. Students enrolled at the University shall be held accountable for their conduct while visiting all other universities within the SDBOR system. Students may be required, as a condition of continued enrollment, to appear at the university where the alleged misconduct took place, at their own expense, for a conduct hearing and to answer allegations based on their conduct while at that university.

1. Any conduct sanction imposed by a university within the SDBOR system shall be effective at all other universities within the SDBOR system. A Respondent suspended at one university within the SDBOR system shall not be able to enroll at another university within the SDBOR system until the period of suspension has ended. A Respondent who has been expelled from one university within the SDBOR system may not enroll at another university within the SDBOR system.
2. When a Respondent is brought forward on allegations of misconduct by

another SDBOR university, any conduct sanction issued after a finding of a violation shall be determined by the university that brought forward the allegations of misconduct. Unless suspension or expulsion is mandated by this policy or SDBOR Policy 3:4, suspension or expulsion may only be imposed after first consulting with the Senior Student Affairs Officer from the university where the Respondent is enrolled.

For more information on the student code [click here](#).

Methods Used for General Enforcement

The Office of Safety and Security manages the University Police Department (UPD) that employs full-time and part-time staff for continual policy and law enforcement. They work in tandem with Brookings Police Department, county entities, etc. For more information about their duties and purpose, [click here](#).

For SDSU student athletes, the Athletics Department enforces multiple standards for well-being which are developed from NCAA health and safety standards. To see the standards, [click here](#). The Athletics Department Student-Athlete Code of Conduct is listed below:

Student-Athlete Code of Conduct

Participation in South Dakota State University's (SDSU) intercollegiate athletic program is a privilege. Each student-athlete represents not only him/herself, but also their teammates, Athletics Department, University, Brookings community, South Dakota, conference and alumni. Given the significance of this privilege, the student-athlete has additional responsibilities placed upon him/her than the general student at the University.

All student-athletes are members of SDSU's student body and as such all University policies governing student academic and disciplinary conduct apply to you—in particular, University Policy 2:4 (Student Academic Misconduct and Academic Appeals) and University Policy 3:1 (Student Conduct Code)—which can be found on the University's Policies and Procedures Manual website, located at: <https://www.sdstate.edu/policies-and-procedures>.

In addition to these policies, the Student-Athlete Code of Conduct is designed to alert you to the additional, athletics-specific expectations that come with the privilege of being a student-athlete, and to the potential consequences that inappropriate behavior may have on your student-athlete status. Disciplinary decisions based on the Student-Athlete Code of Conduct can be appealed following the procedure for appeals of Student Conduct Code violations provided in University Policy 3:1.4.g.

The Athletic Department may take action under the Student-Athlete Code of Conduct regarding your participation in the University's intercollegiate athletics program, as well as the awarding, renewal, and modification of an athletic scholarship pursuant to your financial aid agreement. The Student-Athlete Code of Conduct is intended to complement, not replace, conduct rules that your sport team has adopted, including consequences for violating those sport team rules. It is important to note that your head coach may impose additional penalties (e.g., suspension from practice, additional physical requirements, etc.) beyond those outlined in this policy.

There are two levels of misconduct that may affect your ability to fully participate in SDSU's intercollegiate athletic program: Level I, Level II. In addition, if you are criminally convicted or convicted

on plea, the facts that formed the basis of the criminal charges shall be deemed established for purposes of any Athletics Department conduct process. Lastly, the Student-Athlete Code of Conduct specifies expectations associated with social networking sites and sportsmanship and respectful conduct.

All student-athletes receive in writing the complete Student-Athlete Code of Conduct at each team's annual compliance meeting. Each student-athlete signs a document agreeing to abide by the Student Athlete Code of Conduct.

PART V: AOD COMPREHENSIVE PROGRAMS

There are multiple programming initiatives that are supported by many entities on campus, and even by those who are partners of SDSU. The following describes these initiatives

Connecting to Residents

Fizz with the Fuzz: Each fall, residence halls invite University Police Department staff to come in and speak with residents regarding safety on campus. UPD provide tips on staying safe and making good decisions, particularly related to alcohol behaviors. These have become trademark events and promote an engaging, educational experience for students. This is typically held in the months of September and October.

Drunk Goggle Mario Kart: A popular residence hall program featuring drunk goggles from HEROH, often held around Hobo Day. This event raises awareness about driving under the influence and alcohol safety.

Sparkling Water & Canvas: Program is designated to provide an alternative to drinking, but also educate residents on the dangers of leaving a beverage unattended or consuming beverage they did not personally make/open.

Counseling Staff Collaborations: In the past few falls, HRL has invited counseling staff into the halls to discuss mental health and increase familiarity/comfort with counseling services. Alcohol/drug awareness overlaps with this program effort.

Hobo Night Live: The annual homecoming event that is hosted by University Housing & Residential Life, has provided alcohol-free activities since 2013. This event was initially created to help reduce the significant number of alcohol-related incidents that had typically occurred in and around the residence halls during the evening and night of Hobo Day. The number of alcohol poisonings, passed-out residents, and ambulance transports prior to the event was considerably higher prior to the creation and facilitation of this event. In 2021 approximately 1200 students, community members, and families attended. Color-changing cups (with statistics on them) have been popular with the attendees. Hobo Night Live has five separate programs that make up the evening. The event typically includes a hypnotist/mentalists, a comedian, a dance mixer, and a game room.

Bystander Intervention and Sexual Assault Education Prevention

StepUP! is a program that was developed by the University of Arizona and NCAA partnership, and it allows staff opportunities to provide students with bystander intervention training. The training began with the Feminist Equality Movement (FEM) student organization and was piloted with a Greek organization in the Spring of 2018. Overall, the reviews have been positive, and students agreed the training should be maintained. Within the training, facilitators were able to discuss with the group alcohol, bystander intervention, consent, healthy relationships, etc. For more information about StepUP! [click here](#). The primary group that is focused specifically on this training's development on campus is the Sexual Assault Education Task Force. For more information about the Sexual Assault Education Task Force, see Sexual Assault Education and Prevention below.

The Sexual Assault Education Task Force was established in Fall of 2017. Its members include representatives from the Division of Student Affairs offices, the Title IX/EO Office, as well as the Graduate School. The task force members have created the "Got Your Back, Jack" campaign, and continued to support the StepUP! model of bystander intervention training, and has been involved in grant narrative preparations and educational event sponsorship. The mantra for the task force is "creating a culture of respecting each other, protecting each other, and supporting each other." The four educational foci include alcohol, sexual assault prevention and awareness, discrimination, and harassment (which includes inclusivity and diversity issues), and academic honesty.

A portion of educating on the risks of using alcohol and other drugs is having a set of reasonable policies and sanctions in place. For more information about reporting Title IX concerns, [click here](#). For more information on the policies established to promote equal opportunity and eliminate discrimination and harassment at SDSU click on this [link](#).

The Board of Regents' policies relating to non-discrimination, sexual harassment, human rights complaint procedures can be found at the following policy locations:

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

4:5 SEXUAL HARASSMENT

4:6 HUMAN RIGHTS COMPLAINT PROCEDURES

To review policies relating to equal employment, sexual harassment, or other human rights complaint procedures, [click here](#).

Active Programming and Educational Opportunities:

[AOD Program Strengths](#)

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

[AOD Program Opportunities](#)

Beyond identified student groups, the goal is to further establish relationships with the students in the

bell curve that has yet to become involved in organizations – and may not be interested in doing so – but who may need some assistance or direction for their well-being in the internal and external struggles of peer dynamics and challenges revolving around AOD use. To close the gaps in programming and student engagement, SDSU staff members need a cohesive and comprehensive plan.

Counseling Services Center

The Counseling Services Center employs licensed counselors for mental health needs and makes referrals to alcohol programs. They also offer a National Screening Day for alcohol use once a year. Pamphlets are available in the waiting area on alcohol use. Counseling appointments are free to students. Other resources include Brookings Behavioral Health for evaluations and individual sessions, as well as First Step, and both are located in the Brookings area. Avera and Brookings Health System are also available to students and community members. The Counseling Center staff administers alcohol and chemical dependency assessments to students and makes further recommendations for these students when needed. For more information about counseling services, [click here](#).

University Housing & Residential Life

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

University Police Department

UPD programs focus on alcohol and drug awareness, personal safety, sexual assault and violence risk reduction, etc. They offer presentations to a multitude of audiences. For more information regarding their presentations and programs, [click here](#).

Wellness Center

Helping Everyone Reach Optimal Health (HEROH) Programs: HEROH is a student volunteer peer education organization that operates out of the SDSU Wellness Center. HEROH members develop and implement educational programming on college health issues and provide campus-wide health promotion campaigns to educate & encourage healthy lifestyles. As a certified peer educator, 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.

Rabbit Ride: Rabbit Ride is a safe method of transportation for SDState students, Brookings community Members, and visitors. Rabbit Ride is a partnership between the SDSU Wellness Center, The SDSU Students' Association, Brookings Area Transit Authority, the SD Office of Highway Safety, and the City of Brookings. Rabbit Ride's goals are to provide a safe ride home to potentially impaired drivers, to keep the streets of Brookings safe, to reduce the number of DUI convictions in Brookings, and to decrease the number of underage and high-risk alcohol drinking convictions. Rabbit Ride operates during the academic year on Friday and Saturday evenings from 9 PM until approximately 2:30 AM. Rabbit Ride utilizes the "TapRide" app for on-demand ride requests. For more general Rabbit Ride information, [click here](#).

You@SDState: is a personalized web portal that connects you to online tools and campus resources to support your goals to succeed, thrive and matter as a Jackrabbit. The resources you can access through [YOU@SDState](#) can help you and your friends address and respond to your own concerns before those concerns become crises. You can explore brief modules on topics like healthy sleep and time management, set and track goals for your semester, or complete a self-assessment that can direct you to tailored resources.

PART VI: AOD COMPREHENSIVE PROGRAMS GOALS & OBJECTIVES

Biennium Period Being Reviewed

1. Reconvene regular meetings of the Alcohol & Drug Awareness and Prevention Team (ADAPT) team for the specific purpose of fostering dialogue about learning outcomes relatable to alcohol education; use this team to develop objectives and strategies for both generalized goals and specific outcomes.
2. Develop more robust partnerships among Academic Affairs, Division of Student Affairs, and campus administrators, regarding prevention programs, treatment interventions, and research in substance use and abuse areas.
3. Enhance programming focused on alcohol use reduction during periods of the Academic Year with increased frequency of high-risk alcohol use (e.g., “First Six Weeks,” homecoming, home football weekends, “Pub Crawl,” etc.).
4. Update collaboration between Student Conduct and Student Counseling Services related to early interventions for student AOD concerns.
5. Increase the use of YOU@SDState online portal to foster healthy decision-making and preventive behaviors among undergraduate students.
6. Assess the impact and effectiveness of AOD messaging to new students and new students’ families.

PART VII: AOD GOAL & OBJECTIVE ACHIEVEMENT

Biennial Term 2018-2020 to Current

Goal 1 – When classes are in session, ADAPT has met on an every-other-week basis for the majority of the biennium. The group has expanded to include representatives from the Office of Multicultural Affairs, Academic Advising, Students’ Association, and the student body at large. Regular conversations propel plans for programming and initiatives in the coming biennium.

Goal 2 – Continued conversations around the effective utilization of the Prime for Life AOD prevention curriculum have fostered partnership among the Dean of Students Office, the Office of Community Standards, and the Student Health and Counseling Center. Further partnerships are developing between Academic Affairs and Student Affairs through potential research and grant opportunities, as well as through a focused Mental Wellbeing Task Force that includes a discussion of the impacts of Alcohol and Other Drugs.

Goal 3 – Continued efforts by ADAPT to provide programming at high-traffic times meet this goal. In addition, efforts by Students’ Association related to providing alcohol-free tailgating at SDSU football games during Fall Semester 2022 (the first football season with in-stadium alcohol sales at home football events) worked to focus programming on football gamedays, a time with increased frequency of high-risk alcohol use.

Goal 4 – See comments above related to Goal 2. Conversations about the implementation and adjustments of Prime for Life AOD prevention curriculum and approaches to Student Conduct referral have helped address this goal.

Goal 5 – YOU@SDState has seen increased awareness and use over the course of the biennium. In addition, SDSU has expanded to use the Nod digital platform offered by the same parent company to foster student connection in response to COVID-19 student experiences of isolation and loneliness.

Goal 6 – Efforts have tracked completion of required alcohol awareness training for new students and have collected limited feedback from students participating in the online training system; New Student Orientation has taken a variety of forms over the course of the biennium, leaving relatively minimal opportunity for the assessment described within this goal. This goal can be carried over to the next biennium.

PART VIII: AOD SWOT ANALYSIS

Policy Analysis- Strengths, Weaknesses, Opportunities, and Threats

<p>Strengths:</p> <ul style="list-style-type: none"> *Clarity in policies. *Consistent application and enforcement. *Professional judgment utilized to help encourage student education. *Amnesty policy. *Alcohol sales policy. 	<p>Weaknesses:</p> <ul style="list-style-type: none"> *Conduct letters can be confusing. Ensuring the ease of understanding policies and the conduct process
<p>Opportunities:</p> <ul style="list-style-type: none"> *Track E.R. transport visits in Maxient. *Create consistent reports with the type and number of sanctions administered, by the violation. *Develop an all-encompassing report with time series data collection, in regard to trends. 	<p>Threats:</p> <ul style="list-style-type: none"> *Regional culture demonstrates a high tolerance for alcohol use and abuse, which translates to dangerous behaviors in the college-age population. *The trend or environmental support for the “college student’s rite of passage,” i.e. having experiences that instill partying behavior, binge drinking, or other unhealthy activities.

Program Interventions Analysis- Strengths, Weaknesses, Opportunities, and Threats

<p>Strengths:</p> <ul style="list-style-type: none">*More direct AOD information was presented during the summer at New Student Orientation to parents.*More direct AOD information presented to students the day after move-in, at ThumpStart.*Utilized specific and required alcohol education.	<p>Weaknesses:</p> <ul style="list-style-type: none">*No opportunity for specific and required alcohol education.*Removal of general Freshman seminar courses, in favor of college-specific seminars, which may lead to a reduction of non-academic content.*Centralized programming calendar has not yet been developed.
<p>Opportunities:</p> <ul style="list-style-type: none">*Develop detailed process summary metrics regarding program and intervention effectiveness.*Pursue further program-level outcome data, i.e. students altered attitudes, behavior change, or other environmental/trend data, etc.	<p>Threats:</p> <ul style="list-style-type: none">*Pervasive alcohol use seen as an inescapable reality, in this region.*Student comfort with believing inaccurate myths about alcohol use, even when confronted with counter data.*Ease, access, and use of fake IDs to use at local establishments.

PART IX: RECOMMENDATIONS FOR THE NEXT BIENNIUM

1. Increase campus-wide awareness of ADAPT (Alcohol and other Drugs Awareness and Prevention Team) and create clear identity and updated purpose statement for the work of this group; utilize this awareness and identity to foster increased campus participation in ongoing events and initiatives.
2. Assess and adapt usage of Student Health and Counseling Center-connected strategies (e.g., Prime For Life, individual assessments, group counseling, consultation on Choices About Responsible Drinking, etc.) to focus more fully on successful prevention (rather than on post-incident intervention).
3. Create standardized approach to utilizing increased AOD prevention funding sourced as part of Intercollegiate Athletics inclusion of alcohol sales at athletic events; establish standardized request process, allocation process, and partnerships with Intercollegiate Athletics.
4. Assess and refine usage of various online platforms (e.g., YOU@SDState, NOD, VectorSolutions) related to AOD awareness and prevention.
5. Provide professional development, training, and/or certification opportunities for staff and faculty working on AOD efforts.
6. Renew efforts to assess the impact and effectiveness of AOD messaging to new students and new students' families.

PART X: CONCLUSION

Our biennial report development is made better due to the dedication of Division of Students Affairs staff.