



Campus Security and Fire Safety Report: 2018-2019

The South Dakota School of Mines & Technology is committed to the safety and security of our students and employees. SD Mines Safety personnel regularly monitor the campus and work closely with the Rapid City Police Department in enforcing community, state, and federal laws, in addition to providing education and prevention programs. The Campus Safety phone line (x6100 on campus or at 605-394-6100) is monitored 24 hours a day and available to report all concerns.

Campus Crime Statistics & The Clery Act

Annual Crime Report

Statistics are gathered from crime reports generated by the Rapid City Police Department and campus agencies (Campus Safety and Community Standards) as required in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). Each year, the University emails all campus community members the Campus Security and Fire Safety Report and informs them they may also review information on the Community Standards website: www.sdsmt.edu/communitystandards. Copies may also be requested at Community Standards, Campus Safety, Human Resources, Admissions, or the Dean of Students Office. Additional information is also available through the Department of Education at <https://ope.ed.gov/campusafety>. **To review SD Mines Crime Statistics, please see the 2017 Crime Statistics in Appendix B.**

Timely Warnings

Timely Warning notifications are distributed to campus as needed, in alignment with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. A timely warning will be considered whenever the University receives information about a crime that requires timely notification (homicide, sex offenses, robbery, aggravated assault, burglary, vehicle theft, and arson) on or near campus. Other offenses may trigger a timely warning, depending on the facts and situation.

The decision to issue timely warnings will be made on a case-by-case basis whenever the University receives a report, reviews facts, reviews requirements in the Jeanne Clery Act, and evaluates if an ongoing threat to the community exists. The Community Standards Office is responsible for issuing these timely warnings. These notifications are primarily distributed via email and campus postings and may be distributed to the entire campus community or to the community where a threat exists.

The Community Standards Office (605-394-2348) or Campus Safety (605-394-6100) should be contacted if students, staff, or faculty have information that may warrant a timely warning.

Crime Log

A crime log is kept and maintained by the SD Mines Campus Safety Office. The log can be viewed on request in the Facilities Services Office.

Campus Safety and Local Law Enforcement

Upon written request, the University will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim is treated as the alleged victim for the request. A jointly signed Memorandum of Understanding exists between SD Mines and the Rapid City Police Department concerning information sharing.

Emergency Response and Evacuation Procedures

During an emergency situation on campus, the Office of the President and the Emergency Management Team will be alerted. The Chain of Command Policy I-03 will be implemented in the event the President is unavailable. The Emergency Management Team will work with Campus Safety and the Rapid City Police Department to confirm the situation. Upon confirmation of an emergency affecting campus, the Emergency Management Team will immediately initiate a notice to the entire campus via the Campus Alert System, which is available for all students, faculty, and staff. This service allows SD Mines to send emergency alerts to cell phones, landlines or computers. In the event that the emergency may affect the larger community, the Office of University Relations will notify the proper media outlets.

The SD Mines Emergency Management Team will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist the victim or to contain, respond to, or otherwise mitigate the emergency.

SD Mines will test the emergency response and evacuation procedures annually at a minimum. Emergency and evacuation procedures will be publicized with a minimum of one test per year. These tests may be announced or unannounced. Documentation will be kept for each test including the description of the exercise, the date, time, and whether it was announced or unannounced. Emergency response and evacuation procedures are available at <http://emergency.sdsmt.edu>.

Campus Alert Registration Information

Below you will find instructions for registering for the Campus Alert System.

1. Registration e-mails are sent out periodically from Campus Alert.
2. You are encouraged to participate by providing personal contact information, but must at least leave your campus e-mail information in the system.

3. Registration directions can be found at <http://emergency.sdsmt.edu/> or e-mail campusalert@sdbor.edu or call (605) 394-6729.
4. If you have already registered, but need to update your information, go to <https://campusalert.sdbor.edu>.

Reporting Criminal Conduct or Student Conduct Concerns

All emergencies should be reported to 911. The Campus Safety phone line (x6100 on campus or at 605-394-6100) is monitored 24 hours a day and is available to report criminal concerns, safety issues, or suspect activity.

Student conduct concerns should be reported to the Community Standards Office at 605-394-2348 or online through the Advocate Online Report: <http://www.sdsmt.edu/communitystandards>. Online reports can be submitted anonymously and confidentially. While these anonymous and confidential reports may limit the response of University officials, they will be included in Clery reporting.

Safety Services, Programs, and Crime Prevention

SD Mines makes campus safety and security awareness a priority and focuses on educating community members about policies, procedures, and crime prevention tips. All community members are provided with a “Campus Safety Booklet”, in addition to a comprehensive safety and emergency website located at <http://emergency.sdsmt.edu>.

Closed Circuit Television (CCTV) is a critical component of the University’s safety plan; CCTV is deployed throughout campus and in residential housing facilities. Although cameras are not monitored at all times, the footage recorded can be utilized by Campus Safety and the police to aid in investigations. The CCTV policy can be found online in the SD Mines Policy Manual: <http://www.sdsmt.edu/About/Office-of-the-President/SDSM-T-Policy-Manual/>.

New students attend safety education training through the orientation program and programming on a variety of safety and crime prevention topics are provided throughout the year, including programming on sexual assault prevention, alcohol and drug use, and personal safety. New residential students are required to pass fire safety training before moving into their residence hall assignment.

A Campus Safety Employee will escort community members from any campus building to another or from a car to any campus building. These services can be requested by contacting Campus Safety at 605-394-6100.

Campus Facility Security

Non-Residential Building Safety & Building Access

Campus Safety completes scheduled building lock-ups daily to ensure building security. Buildings are monitored by trained staff, building

managers, while buildings are unlocked. All buildings have safety information posted, including emergency information, location of AED devices, and fire safety information. A night safety walk is scheduled annually to ensure the overall safety of the campus. In addition, Facilities Services monitors facilities and grounds to ensure a safe environment.

Residence Life Safety & Building Access

Policies and procedures have been developed to help with the safety and security of all students residing in campus housing. Facilities are staffed with trained employees of the university. Each residence hall has an area coordinator and all living areas have Resident Assistants hired to help maintain the safety and security of all residents and the facility. Resident Advisors perform nightly rounds for safety and security and a Residence Life staff member is on-call 24-hours a day for emergencies.

All residence hall buildings are equipped with electronic access control and are locked 24-hours a day. Only students assigned to a building have access to a building. All guests must be escorted by residents and overnight guests must be registered with the Residence Life Office using the online Overnight Guest Registration Form. Potentially dangerous situations need to be reported to residence life staff as soon as possible. More information about safety procedures and policies can be found in the Residence Life Handbook online at <http://reslife.sdsmt.edu>.

Alcohol and Drug Policy

SD Board of Regents Policy Manual, Number 3:4, Student Disciplinary Code prohibits the following:

G. Use and Misuse of Substances

1. The unauthorized manufacture, sale, possession, use, or consumption of alcohol, marijuana, or controlled substances by Students. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the Board of Regents 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 premises controlled by the Board of Regents that have been designated by the Institution's president as places where such possession, use, and distribution may be permitted, subject to such conditions as the Institution's president may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the Board of Regents; or

d. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances.

e. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a Board Policy.

2. The unauthorized possession of any drug paraphernalia.

SD Mines and the South Dakota Board of Regents (4:27 Drug Free Environment and 3:4 Student Code of Conduct) are committed to providing a drug free environment. In support of BOR policies, SD Mines students and employees are expected to abide by all local, state, and federal alcohol and other controlled substance laws while on any property affiliated with SD Mines and in connection with any institutionally sponsored activity (e.g. possession by consumption for students under 21 years of age will be enforced).

Per BOR 4:27, any employee violating this prohibition shall be subject to appropriate disciplinary action, which may include termination of employment.

Per BOR policies, recognized student organizations are expected to report underage drinking at their sponsored events or on their property to the student conduct administrator for remedial action with individual students. Failure to report via the campus student conduct process may result in action being taken against the student organization.

Suspected presence or usage of marijuana or other controlled substances within SD Mines managed housing will result in residence life staff contacting local law enforcement.

Violations of BOR alcohol and drug policies will result in minimum sanctioning, available online at <http://www.sdsmt.edu/communitystandards>.

Alcohol and Substance Abuse Consequences

Legal Risks

The unlawful use of alcohol, marijuana, or controlled substances exposes students and employees to criminal prosecution by local, state, or federal authorities. Immediate penalties may range from fines, to loss of driving privileges, to jail time. In addition, criminal proceedings and criminal sanctions interrupt normal educational or employment activities and may result in individuals being required to withdraw from the university or a termination of employment. A criminal record is permanent and available in background checks. Existence of a criminal record may affect future employment, scholarship opportunities, certification or licensure requirements, or opportunities to serve the community.

Health Risks

The recreational use of alcohol, marijuana, or controlled substances may cause or contribute to physical impairment or psychological dependency. Using or abusing substances can cause loss of memory, chronic fatigue, loss of appetite, frequent absence from classes or work, and other effects that prevent achievement of educational, social, or employment goals. Moreover, individuals who abuse alcohol or drugs in early adulthood may also establish patterns of behavior that later disrupt their careers and limit their ability to maintain normal family life.

Drug and Alcohol Education and Prevention Services

The University is committed to decreasing high risk and illegal drug and alcohol use by our students through wellness education and university policies. Education begins for new students during summer and fall orientation programs that familiarize students with campus policies and abuse issues through online education and group discussions.

Residence Life takes a proactive role in training resident advisors in responding to alcohol poisoning, illegal drug use, identifying problems students are experiencing, referring students, peer counseling, legal issues, and confrontation skills. They provide information about campus rules and discipline procedures related to alcohol and drug use during wing meetings with residents and through bulletin boards and publications. All new students must complete an online alcohol education and sexual assault education module.

Counseling and ADA Services and Student Health Services provide screening, information, referral and counseling on substance abuse. Each February the campus sponsors a Health and Wellness Expo that provides information on local resources and educational materials related to substance abuse.

The Campuses Community Wellness Coalition (CCWC) was established in 2005 and The Tobacco Prevention program in 2006. Both programs offer a wide range of educational services including alcohol, tobacco and other drug-use surveys, social norming information, bystander training, wellness activities, counseling and referral, and alcohol and drug prevention classes such as Choices and Understanding Addiction.

Greek organizations have written agreements with the university that include a uniform alcohol policy and disciplinary guidelines. Student Development staff members are regularly involved with statewide campus networks, initiatives, and trainings related to substance abuse prevention. The student conduct administrator makes every effort to encourage growth and learning of new information for those with substance abuse infractions.

Missing Student Policy

If students are believed to be missing, Residence Life staff or Campus Safety staff should be notified immediately.

Residence Life staff, or designee, will initially attempt to contact the student via e-mail or phone. If no contact is made, the Assistant Director or Assistant Area Coordinator will check the student's room to see if he or she is in his or her room or if visible personal property might indicate if the student has taken an extended trip or other planned absence from the residence hall. Upon confirming the student is not around and has not been seen, staff will notify the Dean of Students, who will then follow South Dakota Board of Regents Policy 3:21: *Notification of Law Enforcement and Appropriate Persons that a Student is Missing* for students believed to be missing. The Dean of Students will refer the missing student information within 24 hours or less to the Rapid City Police Department (RCPD) upon confirmation that the student is missing. The emergency contact or parent, if applicable, will be notified within 24 hours or less that the student is confirmed missing.

Students residing on campus are given the opportunity to identify their emergency contacts within their housing applications. Residence Life, authorized campus officials, and RCPD will use this confidential information in the event a student is believed to be missing. In the event that an un-emancipated student under the age of eighteen is missing, the university will notify the custodial parent or legal guardian.

The full Board of Regents policy is located online at: <https://sdbor.edu/policy/documents/3-21.pdf>.

Sex Offender Registry

A list of Registered Sex Offenders in Pennington County is accessible by contacting the Rapid City Police Department at (605) 394-4134 or online at <https://sor.sd.gov/default.aspx?c=search>.

Sexual Misconduct & Sexual Assault Educational Programs and Efforts

SD Mines is dedicated to promoting a safe environment for students, faculty, and staff. All community members can play a role in combating sexual assault and sexual misconduct by holding perpetrators accountable, supporting the rights and choices of those who have been assaulted, and making full use of campus resources to educate themselves on this serious, yet preventable problem. The University educates campus community members throughout the year on Title IX, the Violence Against Women Act, dating violence, domestic violence, stalking, and sexual assault through a variety of means, including:

- New Student Orientation Programming
- Online education for all students, faculty, and staff
- Educational programming and training with targeted student populations

- Educational programming throughout the academic year
- Training for Residence Life staff and Resident Advisors
- Poster Campaigns
- Educational articles through the University's monthly health newsletter

Sexual Misconduct & Sexual Assault Policies and Procedures

South Dakota Board of Regents policy prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. Students who are alleged to have committed these acts of sexual misconduct against members of the SD Mines community will be subject to Board of Regents policies. **More information about University and South Dakota Board of Regents policies and procedures, including information on South Dakota Board of Regents Policies 1.17, 1.17.1, 1:18, and 3.4, can be found online at: <http://www.sdsmt.edu/titleix>.**

Definitions

South Dakota Board of Regents Policy 1.17.1 and 3.4 define dating violence, domestic violence, sexual assault, stalking, and consent. These definitions align with South Dakota criminal law.

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. 1) 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. 2) 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.

Domestic violence means 1) a felony or misdemeanor crime of violence committed a) By a current or former spouse or intimate partner of the victim; b) By a person with whom the victim shares a child in common; c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) By 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) By 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. 2) 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 offenses involving involve force or threat of force as violent crimes: murder and nonnegligent 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: a) Murder and Nonnegligent Manslaughter means the willful (nonnegligent) killing of one human being by another. b) 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. c) 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. d) 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.)

Sexual assault means any offense that constitutes rape, fondling, incest, or statutory rape: 1) Rape has the same meaning as given above in § 3(B)(2)(b). 2) 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 his/her age or because of his/her temporary or permanent mental incapacity. 3) 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 sisters 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. 4) Statutory Rape means sexual intercourse with a person who is under the statutory age of sixteen.

Stalking means: 1) 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. 2) For the purposes of this definition: a) 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. b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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 charged 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: 1) if the victim is less than thirteen years of age; or 2) 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 3) if the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or 4) if the

victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or 5) if the victim is thirteen years of age, but less than sixteen years of age, and the perpetrator is at least three years older than the victim.

Reducing the Risk of Sexual Assault

You have the right to your own values, attitudes and beliefs about sexual behavior and relationships in general. Therefore, you have the right to determine the type of interactions and activities you feel comfortable with and to end those activities at any time.

- You are not obligated to perform sexual acts as payment or as a favor.
- You have the right to deny alcohol at any time. Alcohol impairs your judgment and lowers your ability to say NO!
- You have the right to say no at any time, for any reason, and to let the offending party know that his/her actions are unwelcome.
- Going to parties with people you trust may help you to avoid dangerous situations, and is a great way to ensure that there will be others close by when needed.
- Having your own transportation gives you a degree of power to leave a challenging and potentially high risk situation. If you travel to a party with a friend, depart together—stay safe.
- If you must walk alone, call for a walking escort. Call **(605) 394-6100**.
- Act as a positive bystander when you are out – help your friends, intervene in possibly dangerous situations, and get assistance from those around you.

What to Do If You Have Been Assaulted

1. If you are in immediate danger, get to a safe place.
2. Call Campus Safety or the Police. Contact a safe person such as a friend. Campus Counseling Services and other community agencies are available to assist you.
3. If this is immediately following a sexual assault, please do not shower or “clean up.” While this is a natural impulse, medical examiners and forensics experts can use evidence from an assault to prosecute perpetrators. If you do “clean up,” there may still be information and evidence that can be collected.
4. All victims of sexual assaults are assisted by trained medical staff through Regional Health Systems, and Working Against Violence, Inc. (WAVI) volunteers are available to help victims through their trauma.
5. You may wish to write down details of your assault. Be as thorough and descriptive as possible. If you can, make clothing and other items available to law enforcement.
6. Do not blame yourself. Sexual Assault is never the victim’s fault. Talk to others to get help. Friends, counseling services, and community agencies can help you.

Reporting and Support

Victims of any type of sexual misconduct including sexual assault, stalking, dating violence or domestic violence have a variety of reporting mechanisms and support structures available to them in accordance with SDBOR Policy 1:17, 1:17:1, and 3:4. All sexual misconduct reports will be investigated by staff who receive annual training on sexual misconduct and SDBOR investigation policies and procedures.

- Sexual Misconduct should be reported to the Title IX Coordinator, Director of Community Standards, or Dean of Students. Victims may also report sexual misconduct to any faculty, staff, or resident advisor; they will then report the misconduct to the Title IX Coordinator. All misconduct that is reported to these individuals will be investigated; the University will work with the victim to ensure their safety and educate them about support services available.
- Sexual Misconduct may also be reported through Advocate Reporting, online at www.sdsmt.edu/communitystandards. These reports may be submitted anonymously.
- Confidential support is available through the SD Mines Counseling Services Office. More information is available at <http://www.sdsmt.edu/Campus-Life/Student-Support/Counseling>.
- Confidential support is also available through the affiliated campus ministry programs at SD Mines. A complete list of campus ministry programs can be found online: <http://www.sdsmt.edu/Campus-Life/Student-Support/Pastoral-Counseling-and-Care/>.
- Sexual Misconduct may also be reported to the Rapid City Police Department. University staff will assist community members in making these reports, if they so choose, and encourage all victims of sexual misconduct to file reports with the local police.
- All reporting parties will receive a written explanation of rights and options.

Sexual Misconduct Investigation Procedures

Sexual Misconduct investigations will be conducted according to South Dakota Board of Regents Policy 1:18. Specifically, the University will follow the below procedures when a complaint is received by the Title IX Coordinator.

The Title IX Coordinator will advise the complainant of any counseling or support groups that are available for persons who feel that they have been subjected to discriminatory conduct and their options to avoid contact with the alleged perpetrator pending the results of the investigation and any related proceedings. The complainant will also be informed of the right to file other applicable administrative or criminal complaints and will not be dissuaded from doing so. Complainants will be informed that the Title IX Coordinator will investigate allegations and take appropriate action, even if the complainant does not wish to pursue the disciplinary process, but that any response by the University may be hindered by the complainant's wishes for anonymity or inaction or both.

Having provided this information to the complainant, the Title IX Coordinator will record the factual basis for the complaint. If the complaint is referred to the Title IX Coordinator by another administrator or faculty member, the Title IX Coordinator will contact the complainant within five working days to provide information about procedures and resources and to record an initial statement of the factual basis for complaint.

Upon obtaining a statement of the factual basis of the complaint, the Title IX Coordinator will initiate an investigation of the complaint to determine whether there is a reasonable basis to believe that the complainant was subjected to discrimination or sexual violence. The investigation will be completed within twenty working days.

If the complaint involves an alleged violation of Board Policies 1:17 or 1:17.1, the Title IX Coordinator will determine what interim measures may be available to protect the interests of the complainant and the accused during the investigation.

In concert with the senior institutional officer whose administrative responsibilities include supervision of the person accused of misconduct, the Title IX Coordinator will take action to assure that (a) the complainant is protected from retaliation for having made a complaint or responded to inquiries initiated in response to a complaint, (b) necessary or appropriate interim measures are taken to guard against a recurrence of the conduct that gave rise to the complaint, (c) requests for the complainant's academic, living, transportation, and working situation are reviewed case by case through an interactive process and granted if they are reasonably available and (d) the complainant is informed of the options to request protection or accommodation and how to request such assistance.

When selecting interim measures, the Title IX Coordinator and senior institutional officer will consider nature and circumstances of the misconduct alleged, together with the strength of prima facie evidence and any indications relative to the risk of recurrence, and will prefer measures that minimize the relative inconvenience to the complainant.

The Title IX Coordinator will meet with the complainant or victim within three working days after receipt of the complaint or after meeting with the victim to discuss the proposed interim measures that no later than two working days thereafter, the interim measures will be put into place.

Procedure Where Title IX Coordinator Determines That There is Not a Reasonable Basis to Proceed

If the Title IX Coordinator determines that there is not a reasonable basis for believing that complainant has been subjected to discrimination or sexual violence, the Title IX Coordinator will inform the complainant of the conclusion and will proceed as set forth in Board Policy No. 1:17(3)(B)(3).

If the complainant believes that the Title IX Coordinator erred in concluding that the complaint did not have a reasonable basis, the complainant may petition the institutional chief executive officer for a review of that determination. The petition must be received within fifteen working

days after the complainant has been notified that the Title IX Coordinator has determined that there is no reasonable basis to believe that the complainant was subjected to discrimination. The institutional chief executive officer, either personally or through a delegate, will review the investigation file to determine whether the conclusions of the Title IX Coordinator are based upon substantial evidence. The chief executive officer will respond in writing to the complainant and the accused at the conclusion of this review. If the chief executive officer concludes that the evidence supports the conclusions of the Title IX Coordinator, the response will summarize the findings that lead to that conclusion to the extent that this may be done without compromising the privacy of third parties, persons accused of misconduct or the complainant.

The decision of the chief executive officer is not subject to an appeal as a matter of right. If the complainant remains dissatisfied with the determination, the complainant may request that the Executive Director review the conclusions reached by the chief executive officer and to advise the Board pursuant Board Policy No. 1:6(4). The request for such a review should identify with specificity the factual findings that the complainant believes to be erroneous or the conclusions that the complainant believes mistake or misapply the requirements of Board Policy or governing law.

Procedures Where Title IX Coordinator Determines That There is a Reasonable Basis to Proceed

If the Title IX Coordinator concludes that there is a reasonable basis for the complaint, the Title IX Coordinator will notify the vice president or comparable chief administrative officer or their appropriate designee, having supervisory responsibility over the person or persons alleged to have engaged in discriminatory conduct or sexual violence. The Title IX Coordinator will provide copies of all investigatory materials to that administrative officer. Thereupon, that administrative officer will participate in resolution of the matter. If the complaint is lodged against officially recognized organizations or against members of such entities who are not otherwise affiliated with the institution, the institutional chief executive officer will designate a person to carry out the responsibilities established hereunder.

The Title IX Coordinator and the administrative officer may attempt an informal resolution of the dispute. If the matter appears to them to lend itself to informal resolution, they will meet with the complainant to determine whether the complainant is willing to pursue an informal resolution and how the necessary discussion with the person accused of misconduct may be structured.

In cases involving allegations of conduct violating Board Policy No. 1:17.1 mediation will not be used as an informal dispute mechanism and in such cases, the complainant will be notified of their right to stop the informal process and initiate the formal resolution process at any time.

If an informal resolution is effected, the terms of the resolution will be reduced to writing and signed by the complainant. The University will document the administration of any agreed upon discipline or remedial action through such means as are appropriate and customary under the relevant disciplinary procedures or are in keeping with other relevant administrative practices. Copies of the signed document will be preserved in the complaint file and as otherwise necessary to give effect to the terms of the resolution.

If the Title IX Coordinator and administrative officer elect not to attempt an informal resolution, an informal resolution is not effected, or the complainant in a matter arising under Board Policy No. 1:17.1 elects to pursue a formal resolution process, the administrative officer will initiate disciplinary proceedings against the person alleged to have engaged in discriminatory conduct. The administrative officer will institute formal disciplinary proceedings within fifteen working days from the time that the file has been submitted to the officer, unless an informal resolution has been effected or the complainant and the person alleged to have engaged in discriminatory conduct or sexual violence have agreed in writing to extend the time allowed to attempt an informal resolution.

The disciplinary procedures followed will be those designated for persons in the classification to which the person or persons alleged to have engaged in discriminatory conduct belong. Faculty members will be subject to discipline consistent with the COHE contract or the Regents Policy Manual depending upon their unit or non-unit status. CSA employees will be subject to discipline under CSA regulations. Exempt staff will be subject to discipline under exempt regulations. Students will be subject to discipline under the institutional student disciplinary code. If no disciplinary procedures otherwise exist, the institutional chief executive officer will appoint a hearing examiner to conduct a hearing to determine the facts and to recommend to the institutional chief executive officer what disposition should be made of the matter.

Discipline of persons found to have committed acts of discrimination will be determined and carried out in accordance with the relevant disciplinary procedures. If the discriminatory conduct is admitted or, as a result of the disciplinary proceedings, proven, the administrative officer who initiated the disciplinary procedures will determine what disciplinary action, if any, will be taken to remedy the effects of the discriminatory conduct. In selecting a discipline or action, the administrative officer will consider (1) the extent to which the party charged exercised undue influence over the complainant by virtue of the office and authority entrusted to the party charged or otherwise, (2) the gravity of the offense established, and (3) the likelihood that the discipline or action selected will be effective to avoid a recurrence of the conduct.

The discipline may include suspension or termination of an individual's employment, enrollment or right to enter institutional grounds or facilities or to attend or participate in institutional activities. Once the administrative office has selected a proposed discipline or action, the party charged will be notified of the proposed discipline or action at such time and in such a manner as provided under the applicable grievance procedures. The complainant will be notified of the proposed discipline at the same time. The discipline or action will not become finalized if the complainant timely petitions the institutional chief executive officer for a review. If the complainant is dissatisfied with the discipline or action selected, the complainant may petition the institutional chief executive officer for a review of that determination. The petition must be received within five working days after the complainant has been notified of the proposed discipline.

The institutional chief executive officer, either personally or through a delegate, will review the investigation files, hearing records and findings, and other documents relating to the matter to determine whether a discipline provided is commensurate with the gravity of the offense

established, considering the relation to the parties, and whether it may reasonably be thought to assure that the conduct will not recur. The determination of the institutional chief executive officer will not be subject to further review.

Disciplinary measures themselves may involve, depending upon the specific facts and circumstances, separating the parties, placing limitations on contact between the parties, making alternative academic, working or housing arrangements, warnings or reprimands, required training or current substance abuse treatment, suspension from classes, suspension from duties with or without pay, reassignment, demotion or discharge from employment or expulsion from the university system.

Weapons Policy

Unauthorized possession of firearms or other items defined as dangerous weapons in SD Board of Regents Policy 3:4.3.C.6 is strictly prohibited. Prohibited items include: stun guns, tasers, BB guns, switchblade knives, fixed-blade knives of 5 inches or greater, any item designed or used to injure or harm a person, fireworks, explosives, or dangerous chemicals. No student or employee shall possess or carry a weapon while on university property, except as authorized by University Policy VII-08.

University Policy VII-08 states the following are allowed on campus:

- any starting gun while in use at an athletic event, and any firearm or air gun at a firing range, a gun show, or supervised school or session for training in the use of firearms;
- the ceremonial presence of any unloaded weapon at a color guard ceremony;
- any weapon under the control of military personnel, while performing military duties or in a military capacity, assigned to the South Dakota National Guard or to the Reserve Officers Training Corps;
- any otherwise lawful firearm held in a weapon storage facility operated by the institution or while such firearm is being transported to or from such a storage facility; or
- storage of any otherwise lawful firearm inside a locked personal motor vehicle;
- chemicals used for academic or research purposes purchased in accordance with university policies.

Procedure

- Authorized weapons must be stored in a locked vehicle or surrendered to Campus Safety for secure storage upon entering campus. If the weapon is surrendered to Campus Safety, the individual will then be required to sign and abide by the Weapons Storage Agreement provided to him or her by Campus Safety. When removed from storage, the weapon must be locked in the individual's vehicle. It must never be taken to residence hall rooms or campus buildings.

- Any employee or student who becomes aware of a violation of this policy is required to immediately notify Campus Safety. Employees who are bound legally not to release such information are excluded from the notification policy.
- Violation of this policy may result in immediate termination of employment or expulsion.

Exception to the Policy

- If it is necessary to bring a weapon not delineated in this policy on campus, approval from Campus Safety or designee must be obtained prior to bringing said weapon on campus.
- If approved, the supervisor of the person having the weapon on campus must follow the activities from start to finish.
- Campus Safety or designee will provide the information and plan for storage/use to the Vice President for Student Development and Dean of Students, Assistant Dean of Students/Director of Residence Life, Director of Facilities & Risk Management, and Campus Safety for informational purposes only.

Smoke, Vapor, and Tobacco-Free Campus Policy

In order to protect and promote the health and comfort of college students, employees and visitors, smoking, vaping, and tobacco use of any kind is prohibited on the entire interior of the campus including campus buildings, residence halls, grounds and parking lots. Smoking, vaping, and tobacco use is allowed in personal vehicles in designated parking lots on the perimeter of campus. No sale or give away of smoking, vaping, or tobacco products is allowed on campus. Smoking, vaping, and tobacco use is also prohibited in and around all facilities managed by the university. More information is available online through the SD Mines Policy Manual: <http://www.sdsmt.edu/About/Office-of-the-President/SDSM-T-Policy-Manual/>.

Campus Fire Reporting

Students residing in residence halls and apartments are provided with comprehensive information that will enable them to prevent, escape, report or handle any fire emergency within the residence halls or apartments.

Students and staff should report a fire by immediately calling:

- From campus phone 9-911 followed by calling Campus Safety at 6100 or
- From cell phone 911 followed by calling Campus Safety at 605-394-6100

To report a fire after the fact, students and staff should contact any of the following:

- Campus Safety, 605-394-6100
- Campus Environmental Health & Safety, 605-394-6020

Fire Drill Training and Evacuation Procedures

Fire drill exercises are conducted annually for all residence halls. Records are maintained on these exercises to include the following information: date and time, number of occupants evacuated, number of staff present, problems encountered, weather conditions, and time required to complete evacuation.

Procedures for Evacuation

1. When ordered to evacuate or when alarms are activated, always leave immediately.
2. Exit quickly and calmly using the nearest emergency escape routes and marked exits and proceed to Emergency Assembly Points (EAP). Do not use elevators.
3. Assist persons requiring evacuation assistance to get to designated areas. Be alert for trapped, injured, or other persons needing assistance.

Failure to evacuate the building during a fire drill or fire may result in disciplinary action. Fire officials or Residence Life staff will give the okay to return to the building. Under NO circumstances may a resident return to the building before permission is given.

Fire Safety Education

All residence hall staff personnel receive annual training in fire safety and building evacuations. Resident Advisors are given the responsibility to coordinate the evacuation and to account for everyone under their charge at the designated Evacuation Assembly Point (EAP). All first-time students are required to complete an online fire safety course prior to moving into the residence halls.

Residence Life Fire Safety Policies

All policies and procedures for residential students, including fire safety policies, are available through the Residence Life website, under the Residence Life Handbook: <http://reslife.sdsmt.edu>.

Specifically, Residence Life has the following fire safety policies in place:

1. Smoking: No smoking, vaping, or use of tobacco is allowed on campus, including Residence Halls. Hookahs are not allowed in campus housing.

2. Open Flames: Candles, incense, and items that are burned are not allowed in campus housing, except if candle wicks are cut/removed.
3. Portable Electrical Appliances: Toasters, hot plates, and any item with exposed coils are not allowed in campus housing (these items may be used in approved kitchens and apartment kitchens).

Description of Fire-Safety Systems in Campus Housing

Building	Smoke Alarm & Fire Extinguishers	Fire Alarm External Monitoring	Sprinkler	Fire Drills
Connolly Hall	Yes	Yes	Yes	1
Palmerton Hall	Yes	Yes	Yes	1
Peterson Hall	Yes	Yes	Yes	1
Rocker Square II	Yes	Yes	Yes	1
Rocker Square I	Yes	Yes	Yes	1
Placer Hall	Yes	Yes	Yes	1

Fire Statistics, Fire Log & Future Improvement Plans

The 2017 Fire Statistics Annual Report can be found in Appendix A. The reporting is by calendar year and are for periods: Jan. 1, 2015 – Dec. 31, 2015; Jan. 1, 2016 – Dec. 31, 2016; Jan. 1, 2017 – Dec. 31, 2017. For purposes of this report, a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

The Fire Log and additional information concerning fire incidents can be found at http://sdmines.sdsmt.edu/cgi-bin/global/fs_view_alarms_list.cgi. All residential buildings are fully sprinkled and buildings are monitored for fires. The University does not have future improvement plans at this time.

Appendix A

South Dakota School of Mines & Technology

Annual Fire Report Statistics 2017

Building	Year	Cause	# of Fires	# of Injuries	# of Deaths	Property Damage
Connolly	15	Electrical	1	0	0	\$0-\$99
Palmerton	15	NA	0	0	0	\$0
Peterson	15	NA	0	0	0	\$0
Rocker Square II	15	NA	0	0	0	\$0
Rocker Square I	15	NA	0	0	0	\$0
Connolly	16	NA	0	0	0	\$0
Palmerton	16	Smoking Materials	1	0	0	\$0-\$99
Peterson	16	NA	0	0	0	\$0
Rocker Square II	16	NA	0	0	0	\$0
Rocker Square I	16	NA	0	0	0	\$0
Placer	16	NA	0	0	0	\$0
Connolly	17	NA	0	0	0	\$0
Palmerton	17	NA	0	0	0	\$0
Peterson	17	NA	0	0	0	\$0
Rocker Square II	17	Electrical	1	0	0	\$1,000-\$9,999
Rocker Square I	17	NA	0	0	0	\$0
Placer	17	NA	0	0	0	\$0

Appendix B

South Dakota School of Mines & Technology

Annual Crime Report Statistics 2017

The South Dakota School of Mines & Technology is committed to the safety and security of our students and employees. The reported statistics are gathered from crime reports generated by the Rapid City Police Department and campus agencies (Campus Safety and Community Standards) as required in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). The reporting is by calendar year and are for periods: Jan. 1, 2015 – Dec. 31, 2015; Jan. 1, 2016 – Dec. 31, 2016; Jan. 1, 2017 – Dec. 31, 2017.

The below statistics are defined in accordance with the FBI Uniform Crime Reporting system, as modified by the Hate Crimes Statistics Act and re-authorization of the Higher Education Act enacted in 1992. Federal law required statistics for offenses in the following categories. *On Campus:* defined as property located on the main and continuous campus at 501 E. St. Joseph St. *Non-campus buildings or property owned or controlled by the University:* defined as buildings and property that is not continuous to campus that students use (including fraternity houses and an off-campus research facility). *Public property:* defined as locations immediately adjacent to campus including public sidewalks and streets.

The following criminal offenses must be reported and disclosed: murder; negligent manslaughter; non-negligent manslaughter; sexual offenses of rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; domestic violence; dating violence; and stalking. The University must also provide statistics for arrests and discipline referrals for: liquor law violations, drug violations, and weapon law violations. Finally, The University must provide statistics for hate crimes including: murder; non-negligent manslaughter; sexual offenses of rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; larceny; simple assault; intimidation; and destruction of property.

No unfounded crimes were reported in calendar years 2015-2017.

Crimes Reported to Campus Administration or Rapid City Police	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault/Sex Offenses												
Rape	1	0	0	1	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	1	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	2	2	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

Arrests and Referrals	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Arrests: Liquor Law Violations	2	1	1	2	0	0	0	0	1	0	0	0
Discipline Referral: Liquor Law Violations	21	6	42	21	6	41	0	0	0	0	0	0
Arrests: Drug Law Violations	3	4	4	3	1	4	0	0	0	0	0	0
Discipline Referral: Drug Law Violations	5	0	0	5	0	0	0	0	0	0	0	0
Arrests: Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Discipline Referral: Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
All Hate Crimes												
All Hate Crimes	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault/Sex Offenses												
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	1	0	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0	0	0	0	0