2009-2010

Student Code of Conduct

and Residential Standards of Living

Black Hills State University

Transforming Lives.

2009-2010

Student Code of Conduct
and
Residential Standards of Living

This publication provides the BHSU community with the South Dakota Board of Regents proscribed conduct for students and recognized student organizations (reference SD BOR Policy Manual Section 3:4). It also contains the Residential Standards of Living which are the rules, regulations, and policies governing the BHSU residential facilities. It is the responsibility of all students as individuals and as organization members to know this information. Policies herein are subject to change, the electronic version on the BHSU web page contains the institution's most current policy information. To review current BHSU policies, visit www.bhsu.edu and to review the entire South Dakota Board of Regent Policy Manual, visit www.ris.sdbor.edu/

SOUTH DAKOTA BOARD OF REGENTS
STUDENT CONDUCT CODE 3:4

1. Definitions

The following terms have the stated meanings in this code:

A. The term "institution" means Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, and University of South Dakota.

B. The term "system" means the system of post-secondary institutions under the control of the South Dakota Board of Regents.

C. The term "student" includes all persons taking courses from the institution, both fulltime and part-time, enrolled in undergraduate, graduate, professional or special topic courses.

D. The phrase "faculty member" means any person hired by the institution to conduct classroom or other academic activities.

E. The phrase "institutional official" includes any person employed by the institution, performing assigned administrative or professional responsibilities.

F. The phrase "senior student affairs officer" means that institutional official exercising primary authority over institutional student affairs programs and operations.

G. The phrase "member of the institutional community" includes any person who is a student, faculty member, institutional official, any person employed by the institution, volunteer or guest. A person's status in a particular situation shall be determined by the senior student affairs officer.

H. The phrase "institutional premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the institution, including adjacent streets and sidewalks.

I. The term "organization" means any number of persons who have been granted institutional registration or recognition.

J. The phrase "student conduct body" means any person or persons authorized by the senior student affairs officer to determine whether a student has violated the Student Code and to recommend imposition of sanctions.

K. The phrase "student conduct officer" means any institutional officer authorized on a case-by-case basis by the senior student affairs officer to impose sanctions upon students found to have violated the Student Code. The senior student affairs officer may authorize a student conduct officer to serve as one of the members of a student conduct body, to determine the facts and to impose a sanction without the assistance of a student conduct body or to receive and consider the findings and recommendations of a student conduct body. Nothing shall prevent the senior student affairs officer from authorizing the same student conduct officer to impose sanctions in all cases.

L. The term "respondent" means a student, group of students or student organization against whom conduct charges have been brought.

M. The term "complainant" means a member of the university community who has brought charges under this code against any student, group of students or student organization.

N. The phrase "appellate board" means any person or persons authorized by the institutional chief executive officer to consider an appeal from a student conduct body's determination that a

student has or has not violated the Student Code or from the sanctions imposed by the student conduct officer.

O. The term "shall" is used in the imperative sense.

P. The term "may" is used in the permissive sense.

Q. The term "policy" includes the provisions of this policy as supplemented by consistent written regulations of the institution found in the Student Code, Residence Life Handbook, and Graduate or Undergraduate Catalogs or other official publications.

R. The term "dishonesty" includes any action taken in order to deceive or to assist another to deceive the institution or any of its representatives. The motive for the action, *e.g.*, personal advantage, interference with another's prospective advantage or interference with institutional operations, shall not be considered. Dishonesty is established where it is shown that

1. An action, either directly or indirectly, shall affect the information or apparent facts upon which the
institution relies in discharging its academic or administrative functions;
2. The natural and reasonably expected consequences of relying upon such information includes the drawing of an inaccurate assessment of the true facts; and
3. The actor knew or should have known that the action would probably mislead the institution.

S. The term "obscenity" means that

1. To the average person the dominant theme of the material taken as a whole appeals to prurient interest;
2. The material is patently offensive under contemporary community standards; and
3. The material is utterly without redeeming social value. (SDCL § 22-24-27)

T. The term "crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. It includes, but is not limited to, the following offenses: criminal homicide, forcible sex offense, robbery, aggravated assault, and arson, as these terms are defined in 1999 Appendix E to 34 CFR part 668, which is attached hereto as an appendix, as well as burglary of an occupied structure or dwelling and kidnapping.[1]

[1] **Appendix E to Part 668--Crime Definitions in Accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program**

The following definitions are to be used for reporting the crimes listed in Sec. 668.47, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

Crime Definitions From the Uniform Crime Reporting Handbook

Murder: The willful (non-negligent) killing of one human being by another.

Robbery: 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 and/or by putting the victim in fear.

Aggravated Assault: 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.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned--including joyriding.)

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

Sex Offenses—Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape--The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy--Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object-- The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or
physical incapacity.

D. Forcible Fondling--The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses—Non-forcible: Unlawful, non-forcible sexual intercourse.

A. Incest—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

59 FR 22320, Apr. 29, 1994

2. Proscribed Conduct

A. Jurisdiction of the Institution

1. The institution shall have authority over its students and recognized student organizations.
    a. For purposes of the policy, the institution in which the majority of a student's credits are offered during an enrollment period shall have jurisdiction over the student for conduct purposes.

b. Where students are also employees, they may be subject to concurrent authority. Conduct proceedings under this code may be initiated irrespective of any action taken by the institutional employer, except that, if an individual has been subject to conduct hearings as an employee, and if those hearings afforded notice and an opportunity to be heard that are substantially equivalent to those provided herein, the facts found through that process, insofar as they are relevant to infractions of this code, shall be given effect hereunder.

2. Conduct proceedings may be initiated in response to conduct that occurs on institutional premises or at events officially sponsored by the institution, conduct that arises out of membership in the institutional community or conduct elsewhere, otherwise proscribable under this code, that adversely affects the institution, its affiliated organizations, or members of the institutional community or their pursuit of its objectives.

B. Conduct – Rules and Regulations

Members of the institutional community reasonably expect that they shall be able to live, study, work and relax in a safe and orderly environment that is conducive to achievement of the educational, scholarly and public service missions of the institution. The following regulations, while not all-inclusive, identify forms of conduct that infringe upon those expectations, disrupt the orderly progress of institutional activities and, so, expose the actors to conduct sanctions. Any student, group of students or student organization found to have committed the following misconduct is subject to the conduct sanctions outlined in Section 3, Student Conduct Policies.

1. Acts of dishonesty, including, but not limited to, the following:
   a. Cheating, which is defined as, but not limited to, the following:
      i. use or giving of any unauthorized assistance in taking quizzes, tests, or examinations;
      ii. use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
      iii. acquisition, without permission, of tests or other academic material belonging to a member of the institutional faculty or staff.
   b. Plagiarism, which is defined as, but is not limited to, the following:
      i. the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement consistent with accepted practices of the discipline;
      ii. the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
   c. Other forms of dishonesty relating to academic achievement, research results or academically related public service;
   d. Furnishing information known or believed to be false to any institutional official, faculty member or office;
   e. Forgery, fabrication, alteration, misrepresentation or misuse of any document, record, or instrument of identification, including misrepresentations of degrees awarded or honors received;
   f. Tampering with the election of any institutionally-recognized student organization;
   g. Claiming to represent or act in behalf of the institution when not authorized to so represent or so act.
2. Disruption or obstruction of teaching, research, administration, conduct proceedings, other institutional activities, including its public service functions on or off campus, appearances by

speakers or presenters, whether invited by the institution, by recognized organizations or by authorized facility users, or other authorized non-institutional activities.

3. Disruption of or interference with the activities of persons who are studying, sleeping, or otherwise engaging in activities that are consistent with the normal and expected uses of institutional facilities, or of student residential facilities, whether institutionally controlled or not.

4. Acts of aggression including threats, intimidation, coercion or other conduct that threatens or endangers the health or safety of any person.

a. Tampering with fire and life safety equipment including, without limitation, fire alarms, sprinkler systems, first aid equipment, and laboratory safety apparatus;

b. Conduct that threatens or endangers a student's own health or safety may also violate this section;

c. "Aggression" means not only intentional infliction of harm, but also conduct that intentionally subjects another to unwelcome, offensive, physical contact or that puts another person in reasonable fear that the
actor intends immediately to subject person to intentional injury or unwelcome, offensive touching.

5. Subjection of another person to any sexual act against that person's will or without consent, including any conduct that would constitute a sex offense, whether forcible or non-forcible, under SDCL §§ 22-22-1 through 22-22-7.2, 22-22-19.1 or 22-24.1.

a. Persons who are under the influence of alcohol, marijuana or other illegal controlled substances at the time that they are subjected to the sexual act shall be presumed incapable of effective consent.

6. Discriminatory conduct proscribed under Board Policies 1:17 and 1:18 includes sexual harassment, racial harassment, harassment on other grounds identified in Board Policy 1:17, or harassment on any other grounds, directed against individuals.

a. Harassment may be established by showing

i. Conduct toward another person that has the purpose or the effect of creating an objectively and subjectively intimidating, hostile or demeaning environment that substantially interferes with his or ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

a) Harassment consists, in most cases, of more than casual or isolated incidents.

(1) Consideration should be given to the context, nature, scope, frequency, duration and location of the incidents, whether they are physically threatening or humiliating as opposed to merely offensive utterances, as well as to the identity, number and relationships of the persons involved.

b) Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive or persistent or severe that a reasonable person with the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

(1) The reasonable person standard includes consideration of the perspective of persons of the alleged victim's race, gender or other circumstances that relate to the purpose for which he or she has become the object of allegedly harassing conduct.

a) If the victim does not subjectively perceive the environment to be hostile, the conduct has not actually altered the conditions of participation and there shall be no violation of this policy.

(2) It is not necessary to show psychological harm to the victim to establish that the conduct would interfere with the person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource.

ii. Other conduct that is extreme and outrageous exceeding all bounds usually tolerated by polite society and that has the purpose or the substantial likelihood of interfering with another person's ability to participate in or to realize the intended benefits of an institutional activity, employment or resource;

b. Sexual harassment through the creation of an intimidating, hostile or demeaning environment may be established under section (a) above. Sexual harassment may also be established by showing that an individual has been subjected to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

i. Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's participation or use of an institutionally sponsored or approved activity, employment or resource; or

ii. Submission to or rejection of such conduct by an individual is used as the basis for educational, employment or similar decisions affecting an individual's ability to participate in or use an institutionally sponsored or approved activity, employment or resource.

7. Attempted or actual theft of services or property, including intellectual properties, of the institution or property of a member of the institutional community or other personal or public property;

8. Attempted or actual damage to property, including intellectual properties, of the institution or property of a member of the institutional community or other personal or public property;

9. Possession of stolen property on institutional property or at an institutionally sponsored activity, where the property is known to be stolen;

10. Participation in hazing. Hazing includes any activity intended to test another person's willingness or readiness to join a group (or to maintain full status in a group) by subjecting that person to humiliation, degradation or other risks of emotional or physical harm; willing participation in a hazing exercise by the person being hazed does not excuse hazing;

11. Failure to comply with directions of institutional officials or law enforcement officers acting in performance of their duties or failure to identify oneself to these persons when requested to do so;

12. Unauthorized possession, duplication or use of keys to any institutional premises, unauthorized entry to or use of institutional premises or unauthorized possession, entry into or use of institutional equipment, data processing systems or information management or storage materials, facilities or systems;

13. Violation of published Board or institutional policies, rules or regulations;

14. Violation of federal, state, or local law on institutional premises or at institutionally-sponsored or -supervised activities;

15. Making bomb threats;

16. The manufacture, sale, possession, use or consumption of alcohol, marijuana or controlled substances by students on any property controlled by the Board of Regents or used in connection

with any institutionally sponsored activity; except that alcohol may be served at social activities held in other locations subject to the restrictions set out in this article;

17. Illegal or unauthorized possession of firearms, other items defined as dangerous weapons in SDCL § 22-1-2(10), fireworks, explosives, tasers, BB guns, or dangerous chemicals on institutional premises;

18. Participation in a campus demonstration which disrupts the normal operations of the institution and infringes on the rights of other members of the institutional community; leading or inciting others to disrupt schedules or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;

19. Obstruction of the free flow of pedestrian or vehicular traffic on institutional premises or at institutionally-sponsored or supervised functions;

20. Conduct classified under state law or local ordinance as disorderly, lewd, indecent or a breach of peace;

21. Aiding, abetting, inviting or procuring another person to breach the peace or to violate the Student Conduct Code;

22. Theft of computer time or other abuse of computer access, including, but not limited to:

a. Unauthorized entry into a file to use, copy, read, delete, or change the contents, or for any other purpose;

b. Unauthorized transfer of a file;

c. Unauthorized use of another individual's identification or account;

d. Use of computing facilities to interfere with the work of another student, faculty member or institutional official;

e. Use of computing facilities to send obscene or abusive messages or to engage in unlawful activities, including those involving uses that infringe intellectual properties;

f. Use of computing facilities to interfere with normal operation of the institutional computing system;

g. Making, acquiring or using unauthorized copies of computer software, or violating terms of applicable software license agreements;

h. Attempting to circumvent data protection schemes or tampering with security;

i. Violating institutional or Board internet policies.

23. Abuse of the Judicial System, including but not limited to:

a. Failure to obey the summons of a student conduct body or institutional official;

b. Falsification, distortion, or misrepresentation of information before a student conduct body;

c. Disruption or interference with the orderly conduct of a judicial proceeding;

d. Initiation of a judicial proceeding knowingly without cause;

e. Attempting to discourage an individual's proper participation in, or use of, the judicial system, including retaliation against persons who brought charges or gave testimony;

f. Attempting to influence the impartiality of a member of a student conduct body prior to, or during the course of, the judicial proceeding;

g. Harassment (verbal or physical) or intimidation of a member of a student conduct body prior to, during, or after a judicial proceeding;

h. Failure to comply with the sanction(s) imposed under the Student Code;

i. Influencing or attempting to influence another person to commit an

abuse of the judicial system.

24. Invasion of Privacy: No person may use a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, any other person without clothing, or any other person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person, and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. Nor may a person use an audio recording device for use of unauthorized eavesdropping when another person or persons has a reasonable expectation of privacy.

C. Other Conduct

Conduct not expressly proscribed may also subject students, groups of students or student organizations to d conduct sanction where it has the purpose and effect of infringing interests protected by the rules set out in section 2(B) of this article, other provisions of Board or institutional policy or comparable regulations duly established by other educational institutions or public or private authorities; or where it demonstrates that an individual disregards the need to conform to reasonable rules and regulations intended to protect the health and safety of others and to assure their orderly access to and beneficial use of institutional resources and facilities.

D. Student Organizations

Student organizations that, formally or informally through repeated practice, initiate, encourage, support or tolerate conduct by members, associates or invitees that violates the provisions of this code shall be subject to conduct sanction.

1. The privileges of official recognition by South Dakota public institutions may be extended to student organizations, including those that maintain residences for their members, only if such organizations agree to adopt and to enforce policies that, at minimum:

a. Prohibit the possession, use or dispensing of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21 and the provision of alcoholic beverages to persons under the age of 21;

b. Prohibit the manufacture, possession, use or dispensing of marijuana or illegal controlled substances at organizational functions or in the organizational residence;

c. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana, or illegal controlled substances;

d. Prohibit the informal collection from the members or residence of monies to be spent on alcoholic beverages, marijuana or illegal controlled substances;

e. Require that whenever this section permits consumption of alcoholic beverages at organizational functions or in the organizational residence, the function must adhere to the Board guidelines for alcohol usage set out in Board Policy 4:27(E) at page 5 of 6;

f. Establish conduct policies and sanctions regarding violations by individual members or residents no less stringent than those set forth under Board policies, except that limited use of alcoholic beverages is permissible as set out above, and except that, in lieu of suspension or expulsion, the organization shall suspend or revoke the privileges of membership, including residence privileges;

g. Require that a report be filed with the senior student affairs officer each semester identifying all actions taken pursuant to the conduct policies required in this code;

h. Institutions may impose additional or more restrictive conditions on official recognition.

2. Student organizations are subject to the Board's antidiscrimination policies set forth in Board Policy 1:18.

E. No provision of this Code shall be interpreted to deprive students of rights guaranteed them under state or federal law.

F. Violation of Law and Institutional Conduct Sanctions

1. Students charged with a violation of federal, state, or local laws may be subject to conduct sanction where the conduct would fall within the proscriptions set out in this code or institutional regulations. Where the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (*e.g.*, "no contest" or "nolo contendere"), the alleged facts that formed the basis of the criminal charges shall be deemed established for purposes of conduct proceedings.

2. Conduct proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation, without regard to the status of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

3. When a student is charged by federal, state, or local authorities with a violation of law, the institution shall not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a student conduct body under the Student Code, however, the institution may advise off-campus authorities of the existence of the Student Code and of how such matters shall be handled internally within the institutional community. The institution shall cooperate fully with law enforcement or other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

4. When the senior student affairs officer receives a report of student misconduct that may constitute a felony offense under state or federal law, that official shall report the known facts and circumstances to law enforcement officials who have jurisdiction over the matter.

3. Judicial Policies

A. Allegations and Hearings

1. Written allegations of misconduct may be filed against any student by any member of the institutional community. Allegations shall be directed to the student conduct officer responsible for the administration of the institutional judicial system. The complaint shall state the specific facts that form the basis for the allegation, as well as the identities of any other witnesses and the location of any physical evidence of the misconduct. Allegations must be signed by the complainant. Any allegation should be submitted as soon as possible after the event takes place or after the complainant discovers the identity of the alleged perpetrator.

2. In cases in which a faculty member raises allegations of academic misconduct, the written allegation shall contain specific details of the alleged violation and include a recommendation in regard to conduct sanctions.
3. Allegations arising under the human relations policy shall be handled as provided in Board Policy 1:18.
4. The student conduct officer shall make an initial determination whether the allegations were timely brought, taking into account the seriousness of the incident and the degree to which delay may have impaired access to evidence. The student conduct officer shall determine if the allegations have merit, including, as to off-campus conduct, whether the incident sufficiently affects institutional interest to warrant further proceedings.
5. If the student conduct officer determines that the allegations have merit, the officer shall next determine whether they can be disposed of by mutual consent of the parties involved on a basis acceptable to the student conduct officer or by waiver of formal hearing where the student charged admits to the misconduct and accepts the proposed punishment.
   a. Informal disposition shall be final and there shall be no subsequent proceedings. If the allegations cannot be disposed of informally, the student conduct officer may later serve in the same matter as the student conduct body or a member thereof.
6. Within fifteen workings days of the filed complaint, the student conduct officer shall present all allegations to the student charged in written form and shall identify with specificity each section of the conduct code under which allegations are brought, the faculty allegations that support the allegations and those persons whose testimony shall be used to establish the allegations. A time shall be set for a hearing, not less than five nor more than fifteen calendar days after the student has been notified. The minimum time limits may be waived by the party charged. Maximum time limits for scheduling of hearings may be extended at the discretion of the student conduct officer.
7. Hearings shall be conducted by a student conduct body or student conduct officer according to the following guidelines:
   a. Hearings shall be conducted in private.
   b. the chair of the student conduct body or the student conduct officer shall have the power to exclude from the hearing any person whose conduct interferes with the hearing.
   c. In hearings involving more than one accused student, the student conduct body or student conduct officer may permit the hearings concerning each student to be conducted separately or jointly.
   d. 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 one advisor judicial for each student shall be permitted. The advisor may be a faculty member, staff member, student, attorney, or family member. The complainant and the respondent are responsible for presenting their own cases, and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a body or student conduct officer, except that the senior student affairs officer shall assume that responsibility under Board Policy 1:18 for the presentation of evidence in matters involving discrimination complaints against students.
   e. The complainant, the respondent, and the student conduct body shall have the privilege of presenting witnesses, subject to the right of cross examination. Witnesses may only be present during the hearing while testifying.

f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a student conduct body or student conduct officer at the discretion of the chairperson or the student conduct officer.
g. All procedural questions are subject to the final decision of the chairperson of the student conduct body or the student conduct officer.
h. At the hearing, the student conduct body or student conduct officer shall determine (by majority vote if the student conduct body consists of more than one person) whether the student has violated each section of the Student Code which the student is charged with violating.
i. The student conduct body's or student conduct officer's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
j. The fact that a student acted while under the influence of alcohol, marijuana or an illegal controlled substance shall not be considered a mitigating factor.
k. Intoxication may be considered an aggravating factor, and it shall be so considered where the student has a history of prior violations of alcohol, marijuana, or controlled substance regulations.
l. The student conduct body shall prepare written findings to support its determination. These shall include:

i. Concise statements of each factual finding.
ii. Brief explanations of whether the factual findings justify a conclusion that the conduct violated the code;
    a) These must address each factual element that must be satisfied to establish that conduct has violated the code.
iii. Recommendations concerning appropriate sanctions;
    a) These must explain why the sanctions recommended are appropriate in view of the seriousness of the conduct and in consideration of the need to assure that the violation shall not recur.

m. If a student conduct body prepares recommended sanctions, these shall be forwarded, together with the other findings and conclusions, to the student conduct officer who may adopt or reject the recommended sanctions.

i. If the findings, conclusions, or recommended sanctions are rejected, the student conduct officer shall impose appropriate sanctions, or take such other action as deemed necessary, and provide the student conduct body with a written explanation for this action.
ii. The student conduct officer shall determine the effective date of any sanctions imposed.

n. The approved written findings and conclusions and sanctions, if any, shall be provided to a complainant entitled to receive such information under section B, below, and to the respondent.
o. There shall be a single verbatim record of all formal evidentiary hearings before a student conduct body. The record shall be the property of the institution.

i. The record and its contents shall be held in confidence and may be used solely for purposes of appeal. Any person who unnecessarily discloses the contents of the record to parties not involved in the appeal shall be subject to conduct sanction.
ii. In the event of an appeal, the respondent shall be given access to the record for purposes of preparing the appeal. Access shall be provided at such places and times as the senior student affairs officer may direct.

iii. Except as required by the Americans with Disabilities Act, the institution shall not be required to change the form in which the record is maintained.

p. No student may be found to have violated the Student Code solely because the student failed to appear before a student conduct body, unless the student has allegedly failed to obey the direction of a duly empowered student conduct body, student conduct officer or other institutional officer to appear. In all cases, the evidence in support of the allegations shall be presented and considered.

B. Sanctions

In each case in which a student conduct body determines that a student has violated the institutional Student Code, the sanction(s) shall be determined and imposed by the student conduct officer. Where a violation of Board Policy is established, and where a sanction is mandated under Board Policy, that sanction shall be imposed. In cases in which persons other than or in addition to the student conduct officer have been authorized to serve as the student conduct body, the recommendation of all members of the student conduct body shall be considered by the student conduct officer. The judicial student conduct officer is not limited to sanctions recommended by members of the student conduct body. Following the hearing, the student conduct body and the student conduct officer shall provide the accused in writing of the findings of fact, conclusions and recommendations, if any, reached by the student conduct body or student conduct officer and of the sanction(s) imposed, if any.

1. Complainants shall be informed of any sanctions imposed in the following circumstances:
   a. When the sanction involves remedial action that directly relates to the complainant (for example, an order requiring the student harasser not to have contact with the complainant);
   b. Where the allegations against the accused would constitute a crime of violence as defined in section 1(T), above, and committed a violation of the institution's rules or policies with respect to that crime.
2. Institutions may disclose the final results of a conduct proceeding when, at their discretion, they conclude that disclosure will serve a legitimate educational interest and determine through a conduct proceeding conducted under its student conduct code that the alleged student perpetrator committed a crime of violence or a non-forcible sexual offense that is a violation of the university's rules or policies with respect to such crime or offense. For purposes of this subsection, "final results" means the name of the student perpetrator, the violation committed, and any sanction imposed by the university on that student. Names of other students involved in the violation, such as a victim or witness, will be released only with the written consent of that other student or students.
3. Institutions may inform the parents or legal guardians of students under twenty-one years of age that the students have violated institutional policies concerning the use or possession of alcohol or controlled substances as follows:
   a. When the infraction occurs under circumstances that suggest that the student suffers from a serious substance abuse problem or shows little regard for his or her own health or safety or that of
   others; or
   b. When the student is found to have committed a second violation.
4. The following sanctions may be imposed upon any student found to have violated the institutional Student Code:

a. Warning – A conduct notice in writing to the student that the student is violating or has violated institutional regulations.
b. Censure – A written censure for violation of specified regulations.
c. Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
d. Loss of Privileges – Denial of specified privileges for a designated period of time.
e. Fines – Previously established and published fines may be imposed.
f. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material
g. Discretionary Sanction – work assignments, service to the institution or other related discretionary assignments.
h. Residence Suspension – Separation of the student from residence facilities for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
i. Residence Expulsion – Permanent separation of the student from residence facilities.
j. Suspension – Separation of the student from the institution for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. A student who has been suspended from one Board institution may not be enrolled at another.
k. Expulsion – Mandatory separation of the student from the institution for a period of no less than six years. A student who has been expelled from one Board institution may not be enrolled at another until the period of expulsion has expired.
l. The privileges of continued participation in institutional activities, access to institutional facilities or residences may be conditioned upon participation in or completion of counseling, substance abuse, or comparable programs, at the student's expense.
m. More than one of the sanctions listed above may be imposed for any single violation.
n. Imposition of a sanction may be delayed, suspended, or held in abeyance on such conditions as the student conduct officer may prescribe.

5. The following sanctions are mandated for violation of Board policies:
   a. Conduct sanction for acts of aggression, sex offenses, or harassment shall be subject to the following conditions:
      i. Conduct sanction on the first occasion may include expulsion, where appropriate, given the nature of the act of aggression, sex offense, or harassment;
      ii. If there is a second occurrence of an infraction of the same nature at any time during the student's career in South Dakota public higher education, expulsion shall be mandatory.
   b. Persons who make bomb threats or who aid or abet their making shall be expelled. Additionally, they shall be required to pay restitution to the institution for all direct and indirect expenses incurred as a result of the threat or threats.
   c. Conduct sanctions for infractions of alcohol, marijuana, and controlled substances regulations:
      i. Conduct sanction for the initial infraction shall be determined under local regulations which may provide for mandatory substance abuse assessment.
      ii. If, at any time during their enrollment within the system, students commit a second offense under the alcohol, marijuana, and controlled substances policy, they shall be fined $100.00 and placed on conduct probation.

iii. If, at any time during their enrollment within the system, students commit a third alcohol, marijuana or controlled substances offense, they shall either be suspended for one semester or, in compelling circumstances, be permitted to continue attendance subject to conduct probation while participating in an approved substance abuse treatment program at their own expense.

iv. The foregoing sanctions, together with such actions as may be imposed pursuant to local regulations for initial infractions, are minimum sanctions. The reference to them does not preclude the institution from imposing more severe sanctions at any level, including expulsion, where the facts and circumstances of the infraction warrant such action.

v. Where an infraction of Board alcohol, marijuana, or controlled substances policies appears also to constitute a criminal offense under South Dakota or federal law, the institution may refer the matter to law enforcement authorities. Where the facts suggest a felony offense, such referral shall be mandatory. Referral of a matter to law enforcement authorities shall not require suspension of conduct proceedings nor delay imposition of discipline.

d. The following sanctions may be imposed upon groups or organizations:

i. Those sanctions listed above in Section 3(B)(3)(a)-(g) and (l)-(n).

ii. Loss of all privileges, including institutional recognition, for a specified period of time.

iii. when an officially recognized student organization has violated any of the conditions of the recognition established under the alcohol, marijuana, and controlled substances policy, it shall be sanctioned as follows:

a) On the first offense the organization shall be required to forego the use of alcohol at any of its functions, to remove all alcohol from the residence or both for one calendar year from the date on which this conduct sanction is imposed. Additionally, the organization may lose the right to conduct social functions for a like period of time or, at the discretion of local officials, may incur additional sanctions including the loss of recognition.

b) A second offense within four years against any of the conditions of recognition or a violation of a sanction imposed following a first infraction shall result in the suspension of the privilege to solicit and to accept new members for one calendar year from the time the sanction is imposed and may result in the loss of recognition.

c) A third offense shall result in the loss of recognition.

C. Interim Suspension

In certain circumstances, the senior student affairs officer, or a designee, may impose an institutional or residence suspension prior to the hearing before a student conduct body.

1. 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 institutional community or preservation of institutional property or other property located on premises controlled by the institution;

b. To ensure a student's own physical or emotional safety and wellbeing; or

c. To ensure the normal operations of the institution where a student poses a definite threat of disruption of or interference with the normal operations of the institution.

2. During the interim suspension, students shall be denied access to residence facilities or to the campus (including classes) or all other institutional activities or privileges, in any combination or all together, for which the student might otherwise be eligible, as the senior student affairs officer or the student conduct officer may determine to be appropriate.

3. Except in circumstances presenting an immediate threat to the safety and well-being of members of the institutional community, including the affected student, or in circumstances presenting an immediate threat of serious damage to institutional property or other property located on premises controlled by the institution, interim suspension may not be imposed until the student is afforded a reasonable opportunity to meet informally with the senior student affairs officer, or a designee, to learn the basis for the action and to raise any objections or to request leniency. The student should be notified beforehand of the purpose of the meeting. A student who fails to respond to the notice shall be deemed to have waived the right to such a meeting.

D. Conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Sanctions that would be considered in the course of administering progressive conduct sanctions under section 3(B)(2) above shall be disclosed to another institution within the system if a student transfers to that institution or is required to appear there to respond to conduct allegations. Upon graduation, the student's confidential record may be expunged of conduct actions other than residence expulsion, institutional suspension or institutional expulsion. Cases involving the imposition of sanctions other than residence expulsion, institutional suspension or institutional expulsion shall be expunged from the student's confidential record six years after final disposition of the case or such other time as the student conduct officer may prescribe at the time of the expulsion. Where restitution is required of a student, the institution reserves the right to disclose all material portions of the confidential file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files as relate to matters involving restitutionary sanctions shall be preserved at least until all necessary sums have been paid.

E. Students enrolled in a Board institution shall be held accountable for their conduct while visiting other Board institutions. students may be required, as a condition of continued enrollment, to report at their own expense to another campus to appear before a conduct hearing and to answer allegations based on their conduct while at that campus.

1. Any conduct sanction imposed in response to campus or Board regulations shall be given system-wide effect. A student suspended at one institution shall not be able to enroll in the meantime at another. A student who has been expelled from one Board institution may not be enrolled at another.

2. When a student is brought forward on conduct allegations by an institution, sanction shall be determined under local standards. This punishment/sanction may, at the discretion of local authorities and pursuant to local procedural regulations, include sanctions more severe than the minimum sanctions set forth in system-wide policy; except that no discretionary recommendation for suspension or expulsion may be imposed without the concurrence of the senior student affairs officer from the student's home campus.

F. Appeals

1. A decision reached by the student conduct body or a sanction imposed by the student conduct officer pursuant to § 3:4(3)(A)(7) may be appealed by accused students or complainants entitled to receive information concerning conduct sanctions under section (B) above, to an appellate board of the institution within five (5) week days, exclusive of holidays, after notice of the decision is sent. Such appeals shall be in writing and shall be delivered to the student conduct officer or his or her designee.

2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

a. To determine whether the original hearing was conducted fairly in light of the allegations and evidence presented, and in conformity with prescribed procedures;

b. To determine whether the facts in the case were sufficient to establish that violation(s) of the Student Code occurred;

c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.

3. An appeal may request consideration of new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, where such evidence or facts were not known to the person appealing at the time of the original hearing.

4. If an appeal is upheld by the appellate board, the matter shall be remanded to the original student conduct body and student conduct officer for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).

5. In cases involving appeals by students accused of violating the Student Code, review of the sanction by the appellate board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the senior student affairs officer may, upon review of the case, reduce, but not increase, the sanction(s) imposed by the student conduct officer.

6. Where complainants entitled to receive information concerning conduct sanctions under section (B) above appeal from the decision, the senior student affairs officer may, upon review of the case, reduce or increase the sanction(s) imposed by the student conduct officer or remand the case to the original student conduct body and student conduct officer.

4. Administrative Review

As provided in Board Policy No. 1:6(4), the Board or a President may review a finding or a sanction of an official or body exercising the powers delegated through this policy.

A. Except on the affirmative vote of two-thirds of the members of the Board, a notice of review must be given to the complainant and respondent within ninety calendar days of a final decision by the official or body exercising delegated authority.

5. Interpretation and Revision

A. Any question of interpretation regarding the Student Code shall be referred to the senior student affairs officer or his or her designee for final determination.

B. The Student Code shall be reviewed every four years under the direction of the student conduct officer.

1. If the review leads to a recommendation that Board policy be modified, that recommendation and its supporting rationale shall be provided to the institutional president and, if approved, forwarded to the Executive Director.

6. Institutions may adopt consistent local regulations to implement this code.

SOURCE: BOR, February 1969; RR, 12:06, 1977; BOR, 1980; BOR, April 1987; BOR, June 1990; BOR, December 1994; BOR, October 1996; BOR, December 1999; BOR, March 2006; BOR, December 2006.

Summary of How the Conduct System Works at BHSU

STEP ONE: Filing a Complaint Anyone may submit a formal complaint about a currently enrolled University student. Complaints should describe in detail what behaviors occurred. Care should be given that all information being filed is factual in nature and that no false information is submitted. Filing a formal complaint will begin Student Code of Condcut proceedings.
1. Pick up an Information Report at the Student Life Office or online at http://www.bhsu.edu/studentlife/residencelife/handbook/InformationReport.pdf, or write a letter.
2. Submit your completed report or letter describing your complaint to the Student Code of Conduct Administrator (for residential students, you may submit your completed report to your Hall Director, he/she will then forward it to the Student Code of Conduct Administrator).

- Do this yourself. No one can do this on your behalf.
- Be timely– submit your complaint in a timely matter.
- Be factual– this is very important.
- Sign your statement– be aware that the person(s) about whom you are complaining has a right to a copy of this document.

STEP TWO: Investigation and Informal Hearings The Student Code of Conduct Administrator reviews the complaint and determines if the complaint proceeds to a Hearing Officer (The Student Code of Conduct Administrator may also act as the Hearing Officer) or is dismissed. The reporting person, the alleged offender(s), and any supporting personnel the Student Code of Condcut Administrator believes he/she needs to speak with may be called in at this point. If the complaint proceeds to a Hearing Officer for an Informal Hearing, the alleged offender(s) will receive a "Notice to Appear at an Informal Hearing" from the Hearing Officer (usually within 5 calendar days of the filed complaint). The "Notice to Appear at an Informal Hearing" will inform the alleged offender(s) of the policy and date of the alleged offense. It will also specify the exact date, time, and location that the alleged offender(s) is to appear. Normally, a time shall be set for an Informal Hearing not less than 5 nor more than 10 calendar days after the student has been notified. If the person(s) named in the complaint agree to the Hearing Officer's findings and (if applicable) recommended sanstions, an informal resolution may be negotiated at this point. The alleged offender(s) will be asked to submit a claim: "Responsible" or "Not Responsible". If "Responsible" is submitted, sanctions will be assigned and the case is concluded. If a resolution is not obtained, then a claim of "Not Responsible" is submitted and the Hearing Officer will refer the case for formal resolution. At this point, the alleged offender(s) may request that the Formal Hearing is heard by either a Formal Hearing Administrative Review or a Formal Hearing Body Review. Formal Hearing Body Reviews are typically not an option for Formal Hearings during the last 14 days of a semester.

STEP THREE: Resolution via Formal Hearing Formal Hearings are typically heard by a Formal Hearing Administrative Review. Typically, the Dean of Student Life/Student Code of Condcut Administrator will act as the Hearing Officer for the Formal Hearing Administrative Review. Under some circumstances---usually at the request from the alleged offender(s)—a panel of faculty, staff and students may be called to hear the case (Hearing Body Review). Hearing Body Reviews are typically facilitated by the Dean of Student Life/Student Code of Condcut Administrator. However, the

university reserves the right to contract with outside parties to manage the resolution processes. A letter called "Notice to Appear at a Formal Hearing" will be sent to the alleged offender(s), usually within 15 calendar days of the filed complaint. The "Notice to Appear at a Formal Hearing" will inform the alleged offender(s) of the policy and date of the alleged offense. It will also specify the exact date, time, and location that the alleged offender(s) is to appear. A time shall be set for a Formal Hearing not less than 5, nor more than 15 calendar days after the student has been notified. The party charged may waive the minimum timeframe. Maximum time limits for the scheduled hearing may be extended at the discretion of the University. The alleged offender(s) once again have access to all materials and information presented. The alleged offender(s) may respond to the allegations, report other information relevant to the allegation(s) and question those testifying at the hearing. The alleged offender(s) may have an advisor present, although that advisor may not directly participate in the hearing. Advisors may be, but are not limited to, faculty, staff, attorneys, etc. All hearings are closed to the public.

STEP FOUR: The Decision The Decision is based on "preponderance of evidence". This means the person making the decision must be at least 51% assured of the alleged offencer(s) being either responsible or not responsible. For Administrative Reviews, the decision is made by the Hearing Officer upon support by the Vice President of Student Life. For Hearing Body Reviews, recommended findings are forwarded to Vice President of Student Life whereby he/she makes the decision.

- Decisions will be communicated to the alleged offender(s) and the complaining student.
- Decisions will include the rationale and any sanctions imposed, along with specific deadlines.
- Written decisions will be mailed from the office of the Dean of Stuent Life/Student Code of Condcut Administrator.
- The report of the Dean of Student Life/Student Code of Condcut Administrator will be considered the hearing's written record and will be kept on file.
- Conduct proceedings and outcomes are private and require a written release from the student to be released to any person or entity that does not quaify for this information, as noted in the Buckley Amendment.

STEP FIVE: The Appeal Option You may appeal to the Vice President of Student Life. Appeals must be made by the person receiving the decision. No one may appeal a decision on behalf of another individual. Appeals must be submitted in writing within five (5) week days (exclusive of holidays) after the notice of The Decision is sent. Appeals must be submitted (please note **APPEAL** on the envelope) to: Vice President of Student Life, 1200 University Unit 9000, Spearfish, SD 57799-9000.

More information about our alcohol/drug policy…BHSU and the South Dakota Board of Regents (4:27 Drug Free Environment) are committed to providing a drug free environment. The manufacture, distribution, dispensing, sale, possession, procurement, contributing to a minor, and/or consumption/use of alcohol, marijuana and/or controlled substances on any property controlled by BHSU and/or in connection with any institutionally sponsored activity is strictly prohibited. BHSU students, employees, and visitors are expected to abide by all state liquor laws while on any property controlled by BHSU and/or in connection with any institutionally sponsored activity (e.g. possession

by consumption for students under 21 years of age will be enforced). Furthermore, BHSU prohibits the possession of bottles, cans, wine boxes, or other containers that originally contained alcoholic beverages on campus—including the residential facilities.

BOR alcohol and other drug policy violations are cumulative throughout a student's enrollment at all South Dakota Board of Regents institutions (they stay on the student's discipline record and are transferable).

Recognized student organizations are expected to report underage drinking at their sponsored events or on their property to the student conduct administrator. Failure to report via the campus student conduct process may result in action being taken against the student organization.

At a minimum, students who violate the alcohol/drug policy will be sanctioned as follows:

- 1st Violation: $75 fine, referral to the BHSU alcohol/drug abuse prevention program, and one-semester disciplinary probation period.
- 2nd Violation: $100 fine, referral to an in-depth alcohol/drug evaluation whereby a formal chemical dependency assessment may ensue and if indicated student must fulfill any recommended consequences from the assessment, one-year disciplinary probation, and parent notification.
- 3rd Violation: probable suspension for at least one full semester; in extenuating circumstances, student may stay enrolled but must complete an approved treatment program, and parent notification.

Note: this section does not replace nor restrict the student code of conduct as established by the South Dakota Board of Regents (3.4.2.B.16.).

More information about our firearms policy…BHSU and the South Dakota Board of Regents want to make certain that students, in particular, have unambiguous information about what firearms—and under what conditions—are permitted on campus. As such, the following information regarding the South Dakota Board of Regents and BHSU firearms policy is hereby explained in detail.

1. Illegal or unauthorized possession of firearms, other items defined as dangerous weapons in SDCL § 22-1-2(10), fireworks, explosives, tasers, BB guns, pellet guns or dangerous chemicals on institutional premises is strictly prohibited. Please understand that BHSU considers any of the following items as a weapon: handguns, gas guns, metal knuckles, gravity knives, knives with blades longer than 2 inches, any switch blade knives, firearm silencers, machine guns, short rifles, short shotguns, blow guns, bow and arrows, sling shots, B.B. guns, pellet guns, air guns, stun guns, tasers, and paint guns.
   A. No student or employee shall possess or carry a weapon while on University property, except as authorized in Section 2 of this policy.
2. This policy does not apply to:
   A. 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;

B. The ceremonial presence of any unloaded weapon at a color guard ceremony;
C. Any weapon under the control of military personnel assigned to the South Dakota National Guard or to the Reserve Officers Training Corps;
D. Any otherwise lawful firearm held in a weapon storage facility operated by the institution (contact our campus safety and security office at 642-6297) or while such firearm is being transported to or from such a storage facility; or
E. Storage of any otherwise lawful firearm inside a locked personal motor vehicle is permitted on university property.

Information about students experiencing mental disorders that cause, or threaten to cause, behavior that directly threatens their safety or that of others… BHSU and the South Dakota Board of Regents (3:20 Non-disciplinary Restrictions to Mitigate Direct Threats to the Safety of Affected Persons or Others) may impose non-disciplinary restrictions in an effort to mitigate direct threats to the safety of students or others where the threatening conduct manifests recognized mental disorders.

Institutions may impose non-disciplinary restrictions on students experiencing mental disorders that cause, or threaten to cause, behavior that directly threatens their safety or that of others.
1. Institutions may impose non-disciplinary restrictions in an effort to mitigate direct threats to the safety of students or others where the threatening conduct manifests recognized mental disorders described in the current American Psychiatric Association Diagnostic Manual.
2. Institutions may impose restrictions under this policy only after obtaining an objective, individualized medical or psychological assessment of the affected student by a licensed physician, psychiatrist or psychologist.
3. If in the judgment of the licensed physician, psychiatrist or psychologist, the nature of the disorder, its duration and the severity of its effects present significant, imminent risks of harm to the affected student or to others, an institution may impose restrictions that the licensed physician, psychiatrist or psychologist confirms are likely to be effective in eliminating or reducing the risks to acceptable levels.
4. Where the risks cannot be eliminated or reduced to an acceptable level through reasonable lesser measures, the institution may administratively withdraw the affected student.
5. The Senior Student Affairs Officer shall assign an institutional officer to be responsible for assembling the facts known to the institution, for securing, at institutional expense, the assistance of a licensed physician, psychiatrist or psychologist to evaluate the available information, for requesting that the affected student submit to an evaluation performed at institutional expense by a licensed physician, psychiatrist or psychologist selected by the institution, for formulating restrictions to mitigate the identified risks, for obtaining the opinion of the licensed physician, psychiatrist or psychologist whether the restrictions are likely to be effective in eliminating or reducing the risks to acceptable levels, and for presenting the facts and recommendations to a review panel charged with determining whether non-disciplinary restrictions may be necessary to eliminate or to reduce the threat to the safety of the student or of others.
A. If the affected student declines to be examined by the licensed physician, psychiatrist or psychologist retained by the institution, the institutional officer shall request that the student

authorize the student's treating physician, psychiatrist or psychologist to advise the institution about the student's mental state.

B. If the affected student will neither submit to examination nor permit a treating physician, psychiatrist or psychologist to advise the institution, the institutional officer shall ask the retained physician, psychiatrist or psychologist to provide advice based upon the information available to the institution.

6. The Senior Student Affairs Officer may impose interim non-disciplinary restrictions, up to or including administrative suspensions, where there appears to be a direct threat to the safety of the affected student or others.

7. The Senior Student Affairs Officer shall convene a panel of three persons to consider whether imposition of non-disciplinary restrictions may be necessary. The chair of the panel shall have a mental health background, but shall not have a patient or counselor relationship with the student.

8. The review panel will assemble promptly, after notifying the affected student that it will consider imposing non-disciplinary restrictions and providing the student an opportunity to attend the open portion of the panel meeting and to address the panel. Where an interim non-disciplinary suspension has been imposed, the review panel will convene within 72 hours of that action.

9. The institutional officer designated pursuant to § 5, above, shall present to the review panel the information that the institution believes warrants imposition of non-disciplinary restrictions and shall present the medical or psychological recommendations. The affected student will have the opportunity to be present during such presentations, to ask questions and to present additional facts or medical or psychological opinions. The affected student may be accompanied by a representative of the student's choice, who may advise the student, but who shall not speak on the student's behalf.

10. The open portion of the panel review is not a contested case and will not be conducted pursuant to rules of civil procedure or according to rules of evidence.

11. The review panel will retire to deliberate in private, and it will issue written findings and recommendations to the Senior Student Affairs Officer.

12. If the review panel recommends restrictions, the Senior Student Affairs Officer may impose the recommended non-disciplinary restrictions.

13. If the restrictions include a non-disciplinary administrative suspension, provision shall be made to allow the affected student to reapply for admission once the student is able to establish that the student no longer poses a threat of harm to himself, herself or others. A student who has been withdrawn administratively under this policy may also be restricted from communicating with faculty, staff or other students, using institutional communications systems, entering institutional grounds or facilities or attending institutional events.

14. Students may appeal decisions taken under this policy to the institutional Chief Academic Officer. Appeals are limited to the questions:

A. Whether restrictions were imposed without providing the student notice of the opportunity to be present during review panel meetings, to ask questions, to present additional facts or medical opinions and to do so with the advice of a representative of the student's choice;

B. Whether restrictions were imposed without providing the student opportunity to be present during review panel meetings, to ask questions, to present additional facts or medical opinions and to do so with the advice of a representative of the student's choice;

C. Whether restrictions were based upon an objective, individualized assessment of the student's mental health; or

D. Whether restrictions were based upon the opinion of a licensed physician, psychiatrist or psychologist to the effect:

1). that the student suffered a psychiatric mental disorders described in the current American Psychiatric Association Diagnostic Manual;

2). that, given the nature of the disorder, its duration and the severity of its effects, there is a significant risk of harm to the affected student or to others; and

3). that the restrictions were likely to be effective in eliminating or reducing the risks to acceptable levels.

15. The institutional Chief Academic Officer shall review the materials assembled by the panel to determine whether its findings and recommended restrictions were based upon substantial evidence.

A. If the Chief Academic Officer concludes that findings and recommended restrictions were based upon substantial evidence, the Chief Academic Officer shall inform the student that the appeal has been denied.

B. If the Chief Academic Officer concludes that findings and recommended restrictions were not based upon substantial evidence, the Chief Academic Officer shall require that a new review panel be constituted and that the matters be considered anew, with findings and recommendations being forwarded to the Chief Academic Officer for implementation.

16. After non-disciplinary restrictions have taken effect, a student may request that restrictions be modified or lifted, or, in the case of non-disciplinary administrative suspensions, they may request readmission. A student making such requests shall be responsible for providing the institution with competent medical or psychological opinion from a licensed physician, psychiatrist or psychologist to show that the student no longer poses threats of harm to himself, herself or others. Upon receipt of such requests and supporting documentation, the Senior Student Affairs Officer shall tender the same to the institutional officer designated in § 5 and shall reconvene the review panel. The requested modifications or removal or readmission shall be reviewed through the same procedures as were employed when the non-disciplinary restrictions were originally imposed.

SOURCE: BOR, JUNE 2008

Residential Standards of Living

The University's Student Code of Conduct applies to all students of South Dakota Board of Regent-controlled schools. Additionally, all such students and University visitors are obligated to honor the Residential Standards of Living (including Residence Life Policies and Procedures). Under the concept of Joint Responsibility, all individuals who are present in a residential room, apartment and/or suite where/when University policies are violated are subject to documentation and Student Code of Conduct action. Additionally, residential students may be responsible for offenses that occur in their room whether or not they were present at the time of the offense.

1) Fire Safety

Minimally, a $50 fine will be issued for a first-offense violation of the following Fire Safety Violations (second offenses doubled, etc):

- Open flame devices, including candles and incense.

- Negligent cooking includes cooking that is left without supervision and/or is the cause of a fire alarm.
- Negligent cooking may include supervised cooking yet the cooking/food causes/triggers a fire alarm.
- Halogen Lamps.
- Extension Cords.

Minimally, a $250 fine will be issued for a first-offense violation of the following Fire Safety Violations, additionally, criminal prosecution is possible:

- Any prank or activity involving fire extinguishers (the removal and/or discharge of), fireworks, flammable material, liquids, explosives, dangerous chemicals and noxious or harmful materials/objects on BHSU grounds or in the Residence halls.
- All types of fireworks are prohibited by the City of Spearfish. The Spearfish Municipal Fire Code makes it a violation for anyone to possess, store, sell, use or explode any type of fireworks. Offenders may be subject to fines and imprisonment. Due to the physical danger to residents and the possibility of fire, any prank or activity involving fireworks, flammable material, liquids, explosives, dangerous chemicals and noxious or harmful materials/objects WILL NOT be tolerated on Black Hills State grounds and/or in any residence hall. Activities involving the use of chemicals/explosives/fireworks may result in severe disciplinary sanctions issued as well as prosecution under applicable criminal codes. All chemicals/explosives/fireworks found in any residence hall room are subject to immediate seizure by any staff member.
- Failure to evacuate during a fire alarm or hindering the evacuation of other occupants during a fire alarm is prohibited. Severe disciplinary action, including possible dismissal from Black Hills State University, may be imposed for violation of these procedures. Additionally criminal prosecution is possible for pulling fire alarms or unauthorized use of fire fighting equipment.
- Tampering/abuse of fire equipment, false alarms, and arson are serious crimes are treated accordingly.

2) Personal Safety

- Weapons are prohibited in the residence halls. Weapons include, but are not limited to the following: handguns, gas guns, metal knuckles, gravity knives, knives with blades longer than 2 inches, any switch blade knives, firearm silencers, machine guns, short rifles, short shotguns, blow guns, bow and arrows, sling shots, B.B. guns, pellet guns, air guns, stun guns, and paint guns. Students offending this Standard of Living risk suspension from the University. Ammunition is not permitted in the residence halls.
- Sport activities such as golf, football, soccer, water fights, basketball, hackey-sack, skate boards, bicycles, roller blades, general horseplay, etc., are not to be played inside residence halls. Sports in the halls endanger the safety of residents, could result in damage to the hall and/or residents, and may disturb students' study and rest.
- Any behavior that serves to jeopardize one's own personal safety or the safety of others is a violation of University policy.

3) Pets

No pets (animals and/or reptiles) are allowed except for fish. Aquariums must not exceed 10 gallons.

4) Quiet Hours and Courtesy Hours
   - Quiet hours are from 10:00pm to 10:00am Sunday through Thursday, and 12:00am through 10:00am on Friday and Saturday. Extreme quietness during Quiet Hours is expected.
   - All other hours are considered Courtesy Hours. Noise volume during Courtesy Hours should not exceed a level that would likely interfere with others who are sleeping, studying, or otherwise using the facility for its intended purposes.
5) Unauthorized Entry

   Unauthorized entry into or use of Residence Hall facilities (such as a residential room/apartment/suite, common area, lounge, or computer lab) is strictly prohibited. Only registered residents (of their assigned building), their invited guests, people directly connected with approved hall programs/events, and authorized personnel are permitted entry into the residential facilities.

Residents' Rights and Responsibilities

You have the right . . .

- To a relatively safe, clean and well-maintained residence hall space;
- To a quality learning environment conducive to your academic and social pursuits;
- To privacy and the proportionate use of your room both in terms of space and time, and the right to be free of unwanted guests in your room;
- To choose your means of recreation and relaxation;
- To confront another's behavior that infringes on your rights;
- To the assistance of your RA or HD when you need help with a problem;
- To make adult choices as a member of the Black Hills State University residence hall community.

You have the responsibility . . .

- To keep your door and hall doors locked, and not to prop them open or allow in strangers or guests without a resident escort/registration;
- To keep common areas neat, clean and damage free, and to straighten up common areas after use;
- To observe quiet/courtesy hours, keep your stereo, television, other electronic equipment and your voice at a reasonable volume in the residence hall and to remind others that you expect the same of them;
- To let your roommate know of your wishes and preference for hours of sleep, study and visitation, and to work through any difference you may have in a peaceful manner, within the guidelines provided by Black Hills State University;
- To know and abide by the laws of the state of South Dakota, including those that pertain to alcoholic beverages and illegal drugs. You have the responsibility to follow the rules and regulations as stated by the South Dakota Board of Regents and the Black Hills State University;

- To support the educational purposes of Black Hills State University and to sustain a comfortable living community in the hall; to examine your own behavior when confronted by another and work toward resolving conflicts. You also have the responsibility to confront others in a non-aggressive and non-threatening manner;
- To notify a staff person of your problem in at timely manner and to cooperate with them as they work with you to resolve the problem;
- To read information provided for you by Black Hills State University and Residence Life staff, especially the Residence Life Standards of Living/Policies and Procedures and the Student Code of Conduct.
- To participate in wing and hall meetings and share responsibility for adhering to and enforcing community policies and guidelines.

Policies and Procedures—Your Room

Appliances

- Compact refrigerators no larger than 3.6 cubic feet may be used.
- Microwaves, must be UL600 or less and should possess a smoke-sensing shut-down device.
- Toaster ovens, toasters, hot plates, halogen lamps and any appliance with an open heating coil are not allowed.
- Personal room air-conditioners are not permitted.

Check-in/Check-out Process

- Before your arrival, a Residence Life staff member who noted the condition of the room on a Room Inventory Form inspected your room.
- Residents are asked to sign the Room Inventory Form once they are sure the information on the form is accurate and complete. It is very important that you make certain that all information on this Form is correct since you will be held financially responsible for any room/furniture damages that occur under your tenancy.
- Residents should follow proper check-out procedures when moving out of their room or moving to another room on campus.
- Proper check-out includes removing all personal belongings, removing all waste, cleaning the room and returning the room to the condition at check-in. Residents must schedule a check-out time with a residence hall staff member. All keys must be turned in at check-out.
- At the time of check-out, staff will again fully inspect the room. Should anything be broken, damaged, unaccounted for, or in need of cleaning, the student(s) responsible will be required to pay those charges. These include damage to a room not considered normal wear and tear. The occupants of the room and/or the responsible resident(s) must pay these charges. A Hold will be placed on the student's records for unpaid damages/fines.
- Residents who do not follow proper check-out procedures assume financial responsibility for any repairs/replacements/cleaning necessary upon departure. It is unacceptable to depart your unkempt room assuming somebody else (i.e. your roommate) will "clean/fix/take care of things".
- The Room Inventory Form and an inspection by a residence hall staff member will serve as the basis for check-out charges, if assessed.

Conservation

Each year, our residence halls are more costly to operate. So that these costs may be held down as much as possible, the following energy conservation ideas will assist us in this effort.

- Conserve Electricity: turn off stereos and televisions when you're not in the room, turn off lights when they're not needed, unplug the refrigerator when it's not being used.
- Save Water: take shorter showers, turn off faucets completely, report faucets with leaks or drips and toilets that run on, turn down the water volume in faucets when brushing your teeth or showering.
- Don't Waste Heat: report heating problems and air drafts, close windows-if your room is too hot, open door to the hallway, don't block the room's heating fixture, open your curtains when the window is receiving direct sunlight.

Cooking/Food Preparation

- Cooking in your room with any appliance that has an open heating element (such as hotplates and toasters) is strictly prohibited. Additionally, the use of electric (or flame) grills and/or pizza ovens is prohibited (these items have proved to be problematic in the past). Microwave ovens are allowed (only for simple convenience foods) but must be used responsibly. Coffee makers are also permitted. All appliances must be Underwriter Laboratories (UL) approved. The University reserves the right to remove cooking appliances.

Decorating

- To help you have a comfortable stay at BHSU, we encourage you to decorate and personalize your room. Avoid using nails, duck tape, or foam tape; it's not worth the time or cost to remove these at the end of the year. DO NOT use contact paper on any walls, doors, fixtures, shelves, desks/dressers, or any other room furnishings.
- Holiday decorations are allowed but must comply will all aspects described in this handbook. Natural holiday trees are NOT permitted. You may have an artificial tree in your room. Such trees must be flame retardant.

Fire Safety Guidelines Regarding Decorations

- All materials used (i.e. paper, foil) must be flame resistant.
- No painting is allowed directly on walls, floors or ceiling surfaces.
- Fire alarm boxes, heat detectors, fire extinguishers and cabinets, and exit lights must not be covered and exits must not be blocked.
- All decorations are to be removed before the halls close for semester break.
- No candles or any open flame devices may be used as decorations.
- Keep in mind that anything creating an egress hazard will not be permitted.

Electrical Fixtures

- Electrical light fixtures are provided in your room and are not to be modified in any way. Your room light fixtures are equipped with special energy efficient bulbs. DO NOT INCREASE the bulb size or wattage. Provide your own study or table lamp if more light is desired. However, you may not use a HALOGEN LAMP because they produce a large

amount of heat and have proved to be unsafe. Electric light bulbs should be recognized as heat producing devices and should not be near any combustible surface. Homemade light fixtures, extension cords, combustible lampshades and combustible decoration on light fixtures are all fire hazards.

- Electrical extension cords are not permitted. If additional extension outlets are needed, special multiple outlet boxes with a built-in breaker can be purchased at various local retail stores. Residence Life suggests the purchase and use of power strips for safer use of power.

Fire Safety Inspections

- Fire Safety Inspections of your room will occur periodically. Notice of actual inspections will be posted in your residence hall a few days prior to the actual inspections. You will be given written notice of results once your room has been inspected. Such results will include date and time of entry, findings, fire safety violations if any, and the name of staff that conducted the inspection. Items noticed in your room (in plain view sight) that are in violation of University policy will be confiscated and at the discretion of the Director of Residence Life may or may not be returned to you.

Furniture

- Furniture is not to be removed or exchanged from rooms, lounge, or lobbies. Students will be held accountable for any abuse of University property-furniture included.

Furniture-Beds

- Your bed is adjustable to 10 different heights. No tools are necessary to change your bed height. Simply lift up on one end of your metal bed springs causing it to release its hold on the metal pin (inside the groove of your bed post). Then reposition the bedspring to the desired height and firmly press the bedspring so it latches onto a metal pin.
- Your furniture is designed so that the 3-drawer dresser will fit under your bed if your bed is set on its highest position. DO NOT place your dresser or desk under your bed unless your bed is set at its highest position. Severe and costly damage (for which you are responsible) will occur (from the bed springs) to the furniture tops if you place furniture under your bed and if your bed is set in anything but its highest position.
- You may bunk your beds if you desire to do so. If you do bunk your beds you agree to assume all liability related to injuries resulting from falls. Also, you must use 4 metal bunking pins, which can be obtained at no charge from your RA or Hall Director. ASK if you need help.
- You are not allowed to loft your beds. Your beds are not designed for lofting purposes (lofting means bunking one bed on top of another without having a metal bed spring attached to each bed).

Housekeeping

- Keep your room clean. Failure to maintain a clean room may pose a health hazard, and therefore, be considered a justifiable reason for having the room cleaned by BHSU custodial staff at your expense.

- Cleaning that is expected: changing/cleaning bed linen/clothes, cleaning and dusting, cleaning the sink, and emptying the wastebaskets on a regular basis to reduce fire hazards and rodent/bug infestation.
- Residents are expected to take their trash to the parking lot dumpster. Leaving personal trash in the common areas of the building is not permitted. Vacuums and cleaning supplies are available in each residence hall.

Internet Access

- Each residence hall room has ResNet Internet access via a wireless network as well as one hard-wired port. ResNet is an Internet service that provides a reliable connection for students in the campus halls and suites. To connect to ResNet, users must meet minimum system requirements. For more information on how to get connected, visit https://iis.bhsu.edu/tss/departments/resnet/. Contact the ResNet Helpdesk if you are having problems connecting to ResNet at https://iis.bhsu.edu/tss/departments/resnet/helpdesk.cfm

Key/Lock-Out

- If you lock yourself out of your room, a residential staff member or security member can help you get in any time-day or night (see the schedule posted in your hall). Rooms may only be unlocked for the resident of their own room, in their presence. Rooms may not be unlocked for friends of the resident, even with the resident's permission.

Keys and Room Security

- Keys are obtained when you check into your residence hall room. It will cost $30.00 to replace your key.
- Lock your door whenever you leave. For your own safety, do not lend your room key to another person.
- Duplication of room keys violates occupants' rights to safety, and will result in a charge for a lock change and possible disciplinary action.
- Report problems with locks/keys to an RA immediately.
- Intentional jamming of doors and locks may result in disciplinary action and payment for damages.
- The University is not liable for personal property loss or damage.

Mail

Each resident is assigned his/her own personal campus mailbox. Mail is delivered Monday through Friday, excluding federal and state holidays. If a package, certified or registered mail is received, a notice will be placed in your mailbox. Personal mailbox keys are issued upon check-in. Replacement keys are available upon request for $5.

Orange Power Receptacles (Outlets)

You will notice orange-colored power receptacles in the Humbert, Pangburn, and Wenona-Cook rooms. The receptacles are special circuits (dedicated neutral-fault) designed to better-protect your data equipment. We recommend these orange-colored receptacles be used only for your computers or other data-related equipment.

Painting Your Room

In an effort to help you personalize your room we encourage you to paint your room…and we'll supply the paint and supplies (free of charge) if you are willing to provide the labor. Residence Life has a wide variety of colors that are sure to please you. Some rules apply, so check with your Hall Director for complete details. Room painting is not allowed during the first two weeks of each semester.

Quiet Hours and Courtesy Hours

- Quiet hours are from 10:00pm to 10:00am Sunday through Thursday, and 12:00am through 10:00am on Friday and Saturday. Extreme quiet during Quiet Hours is expected.
- All other hours are considered Courtesy Hours. Noise volume during Courtesy Hours should not exceed a level that would likely interfere with others who are sleeping, studying, or otherwise using the facility for its intended purposes.
- Radio, television, or stereo sets should be turned down so they are not heard outside of your room. Stereos that disturb residents of the hall or room may be detained in storage for a length of time to be determined by the Hall Director. Stereos may not be played through open windows; they may disrupt other resident students and faculty in academic buildings.
- A City of Spearfish noise permit must accompany amplified music in or around the residence halls.

Repairs and Maintenance

Repairs and maintenance needs, including broken items, malfunctioning equipment and fixtures, leaks, burned out bulbs, and any other matter requiring attention should be reported to your Hall Director or Resident Assistant. Urgent needs should be quickly brought to the attention of your RA, your HD, or the staff member On-Duty or the staff member On-Call.

Room Changes

- Student-initiated room changes are not allowed during the first two weeks of each semester.
- Room changes must be authorized by your Hall Director-you must have his/her written approval before moving. The hall director of the building you want to move to handles moves between halls.
- A room change form must be filled out when you change rooms.

Room Consolidation

- In order to be fair, cost effective and meet the needs of a variety of students, the University may request residents to change room or hall assignments or to assign roommates to consolidate vacancies.
- Vacancies are consolidated by having a resident move from a double room with only one occupant, to another double room which only has a single occupant to create a room with double occupancy.
- Before consolidation, if space is available, a resident may occupy his/her room as a paid double as single. See Residence Life for the pro-rated charges.

- Before requiring residents to consolidate, Residence Life will allow residents to find a new roommate of his/her choice who currently lives in the system.
- Remember, three choices exist regarding Consolidations: 1) you may remain in your room without a roommate but must pay extra; 2) you may find another person to be your roommate; or 3) Residence Life will find another person to be your roommate-or you may be asked to be another person's roommate.
- Residents failing to cooperate with the Consolidation policy can be assessed the DAS pro-rated charge without their consent.

Room Contract

The room and board contract, from the beginning date of the contract period, binds the resident student for the full academic year, excluding summer sessions. If a contract is entered into at the start of fall semester the contract will be binding until the final day of Spring Semester.

Room Entry

- Staff may enter a student's room if they have the permission (of the student of that room) to do so. However, if permission is not granted, authorized staff may enter a student's room under the following conditions: 1) if there is reason to believe that a personal safety risk and/or life-threatening situation exist; 2) to investigate an infraction of University policies; 3) to conduct a room search with a properly executed Administrative Search Permit; and 4) to perform necessary maintenance or housekeeping work. Here are some examples of necessary maintenance/housekeeping:
    - To inspect for cleanliness and safety; ensure that health standards are maintained;
    - To determine the condition of University property;
    - To perform maintenance as required and/or requested;
    - To conduct preventative maintenance during break periods; and
    - To conduct fire safety inspections of your room. Student rooms will be entered and the students' privacy protected in accordance with state law.
- Should staff observe property or conditions which violates the law or University rules and regulations, these suspected/observed violations will be reported to law enforcement &/or other appropriate authority. Confiscated items may or may not-at the discretion of the Director of Residence Life-be returned.

Room Search

- The University may search a student's room without their permission if an Administrative Search Permit has been properly executed. Searching is defined as looking into (or under, etc.) anything within the domain.
- Administrative Search Permits will stipulate who can conduct a search, typically this will be security personnel.
- Search by institutional staff may be conducted pursuant to an Administrative Search Permit issued by the Vice President for Student Affairs. The permit will include the following information: the room(s) to be searched , the regulation(s) allegedly being violated, the basis for the search, the item(s) being sought (if applicable), and the names of those authorized to

search. Under these conditions, you should understand that this is an Administrative Search-not a Police/Court-Ordered Search.

- Items noticed in your room that are in violation of University policy will be confiscated and, at the discretion of the Director of Residence Life, may or may not be returned to you.
- Alternatively, you should know that Police can search you, your room, and/or your car through a Court-Ordered Search Warrant. In such cases, the Police-not the University-control the search process.

Smoking

Smoking is not allowed in any residence hall, suite/apartments including the resident rooms. University policy stipulates that smoking on campus is permitted only is designated smoking areas.

Students Carrying Less Than 6 Hours

Students whose course load falls below 6 hours need special permission to remain in the residence hall. This permission is obtained by the Director of Residence Life.

Theft and Loss

- Lock your room whenever you are away.
- It is recommended that you record a complete description, including model and serial numbers of property, such as stereos, televisions, computers, etc.
- For your protection, secure your valuables.
- Know your family's insurance coverage (it may cover personal property) and invest in adequate personal property/renters insurance.
- The University does not accept liability for personal property loss, theft or damage.

Window Screens

- Window screens should not be removed or tampered with, nor may windows be utilized to enter or leave buildings. Students who damage or remove their window screens will be assessed a $25.00 minimum charge per person /screen involved. Attempting to gain entrance or exit through a window is strictly prohibited and is a violation of the Student Code of Conduct.

Wireless Internet Equipment

- Wireless antennas servicing the residence hall students are located in student rooms throughout the residence halls. This equipment is very expensive and is university property. As such any tampering or abuse of this equipment is prohibited. Anyone found responsible for damaging and/or tampering with university property is subject to discipline as stipulated in the Student Code of Conduct.

Policies and Procedures—Your Hall

Bicycles

- Bicycle racks are available outside each residence hall.

- Bicycles must never be stored in the hallway, lobby, or common areas.
- Bicycles should not be hung from ceilings or attached to walls or furniture.
- Riding of bicycles in the Residence Halls is strictly prohibited.

Building Security

- Entry doors for the residence halls are locked 24 hours per day. Your student ID (BUZZ card) when swiped will unlock the entry doors to your assigned hall.
- The "panic bars" on the BUZZ doors are "skin sensitive." Doors will not open from the inside if you are wearing heavy gloves or if you use your arm to push on the bar.
- A $50 fine and residence hall probation will be levied against anyone apprehended propping entrance doors open or entering without authorization.
- A $50 fine will be assessed to any resident who loans his or her BUZZ card to someone else for the purpose of gaining entrance to the residence hall.
- A $100 fine and residence hall probation will be levied against any improper or unauthorized use the fire exit doors.

Community Damages

Damage/vandalism which occurs in a community space and which cannot be attributed to an individual may be billed to the students residing in the community. Students are encouraged to report individuals responsible for damage or vandalism to their RA or Hall Director. Students associated with the Hall Government will assist in assigning community damage charges.

Contract Term Dates and Vacation Periods

- The contract term begins for all residence hall and suite students as of 8:00am on August 30, 2009.
- Residence Halls are closed (suites excepted) during Christmas Break (as of 6:00pm on December 18, 2009 through 8:00am on January 13, 2010); and Spring Break (as of noon on March 6 through 1:00pm on March 14, 2010)
- During these times residents may leave belongings in their room (except summer break). Should you have no alternative than to stay in Spearfish during these breaks, limited guest housing is available; arrangements can be obtained by contacting the Residence Life Office (6464).
- The contract term ends for all residence hall and suite students as of 6:00pm on May 7, 2010.

Dining Service

- The cafeteria is located in the Student Union.
- All residence hall students are required to board with BHSU Dining Service.
- Meal plans may be changed during the first week of school.
- You must present your BUZZ card at every meal.
- To listen to the daily menu call 6292, other Dining questions, call 6060.
- Students who have special meal needs should contact Sara Spellman (6060) in Dining Services.

Grills/Outdoor Cooking

Propane gas grills may be used outside your hall/building. For safety reasons, grills must be positioned at least 100 feet from your hall/building. The use and/or possession of non-propane grills (such as charcoal or wood fueled) or flammable starter materials are strictly prohibited. The University reserves the right to remove/dispose of prohibited items on school property.

Hall Council

- The Hall Council is a student organization run by the students of each hall to help the staff guide the community. The Hall Council empowers student ownership of their community by providing a forum for students to help craft policies, procedures, and the Student Code of Conduct in hall related concerns.
- Hall Council is funded by a voluntary activity fee collected at check-in.
- Each floor has a wing representative who is responsible for bringing information to you from the Hall Council. If you are interested in the leadership opportunity of a wing rep, let your RA or HD know.

Hall Programming and Activities

- Funded mostly through vending proceeds, each Residence Hall strives to provide various programs and activities to enhance the living experience.
- TV facilities are available for your use and are located in each residence hall.
- A variety of equipment (from game boards to sports equipment) is available from the hall office; check with an RA.

Illness and Injury

- We recommend that you call/visit Student Health Services, located in the YC, room 222-phone number is 6520 or 6406.

Kitchen Facilities

- Kitchenettes are available in each residence hall.
- It is the residents' responsibility to keep these facilities clean.
- To reduce the risk of fire, do not leave your cooking unattended. Unattended cooking-or other forms of negligent cooking-often activates the fire alarm system which automatically summons the Fire Department. In such cases, a $50 fine could be imposed upon the negligent cooking.

Laundry Facilities

- Washers and dryers are available in each residence hall. Utilize these facilities during non-quiet hours.
- Do not leave your clothes unattended. The University is not liable for lost or damaged items.

Parking

Parking permits are required for all vehicles and can be purchased during registration or from the Parking Office in the Facility Services building. Guest parking passes are available at the Parking Office. Park only in designated areas. Tickets are issued for illegally parked vehicles.

Residence Hall Association

This organization is the leadership board of the combined Hall Councils. RHA provides guidance and leadership resources to each Hall Council to promote the residence hall experience (i.e. policy development, leadership, and programming opportunities). The RHA office is located with the Residence Life office in Humbert Hall.

Restrooms/Showers

Residents and guests are required to use a gender-appropriate restroom/shower. Offenders face subjection to the Student Discipline System for potential Acts of Aggression, Sexual Offenses, Unauthorized Entry, and/or other appropriate Code violations. Restrooms are subject to periodic security inspections. For sanitary safety reasons, **do not walk barefooted** in the restrooms nor showers…we recommend the use of slip-resistant shower slippers.

Sales and Solicitations

- The Office of Residence Life reserves the right to limit sales and solicitations in the residential facilities in order to prevent disruption and to protect the personal privacy of students.
- Advertising in Residential student mailboxes is limited to BHSU recognized clubs, organizations, sponsored and co-sponsored events, and/or departments.
- Public Display Areas (board and/or table) are available in each residence hall. University policy prohibits any advertising/promoting of alcohol. For access to the public display areas, please contact the Residence Life office.
- Those who are interested in posting information in the Public Display Areas should submit their information to the Residence Life Office whereby a posting stamp can be obtained. Residence Life staff will distribute/post all stamped information. Information that does not possess a posting stamp is not permitted.
- Solicitors are hereby reminded that only registered residents, their registered guests, and authorized University personnel are allowed to enter the residential facilities. Furthermore, the host resident is expected to accompany their guest at all times. Anyone violating this policy is subject to trespass charges, which will be enforced by the Spearfish Police Department.
- Student election campaign efforts are usually welcomed in the residence halls. However, campaigning in the residence hall public areas is contingent upon approval. Please submit your campaign requests to Residence Life at least one week in advance.

Terror Alerts

The University works closely with local and state officials regarding appropriate responses to terror alerts. If/when terror alerts change, residents are notified what security measures/procedures are in effect. Notifications are made through flyers, bulletin board postings, hall meetings, and public address announcements. The residence halls are equipped with remote-controlled public address systems-University officials use these systems during urgent situations to communicate essential emergency information.

Visitors

- Visitors are defined as individuals who are not an officially assigned resident of a particular residence hall.
- Residents may host visitors in their rooms at any time during their contract period. The resident must register (via a registration log) each visitor with the hall's Resident Assistant or Night Assistant on duty (during the hall coverage hours of 8pm – 6am) and specify the anticipated check out time. Visitors are required to follow the same conduct policies of the University/Residence Life Living Standards as residents. It is important that residents receive approval from their roommate(s) for any visitation.