



# Black Hills State University

2017 - 2019

Annual Security and  
Fire Safety Report

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## BHSU Department of Public Safety



The Department of Public Safety at Black Hills State University enhances the opportunity for members of the university community to participate in the educational experience by promoting safety on campus. Awareness and concern for the well being of students, faculty and staff is always our top priority. As a service organization we are committed to fair, courteous, efficient public service and respect for individuals.

# I. Campus Security and Crime Report

### Police Enforcement on Campus

Public Safety officers work closely with local, state and federal police agencies and have direct radio communication with the Spearfish Police Department, Lawrence County Sheriff’s Office, South Dakota Highway Patrol, fire, ambulance and other emergency agencies.

Any university owned or leased property in outlying areas is patrolled either by the Department of Public Safety, the Spearfish Police Department, the Lawrence County Sheriff’s Office, or the South Dakota Highway Patrol.

In coordination with local law enforcement agencies and the BHSU community off-campus criminal activity is monitored and recorded. This information is provided to the Dean of Students for any action or follow-up that may be required.

In instances where policy infractions may violate the Student Code of Conduct, the Department of Public Safety will refer the incident directly to the Dean of Students for a campus conduct response.

## Law Enforcement in Spearfish

The Department of Public Safety is composed of three public safety officers, supported by student parking enforcement and event staff. BHSU Officers, SPD Officers, Lawrence County Deputies, Game, Fish and Parks and the South Dakota Highway Patrol conduct annual training in areas such as: active shooter response, firearms deployment, emergency vehicle operations, tactical combat, domestic violence, and numerous other crime prevention training programs.

### *Address locations:*

#### **Department of Public Safety**

1200 University Street,  
Unit # 9515  
Woodburn Hall Rm 126  
Spearfish, SD 57799  
605-642-6297

#### **Spearfish Police Department**

625 5th Street  
Spearfish, SD 57783-2311  
605-642-1305

#### **Lawrence County Sheriff**

78 Sherman Street  
Deadwood, SD 57732  
605-578-2230

#### **Game, Fish and Parks**

19619 Trout Loop  
Spearfish, SD 57783  
605-642-6920

#### **SD Highway Patrol**

301 East Catron Boulevard,  
Rapid City, SD 57701  
605-394-2286

## How to Report a Crime or Suspicious Activity

Whether you are a victim of or witness to a crime, you have the responsibility to promptly and accurately report crime. If a crime occurs on or around the BHSU campus, report it immediately to the Department of Public Safety. Spearfish Police Department has primary jurisdiction over the campus. Crimes occurring off-campus should be reported to the Spearfish Police Department— personnel in the Office Public Safety can assist you in this process.

### **Emergency Procedures**

Crimes in progress and crimes that have occurred should be reported by dialing 9-911 on the BHSU campus or 911 when off campus or from a cell phone. When victims or witnesses call to report a crime/incident, the following information is helpful for investigation:

- ◆ A brief description of what occurred
- ◆ Where and when the incident occurred
- ◆ Any injuries sustained during the incident
- ◆ Whether or not a weapon was used or visible

- ◆ When and where the suspect was last seen
- ◆ Physical description of the suspect (s)

### **Non-emergency Procedures**

For non-emergency assistance, please call the Department of Public Safety at 605-642-6297. The Department of Public Safety is located in Woodburn Hall in the Student Affairs Suite, Rm 126. While individuals are encouraged to report crimes to the police, individuals may seek support and assistance with reporting from the Vice President for Student Affairs, the Dean of Students, Human Resources, Student Health & Counseling Center, among other university staff members prepared to provide such guidance for reporting crimes on or near campus.

## Reporting of a Crime

If you are the victim of or witness to a crime and do not want to pursue action within the Black Hills State University conduct system and/or the criminal justice system, you may opt to make a report with the Spearfish Police Department by calling 605-642-1305 or visit:

<http://www.cityofspearfish.com/police/index.html>

## Crime Prevention Programs

During fall orientation students are introduced to services offered by the Department of Public Safety. Further, presentations are made addressing topics such as maintaining personal safety and residence hall security. Students and employees are informed immediately of crimes on campus and in close proximity when they are a threat to the university community. Educational programs concerning personal safety, crime prevention, which includes bystander training, and the prevention of sexual assault (both acquaintance and stranger rape) are offered by a variety of groups and individuals on campus each year, including the Department of Public Safety, Vice President for Student Affairs, Dean of Students, and the Title IX coordinator. Faculty, staff and students also complete an online sexual assault and bystander training.

## BHSU Building Security and Access

During business hours, BHSU campus, excluding residence halls, will be open to students, parents, employees, contractors, guests, and invitees. Non-business hour access to all BHSU facilities is by key, card reader, or by admittance via the Department of Public Safety. In the case of periods of extended closing, the Department of Public Safety will admit only those with prior written approval to certain facilities. Most residence halls are secured by Residence Life staff. Over extended breaks, the doors of all halls will be secured around the clock, and card readers will be deactivated for unauthorized individuals. Some campus facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules compiled by the Department of Public Safety.

### Annual Safety Audit

Annually, the Department of Public Safety and members of the Residence Life staff conduct nighttime walkthroughs of the BHSU campus in order to identify areas in need of security enhancement. Contact Public Safety for more information at 605-642-6297.

## Criminal Activity Off-Campus

The Department of Public Safety does not provide law enforcement service to off-campus residences. Criminal activity off campus is monitored and recorded by the Spearfish Police Department. The Department of Public Safety maintains a close working relationship with the Spearfish Police Department. If violations of federal, state or local laws surface off campus, but involving the BHSU community, the Spearfish Police Department may contact the Department of Public Safety personnel.

## Preparation of the Annual Security Report

This university report complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. An electronic version of this report can be located on our website at <http://www.bhsu.edu/StudentLife/SafetySecurityParking/Security/tabid/498/Default.aspx>. You may also connect to our site via the Black Hills State University home page at [www.bhsu.edu](http://www.bhsu.edu). This report is prepared in cooperation with the Department of Public Safety, Vice President for Student Affairs, Dean of Students, and campus security authorities. A Campus Security Authority is recognized, under federal policy, as an individual responsible for appropriately communicating potential Clery incidents. At BHSU, individuals with responsibility for campus security who are not directly affiliated with the Department of Public Safety include officials with significant knowledge and/or oversight of student events and activities, and campus life. These include but are not limited to officials in student services such as housing, programming and conduct. When acting in a medical or professional counselor capacity, the official may not be considered a campus security authority. Campus crime, arrest, and referral statistics include those reported to Department of Public Safety officers, designated campus officials and other local law enforcement agencies. Annual notification is made via email to all enrolled students, faculty and staff. It provides the website address from which to access this report. A paper copy may be obtained at Department of Public Safety, located in Woodburn Hall Rm 126, or by request at 605-642-6297.



# BHSU Campus Clery Map





# BHSU Rapid City Campus Clery Map



## Non-Campus Buildings and Property

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**Black Hills State University Rapid City**

4300 Cheyenne Blvd  
Rapid City, SD 57709

**Sanford Underground Research Facility**

630 E. Summit Street  
Lead, SD 57754

**Regional Technical Education Center**

1200 West 21<sup>st</sup> Street  
Yankton, SD 57078

**Jacket Zones (Retail Stores)**

617 Main Street  
Spearfish, SD 57783

611 Main Street  
Rapid City, SD 57701

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## Black Hills State University: Annual Report Statistics (2017-2019)

*Reported according to Uniform Crime Report procedures and the Jeanne Clery Disclosure Act*

Criminal Offenses - On Campus	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses-Forcible	2	1	1
d. Sex offenses-Non-forcible (incest and statutory rape only)	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	2	9	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	1	0
i. Arson	0	0	0
Criminal Offenses - On Campus Residence Halls	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Sex offenses-Forcible	2	1	1
d. Sex offenses-Non-forcible (incest and statutory rape only)	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor vehicle theft	0	0	0
i. Arson	0	0	0
Hate Offenses - On Campus	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex offenses-Forcible	0	0	0
d. Sex offenses-Non-forcible (incest and statutory rape only)	0	0	0
e. Robbery	0	0	0
f. Aggravated assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0
j. Simple Assault	0	0	0
k. Larceny-theft	0	0	0
l. Intimidation	0	0	0
m. Destruction/damage/vandalism of property	0	0	0

## Black Hills State University: Annual Report Statistics (2017-2019)

*Reported according to Uniform Crime Report procedures and the Jeanne Clery Disclosure Act*

Hate Offenses -NON Campus Property	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex offenses-Forcible	0	0	0
d. Sex offenses-Non-forcible (incest and statutory rape only)	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0
j. Simple Assault	0	0	0
k. Larceny-theft	0	0	0
l. Intimidation	0	0	0
m. Destruction/damage/vandalism of property	0	0	0

Arrests - On Campus	2017	2018	2019
a. Liquor Law Violations Including Residence Halls	25	41	50
b. Drug Law Violations Including Residence Halls	4	3	5
c. Illegal Weapons Possessions	0	0	0

Arrests - On Campus Residence Halls <small><i>parking lots are considered residential property, although they are in certain cases shared with another campus building. Arrests in these lots are counted in the Residence Hall number.</i></small>	2017	2018	2019
a. Liquor Law Violations	24	38	50
b. Drug Law Violations	4	3	5
c. Illegal Weapons Possessions	0	0	0

Arrests - NON Campus Property	2017	2018	2019
a. Liquor Law Violations	0	1	0
b. Drug Law Violations	0	1	2
c. Illegal Weapons Possessions	0	0	0

Disciplinary Actions/Judicial Referrals On Campus	2017	2018	2019
a. Liquor Law Violations	6	3	5
b. Drug Law Violations	0	0	0
c. Illegal Weapons Possessions	0	0	0

## Black Hills State University: Annual Report Statistics (2017-2019)

Reported according to Uniform Crime Report procedures and the Jeanne Clery Disclosure Act

<b>Violence Against Women Act Offenses—On Campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Stalking (includes cyber stalking)	0	0	0
b. Domestic Violence	0	0	0
c. Dating Violence	0	0	0

<b>Violence Against Women Act Offenses—On Campus Residence Halls</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Stalking (includes cyber stalking)	0	0	0
b. Domestic Violence	0	0	0
c. Dating Violence	0	0	0

<b>Disciplinary Actions/Judicial Referrals Residence Halls</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Liquor Law Violations	6	1	5
b. Drug Law Violations	0	0	0
c. Illegal Weapons Possessions	0	0	0

<b>Disciplinary Actions/Judicial Referrals NON Campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Liquor Law Violations	0	0	0
b. Drug Law Violations	0	0	0
c. Illegal Weapons Possessions	0	0	0

<b>Disciplinary Actions/Judicial Referrals Public Property</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Liquor Law Violations	0	0	0
b. Drug Law Violations	0	0	0
c. Illegal Weapons Possessions	0	0	0



<b>Fire Safety Report - All Residences</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
a. Number of Fires	0	0	0
b. Cause of Fires	N/A	N/A	N/A
c. Number of Deaths	0	0	0
d. Property Damage Sustained	N/A	N/A	N/A

<b>Fire Safety Report - Buildings, Residence Halls, Apartments 2016-2018</b>	<b>Buildings</b>	<b>Res Halls</b>	<b>Apartments</b>
a. Number of Fires	0	0	0
b. Cause of Fires	0	0	0
c. Number of Deaths	0	0	0
d. Property Damage Sustained	0	0	0

# CRIME DEFINITIONS

Jeanne Clery Annual Report Crime Definitions from the FBI's Uniform Crime Reporting Handbook

For more information, visit [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm)

Under the Clery Act, college employees are mandatory reporters for a broader array of serious crimes, including the following:

- **Murder:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **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, methadone); and dangerous non-narcotic 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.)
- **Arson:** Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Hate Crimes include, by geographic location and by category of prejudice, any of the aforementioned offenses, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are:
- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender:** A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation:** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin:** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

## CRIME DEFINITIONS (cont.)

Jeanne Clery Annual Report Crime Definitions from the FBI's Uniform Crime Reporting Handbook

For more information, visit [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm)

- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
- **Domestic violence:** Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- **Dating violence:** Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- **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.
- **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.
- **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 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.

- **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).

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

- **Incest:** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-Forcible sexual intercourse with a person who is under the statutory age of consent.

## NOTICE OF AVAILABILITY OF ANNUAL CLERY REPORT

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by BHSU; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes BHSU policies on matters such as sexual assault, drugs and alcohol, fire safety, and crime prevention. You can obtain a printed copy of this report by contacting the Department of Public Safety.

## CRIME LOG

For daily log information regarding criminal activity on campus, please visit the Department of Public Safety in Woodburn Hall, Rm 126. The Spearfish Police Department's daily log can be accessed online at: [http://www.cityofspearfish.com/police/activity\\_log.html](http://www.cityofspearfish.com/police/activity_log.html)



## II. Emergency Notifications and Timely Warnings

### Emergency Notification

Black Hills State University's policies guide emergency response and evacuation procedures, including use of the university's emergency notification system. The Campus Alert system is an emergency notification tool for the public universities governed by the South Dakota Board of Regents. The system helps notify students, staff and faculty of any emergencies that occur on or near campus locations. Emergencies may include, but are not limited to, weather alerts, school closings, fire and criminal activity.

Students are automatically entered into this system through their BHSU-assigned email address.

- An email is sent to a BHSU email account with information about how to register for the alert system.
- During registration, students may opt to register personal telephone numbers, personal email addresses, or other personal electronic devices to receive these Campus Alerts.
- You assign priorities to each of the above; your priority one device(s) will be notified first, followed by your second, and so on.
- Once you acknowledge the alert, further notifications will not be sent.

### Timely Warnings

In the event that a situation arises, either on or off campus, that constitutes a threat to members of the campus community, a "timely warning" will be issued. The warning will be issued through the BHSU Campus Alert system, which includes notification through email, text message and telephone. Students and employees are encouraged to register contact preferences through the BHSU Campus Alert system. Notice may also be sent through alternate or additional methods of communication and will be posted on the BHSU homepage at [www.BHSU.edu](http://www.BHSU.edu).

These policies and procedures require the Vice President for Student Affairs and the Dean of Students, or his/her designee, to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to mitigate the emergency. Emergency messages will include information on what has occurred and instructions on what to

do next. The BHSU alert system is tested on an annual basis and documentation of the test, description of the exercise, the date, time and whether announced or unannounced is kept in the vice president and dean of students office.

In the event of a major emergency [www.BHSU.edu](http://www.BHSU.edu)/ information will become the university's homepage and will be updated with information about the nature of the emergency and further emergency procedures.

Information thought to warrant the issuance of a timely warning should be reported to the Department of Public Safety in Woodburn Hall Rm 126, or by calling 605-641-6988.

# III. Missing Student Policy

## 1. Reporting a Student as Missing

- A. Any person may report a university student as missing by filing a report with the university's Dean of Students or at the Department of Public Safety. It is not necessary to wait until the student has been missing for 24 hours before making a report.
- B. For purposes of this policy, a student is missing when the student's whereabouts are unknown and unexplained for a period of time that would be regarded as highly unusual or suspicious by persons familiar with the student's plans, habits or routines.

## 2. Institutional Response

- A. Upon receipt of a missing student report, the campus public safety personnel will promptly attempt to locate the student on campus or at other sites controlled by the university.
  - 1. Initial efforts to contact students will involve telephone or other electronic communications.
  - 2. If unable to contact the students by electronic means, university personnel will attempt to contact the students at their lodgings on the campus or in the municipal limits of the city where the university is located.
  - 3. If students who reside in university controlled residences do not respond to electronic contacts or to knocking on their doors, student affairs personnel may enter the students' rooms in order to assess the condition of the room and to look for visible personal property (wallet, keys, cell phone or clothing) that might provide clues as to whether the student has taken an extended trip or other planned absence from the residence hall. If the initial investigation is being undertaken by the Department of Public Safety, they will either request that student affairs personnel enter student rooms or they will obtain search warrants.
  - 4. University personnel may pursue such additional or other investigative activities as are reasonable under the circumstances.
- B. If the university determines that the student has been missing for a period of 24 hours, or if it cannot locate the student and it determines that the student appears to be missing as per § 1(B), the university will immediately notify local law enforcement agencies that the student is missing.
- C. When the university notifies local law enforcement

agencies, it will also notify such persons as the student may have designated pursuant to § 4(A), below, that the student is missing.

- 1. In the case of non-emancipated students under the age of 18, the university will notify the students' custodial parents or legal guardians.
- D. The university will determine whether circumstances suggest that others living, working or participating in activities at the university may be in danger, and if it determines that such a danger may exist, it will warn the campus.

## 3. Publication of this Policy

- A. Each university will publish this policy electronically through websites designed to convey emergency or law enforcement information; will incorporate its provisions into student handbooks, resident life or similar publications; and will otherwise assure that students know, or should know, of its provisions.

## 4. Students' Option to Identify Persons to be Informed

- A. At the time that a student is accepted as a resident in university controlled housing, the student will be given an opportunity to designate an individual to be notified pursuant to this policy in the event that the student becomes missing.
  - 1. Students will be provided confidential means to designate such individuals and to update their designations.
  - 2. Such contract information will be held as a confidential student record.
- B. Non-emancipated students under the age of 18 will be informed that, in the event they become missing, the university will notify a custodial parent or legal guardian pursuant to this policy.

## IV. Sexual Assault and Harassment Policy and Procedures

Black Hills State University as an institution recognizes that sex offenses are a serious issue. The university will not tolerate acts of sexual misconduct. All reported instances of sexual misconduct will be investigated and appropriate disciplinary, criminal, and/or legal action will be taken, with consent of the victim. Appropriate support services will be made available to victims of sexual misconduct. The university strongly encourages all members of the campus community to report to the Department of Public Safety office any incident of sexual misconduct.

Students who are alleged to have committed sex offenses (including but not limited to rape, sodomy, forcible & non-forcible sexual contact, indecent exposure, simple and aggravated assault) against members of the BHSU community will be subject to investigation and disciplinary measures as outlined in Board of Regents Policy Student Conduct Code 3:4 (reference specific sections 2.B:4-5).

1. Procedures to follow if a sex offense occurs:
  - a. A student should contact a BHSU Public Safety officer or a Spearfish Police Department officer. Authorities will describe the importance of preserving evidence as may be necessary to the proof of criminal sexual assault.
  - b. A student desiring additional support should contact the:
    - i. Hall Director, or
    - ii. Dean of Students, or
    - iii. Vice President for Student Affairs
2. Sanctions for sex offenses as described above will be determined on a case by case basis following an on-campus disciplinary procedure, which may include, but will not be limited to expulsion. Discipline for aggressive conduct shall be subject to the following conditions.
  - a. Discipline on the first occasion may include expulsion where appropriate, given the nature of the aggressive conduct or harassment.
  - b. 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 will be mandatory.
  - c. Where the aggressive conduct would constitute a criminal offense under South Dakota Law, the matter will be reported promptly to local police authorities. In the case of a sex offense, the victim will be encouraged to report the offense to the appropriate law enforcement authority, but reporting will not necessarily be required.
3. On-campus disciplinary action in cases of alleged sexual assault will follow the aggressive conduct or harassment proceeding with the additional provision that the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings brought alleging sexual assault.
4. Students have the option to be assisted by the Vice President for Student Life and/or the Dean of Students office in notifying the Police if the student chooses to do so.
5. Educational and Counseling Support:
  - a. A sexual assault training program is given annually to resident assistants and hall directors. Educational programs are also offered to the campus community. These educational programs cover areas such as promotion of awareness of rape, acquaintance rape, and other sex offenses.
  - b. The BHSU Counseling Center is available for assistance as are local counseling agencies.
  - c. The Vice President for Student Affairs and/or the Dean of Students office will assist the victim in changing academic and living arrangements if requested by the victim and if these changes are reasonably available.
- d. In disciplinary proceedings involving aggressive conduct, or harassment, a student's actions while under the influence of alcohol, marijuana, or other illegal controlled substance will be presumed not to be considered a mitigating factor.
- e. Intoxication may be considered an aggravating factor in proceedings involving aggressive conduct or harassment, and it will be so considered where the student has a history of prior violations of alcohol, marijuana, or other illegal controlled substance regulations.



## Legal Definitions

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

In South Dakota, sexual consent is defined as: Consent will not be found where an act has been done through the use of force, coercion, or threats of immediate and great bodily harm. Submission does not equal consent, and to establish consent, a party charged must utterly negate any element of force, coercion, or threat. Consent, once given, may be withdrawn.

Under South Dakota law, rape is defined as: Rape is an act of sexual penetration accomplished with any person under any of the following circumstances:

1. If the victim is less than 13 years of age; or
2. Through the use of force, coercion or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or
3. If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or
4. If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic agent or hypnosis; or
5. If the victim is 13 years of age, but less than 16 years of age, and the perpetrator is at least three years older than the victim.

## Other Sexual Offenses

Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

## Sexual Harassment

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of Black Hills State University that sexual harassment is prohibited. All members of Black Hills State University community, especially officers, faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment is defined as:

## South Dakota Board of Regents Policy 1:17, Harassment including Sexual Harassment

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assis-

tance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of officials.

## For complaints by faculty and staff and students involving faculty and staff:

Nick Oaks, Director of Human Resources, Woodburn Hall Rm 202; 605-642-6877.

## For complaints by students:

Dr. Lois Flagstad, VP for Student Affairs, Woodburn Hall Rm 214; 605-642-6599.

Black Hills State University will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Title IX coordinator, dean of students, or the Department of Public Safety, the student may inquire or complain to any department chair or any officer of Black Hills State University at the level of vice president or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, Black Hills State University will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the Black Hills State University for serious or repeated violations.

## Campus Procedures for Addressing Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Sexual Harassment and other acts of sex and gender discrimination.

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment. South Dakota Board of Regents Policy 1:18, Human Rights Complaint Procedures at <http://www.sdbor.edu/policy/1-governance/documents/1-18.pdf>.

Procedurally, when Black Hills State University receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the campus Title IX Coor-

dinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, Black Hills State University will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures, such as opportunities for academic accommodations, changes in housing for the victim or the responding student, visa and immigration assistance, changes in working situations, and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, he or she will be connected with a counselor on- or off-campus, as well as an on-or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but Black Hills State University provides them in the hope of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all victims whether they are students, employees, guests or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of Black Hills State University can be found online at <http://www.bhsu.edu/StudentLife/SafetySecurityParking/Security/CleryStatistics/tabid/500/Default.aspx>. The coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, Black Hills State University acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The coordinator is also responsible to assure training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

Information is shared internally between administrators who need to know, but a tight circle is kept. Where infor-

mation must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with South Dakota law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, Black Hills State University maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of Black Hills State University appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

## **Registered Sex Offenders**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Black Hills State University is providing a link to the South Dakota State Sex Offender Registry, <https://sor.sd.gov>. All sex offenders are required to register in the state of South Dakota and to provide notice of each institution of higher education in South Dakota at which the person is employed, carries a vocation, or is a student.

Registered sex offenders can be identified by contacting the local law enforcement officials in our host municipality. If you would like information regarding registered sex offenders who are actively enrolled or employed at Black Hills State University, contact the Lawrence County Sheriff's Office at 605-578-2230. They will advise you regarding the information you may obtain and their guidelines for obtaining the information or the information can be accessed at <http://www.lawrence.sd.us/Sheriff/sheriffs.htm>. Not all sex offenders who may be attending or employed at Black Hills State University reside in Spearfish, SD, or Lawrence County. Be sure to indicate to the local law enforcement agency you contact you are either a current or prospective student or employee at Black Hills State University and you want to review the listing for this institution. The law enforcement personnel will respond by directing you to the correct information.

## **V. Alcohol and Drug Policy**

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989, the South Dakota Board of Regents strictly prohibits the unlawful possession, use, or distribution of alcohol, marijuana, or controlled substances by its students or employees while on property controlled by the Board or while participating in any capacity in activities or employments sponsored by it. Therefore, BHSU campus has been designated "alcohol and drug free" and only under certain circumstances is the consumption of alcohol permitted.

The manufacture, sale, possession or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Department of Public Safety and Spearfish Police Department. Violators are subject to disciplinary action within the university and/or criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of BHSU policy for anyone to consume or possess alcohol in any public or private area of campus without prior university approval. Organizations or groups found in violation of alcohol and other substance policies or state or federal laws may be subject to sanctions by the university.

### **BHSU Employee Drug and Alcohol Policy**

In compliance with the Drug-Free Workplace Act of 1988 the South Dakota Board of Regents strictly proscribes the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances by Board employees and agents while on duty or while in any workplace controlled by the Board. For purposes of this proscription, the workplace shall include premises and vehicles owned and controlled by the Board and other premises and vehicles when used by the Board for education, research, service, or other official functions. Drug and alcohol abuse programming is through Student Services, Residence Life and the campus Counseling Center.

Any person violating this proscription shall be subject to appropriate disciplinary action, which may include termination of employment.

The full text of the South Dakota Board of Regents policy related to the Drug-Free Workplace Act can be found at <https://www.sdbor.edu/policy/4-Personnel/documents/4-27.pdf>.



# Federal Trafficking Penalties

## Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

# Federal Trafficking Penalties

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p>
<p>Hashish More than 10 kilograms</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Hashish Oil More than 1 kilogram</p>	<p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
<p>1 to 49 marijuana plants</p>	
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

For more information regarding federal laws, please visit: <http://usdoj.gov/dea/index.htm>.



# State Criminal and Civil Penalties for Offense of a Controlled Substance

	DRUG	OFFENSE	1ST CONVICTION	2ND CONVICTION
<b>Schedule I</b>	The drugs in this schedule are those that have no accepted medical use in the United States and have a high abuse potential. Some examples are heroin, marijuana, LSD, peyote, mescaline, psilocybin, tetrahydrocannabinols, ketobemidone, levoramide, racemoramide, benzylmorphine, dihyaromorpine, nicocodeine, nicomorphine, methaqualone and others.	<b>A civil penalty, not to exceed \$10,000, may be imposed, in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota law. SDCL 22-42-2.</b>		
<b>Schedule II</b>	The drugs in this schedule have a high abuse potential with severe psychic or physical dependence liability. Schedule II controlled substances consist of certain narcotic, stimulant and depressant drugs. Some examples of Schedule II narcotic controlled substances are opium, morphine, codeine, hydromorphine (Dialudid), methadone (Dolophine), pantopon, meperidine (Demerol), cocaine, oxycodone (Percodan), anileridine (Leritine) and oxymorphone (Numorphan). Some examples of Schedule II non-narcotic are amphetamine (Benezdrine, Dexedrine), and Methamphetamine (Desoxyn), phenmetrazine (preludin), methylphenidate (Ritalin), amobarbital, pentobarbital, secobarbital, etorphine, hydrochloride, diphenoxylate and phenacyclidine.	<p><b>MANUFACTURE, DISTRIBUTION, POSSESSION:</b> Unauthorized manufacture, distribution, counterfeiting or possession of a substance listed in Schedules I or II is a Class 4 felony. SDCL 22-42-2</p> <p><b>DISTRIBUTION TO A MINOR:</b> The distribution of a substance listed in Schedules I or II to a minor (a person under 21 years of age) is a Class 2 felony. SDCL 22-42-2</p> <p>No person other than a practitioner who is not a pharmacist, may dispense a controlled drug or substance included in Schedule II to an ultimate user without the written prescription of a practitioner who is not a pharmacist. No prescription for a Schedule II drug or substance shall be refilled. A violation of this section is a Class 4 felony. SDCL 22-42-2.1</p> <p>The drugs must have a currently accepted medical use in the US or currently accepted medical use with severe restrictions. SDCL 34-20B-15</p>	<p>Punished by mandatory sentence in the state penitentiary of at least one year, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2</p> <p>Punished by a mandatory sentence in the state penitentiary of at least 5 years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2</p>	<p>Punished by mandatory penitentiary sentence of at least ten years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2</p> <p>Punished by a mandatory sentence in the state penitentiary of at least fifteen years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2</p>
<b>Schedule III</b>	These drugs have an abuse potential less than those in Schedules I and II, and include compounds containing limited quantities of certain narcotic drugs and non-narcotic drugs such as derivatives of barbituric acid except those that are listed in another schedule, glutethimide (Doriden), methyprylon (Noludar), chlorhexadol, sulfondiethymethane, sulfonmethane, nalorphine, benzphetamine, sulfondiethymethan, sulfonmethan, nalorphone, dor-termin, mazindol, paregoric, flunitrazepam, and Gama Hydroxy butyrate.	<p>Except as authorized, no person may manufacture, distribute or dispense; possess with intent to manufacture, distribute or dispense; create or distribute a counterfeit; or possess with intent to distribute a counterfeit substance listed in Schedule III. Violation of this section is a Class 5 felony. SDCL 22-42-3</p> <p><b>DISTRIBUTION TO A MINOR:</b> The distribution of a substance listed in Schedule III to a minor is a Class 3 felony. SDCL 22-42-3</p>	<p>Punished by a mandatory sentence in the state penitentiary or county jail of at least 30 days, which sentence may not be suspended. SDCL 22-42-3</p> <p>Punished by a mandatory penitentiary or county jail sentence of at least 90 days, which sentence may not be suspended. SDCL 22-42-3</p>	<p>Punished by a mandatory penitentiary or county jail sentence of at least 1 year, which sentence may not be suspended. SDCL 22-42-3</p> <p>Punished by a mandatory penitentiary or county jail sentence of at least 2 years, which sentence may not be suspended. SDCL 22-42-3</p>
<b>Schedule IV</b>	The drugs in this schedule have an abuse potential less than those listed in Schedule III and include such drugs as methylphenobarbital, chloral betaine (Beta Chlor), chloral hydrate, triazolam, any substance which contains any quantity of a benzodiazepene, or salt of benzodiazepene, except those substances which are specifically listed in other schedules, buprenorphine, cathine, fencamfamine, fenproporex, mefenorex, pyrovalerone, propoxyphene, pentazocine, mazindol, mephorbarbital, premoline, petrichloral, zolpidem, butorphanol, and dextropoxyphene (Darvon).	<p>No controlled drug or substance included in Schedule II, III or IV may be distributed or dispensed other than for a medical purpose. SDCL 22-42-2</p> <p>Any person who knowingly obtains a controlled substance from a medical practitioner and knowingly withholds information that he has obtained a controlled substance of a similar therapeutic use in a concurrent time period from another medical practitioner is guilty of a Class 1 misdemeanor. SDCL 22-42-17</p> <p>Any person who intentionally ingests, inhales, breathes or otherwise takes into the body any substance, except alcoholic beverages as defined in SDCL 35-1.1, for purposes of becoming intoxicated, unless such substance is prescribed by a practitioner of the medical arts lawfully practicing within the scope of their practice, is guilty of a Class 1 misdemeanor. SDCL 22-42-15</p> <p>Except as provided, no controlled drug or substance included in Schedule III or Schedule IV may be dispensed without a written or oral prescription. A violation is a Class 5 felony. SDCL 22-42-4.1</p>		<p>Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)</p> <p>Punished by 10 years imprisonment in the state penitentiary. In addition, a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)</p>
<b>Schedule V</b>	The drugs in this schedule have an abuse potential less than those listed in Schedule IV and consist of preparations containing limited quantities of certain narcotic drugs generally for antitussive and anti-diarrheal purposes.	<p>No person may knowingly possess a controlled drug or substance unless the substance was obtained directly or Pursuant to a valid prescription from a practitioner while acting in the course of his practice. A violation of this section is a Class 4 felony. SDCL 22-42-5</p> <p>Any person who knowingly obtains possession of a controlled drug or substance by theft, misrepresentation, forgery, fraud, deception or subterfuge is guilty of a Class 4 felony. SDCL 22-42-8</p>		<p>Punished by 15 years imprisonment in the state penitentiary. In addition, a fine of \$30,000 may be imposed. SDCL 22-6-1 (6)</p>
	<p>Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of a Class 1 misdemeanor. SDCL 22-42-11.</p> <p>No person may deliver or possess with intent to deliver or knowingly manufacture any noncontrolled substance which he represents to be a substance controlled under the provisions of South Dakota law. A violation of this section is a Class 6 felony. SDCL 22-42-16.</p> <p>Any person who knowingly makes, distributes or possesses any punch, die, plate, or other thing designed to print or reproduce the trademark, trade name or other identifying mark of another on any drug, or container or label thereof so as to make such drug a counterfeit controlled drug or substance is guilty of a Class 5 felony. SDCL 22-42-9.</p>			<p>Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)</p> <p>Five years of imprisonment in the state penitentiary or a fine of \$10,000 or both. SDCL 22-6-1 (8)</p> <p>Punished by 10 years imprisonment in the state penitentiary. In addition a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)</p>



## State Criminal and Civil Alcohol Penalties

OFFENSE	PENALTY
For any person under the age of 21 years to purchase, attempt to purchase or possess or consume alcohol beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title. SDCL 35-9-2.	Class 2 misdemeanor; Thirty days imprisonment in a county jail or \$500 fine, or both. SDCL 22-6-2 (2).
First conviction or a first adjudication or delinquency for an alcoholic beverage violation while in a motor vehicle. SDCL 32-12-52.4	The Department of Commerce and Regulation shall suspend the driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of 30 days. SDCL 32-12-52.4.
Second or subsequent conviction or a first adjudication of delinquency for an alcoholic beverage violation while in a motor vehicle. SDCL 32-12-52.4.	The Department of Commerce and Regulation shall suspend the driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of 180 days SDCL 32-12-52.4.

## State Criminal and Civil Marijuana Penalties

DRUG	QUANTITY	PENALTY	DRUG	QUANTITY	PENALTY
Marijuana Possession	2 ounces or less Class 1 misdemeanor	1 yr. county jail and/or fine up to \$2,000	Marijuana Distribution **	Less than 1/2 ounce Class 1 misdemeanor	1 yr. county jail and/or fine up to \$2,000
Marijuana Possession	2 ounces but less than 1/2 lb. Class 6 felony	2 yrs. state jail and/or fine up to \$4,000 *	Marijuana Distribution **	Less than 1 ounce Class 6 felony	2 yrs. state jail and/or fine up to \$4,000 *
Marijuana Possession	1/2 lb. but less than 1 lb. Class 5 felony	5 yrs. state jail and \$10,000 fine may be imposed *	Marijuana Distribution **	1 ounce but less than 1/2 lb. Class 5 felony	5 yrs. state jail and \$10,000 fine may be imposed *
Marijuana Possession	1 lb. but less than 10 lbs. Class 4 felony	10 yrs. state jail and \$20,000 fine may be imposed	Marijuana Distribution **	1/2 lb. but less than 1 lb. Class 4 felony	10 yrs. state jail and \$20,000 fine may be imposed
Marijuana Possession	10 lbs. or more Class 3 felony	15 yrs. state jail and \$30,000 fine may be imposed.	Marijuana Distribution **	1 lb. or more Class 3 felony	15 yrs. state jail and \$30,000 may be imposed
			Marijuana Distribution **	Any amount to a minor. Class 6 felony	10 yrs. state jail and \$10,000 fine may be imposed.

\* Convicted may be sentenced to the county jail of the county where person was convicted for a term of not more than one year in lieu of imprisonment.

\*\* Conviction shall be punished by a mandatory sentence in the state or county jail at least 30 days, which may not be suspended.

Note: A civil penalty, up to \$10,000, may be imposed in addition to any criminal penalty upon a conviction of these sections of South Dakota law.

Note: Distribution of marijuana to a minor is an aggravating circumstance and enhances penalties.



## BHSU Parental Notification of Drug and Alcohol Violations

The Family Educational Rights and Privacy Act (FERPA) permits colleges and universities to inform parents of drug and alcohol policy violations committed by their students. Black Hills State University (BHSU) personnel understand that parents are partners in responding to issues of substance abuse. Thus, it is BHSU policy to notify parents or guardians of their student's alcohol and/or drug policy violation if the student is less than 21 years of age and not emancipated, and the violation occurred as follows:

1. Parental notification may occur when it is determined the student has committed a second violation of the South Dakota Board of Regents (BOR) Alcohol/Drug Policy, that the violation resulted in at minimum an imposition of disciplinary probation and that the violation was (a) committed while on property owned or controlled by BHSU or any other BOR institution; or (b) committed during travel sponsored by a department, college, or recognized student organization of BHSU or any other BOR institution; or (c) committed while attending an event sponsored by a BHSU department, college, or recognized student organization or that of any other BOR institution;
2. Violation of the Board of Regents Alcohol/Drug Policy by the student while enrolled at another institution under the control of the BOR shall be considered a violation under this policy.
3. The Dean of Students will determine, in each instance, whether parental notification will be made. In the event the Dean determines parental notification is appropriate, notification of a parent or guardian shall be made in writing and mailed to the home address on record. Students whose parents will be notified consequent to a conduct process may view a template of the notification letter in the office of the Dean of Students.
4. Records of parental notification under this policy will be maintained in the Office of the Dean of Students or as he or she may otherwise designate.
5. In addition to the foregoing, BHSU policy provides for parental notification of drug or alcohol violation or misuse without prior notice to the student in circumstances where action has been or will be taken to protect the safety of the student or other individuals.

## VI. Fire Safety Report

### Spearfish Fire Department

The Spearfish Volunteer Fire Department provides services to Spearfish, Black Hills State University, and area residents for the protection of life and property from fire and natural disasters. They maintain a standard of training which encompasses both a prompt response to emergencies and the safety of citizens. Volunteer firefighters promote community safety through public education and fire safety programs.

### Fire Safety System

Black Hills State University residence halls are protected by fire alarm and smoke detection systems which are monitored 24 hours a day, seven days a week by the Department of Public Safety.

### Fire Safety Training

Fire safety is a shared campus concern. Students are aware of the location of fire safety equipment. Fire evacuation plans and instruction are posted in the residence halls (posted in each residential unit) and copies may be obtained through Student Affairs. Residence hall staff is trained in both fire and medical emergencies. Training incorporates hands-on practical use of fire extinguishers with live fire exercises under the direction of the Spearfish Fire Chief. Fire drills are also conducted to ensure students understand emergency building evacuation procedures. Students must evacuate the building whenever an alarm sounds. If it is safe to do so, staff may enter rooms to ensure residents have evacuated the building. Students who ignore evacuation instruction may be subject to conduct proceedings. Tampering with emergency equipment such as fire extinguishers, fire alarms, or emergency exit signs is prohibited by state law and the University Code of Conduct.

### Fire Safety at the Black Hills State University

The majority of campus Residential Standards of Living Policy addresses matters of health and safety. Accordingly, several pertain to fire safety and the hazards frequently associated with fires. You can find these at [http://www.bhsu.edu/Portals/0/studentlife/student\\_handbook.pdf](http://www.bhsu.edu/Portals/0/studentlife/student_handbook.pdf)

*EXEMPTION FROM POLICY: Any student who wishes to burn a substance for religious purposes must complete and submit a request for exemption from Residence Hall Policy. This form can be obtained at the front desks of the complexes. The student must meet with the hall director and an appropriate religious advisor before burning any substance. Upon completion of the meetings, the advisor will make a recommendation on whether the request should be approved or denied.*

### Safety Inspections

The university may routinely inspect rooms to insure that the preceding safety standards are being followed. Generally, 24 hours notice will be given prior to inspections. Residence hall rooms will be inspected during all closing times (Thanksgiving, semester break and spring break) and as needed for building monitoring during breaks.

### Smoke Free Environment

At BHSU, smoking is not allowed in any building or on campus. Smoking is permitted in Designated areas in the Parking Lots.

# Fire Logs

Fire logs are chronological lists of fires occurring in BHSU residence halls during a calendar year. The logs list the date, time, incident number, general location, nature of incident, cause, number of deaths, number of injuries requiring treatment, and dollar loss.

## Definitions

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Cause of Fire:** The factor or factors that give rise to a fire. The casual factors may be but is not limited to the result of intentional or unintentional action, mechanical failure or act of nature.

**Fire Related Injury:** Any instance in which a person is injured as a result of a fire, including any injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.

**Fire Related Death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue or escaping from dangers of fire, when death occurs within one year of injuries sustained as a result of the fire.



## Black Hills State University Residence Facilities

Residence Hall	Full Sprinkler System	Partial Sprinkler System	Fire Alarm System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/ Placards	Number of Fire Drills per year
Bordeaux	Yes	No	Yes	Yes	Yes	Yes	3
Thomas	No	Yes	Yes	Yes	Yes	Yes	3
Heide	No	Yes	Yes	Yes	Yes	Yes	3
Humbert Hall	No	Yes	Yes	Yes	Yes	Yes	3
Wenona Cook	Yes	No	Yes	Yes	Yes	Yes	3

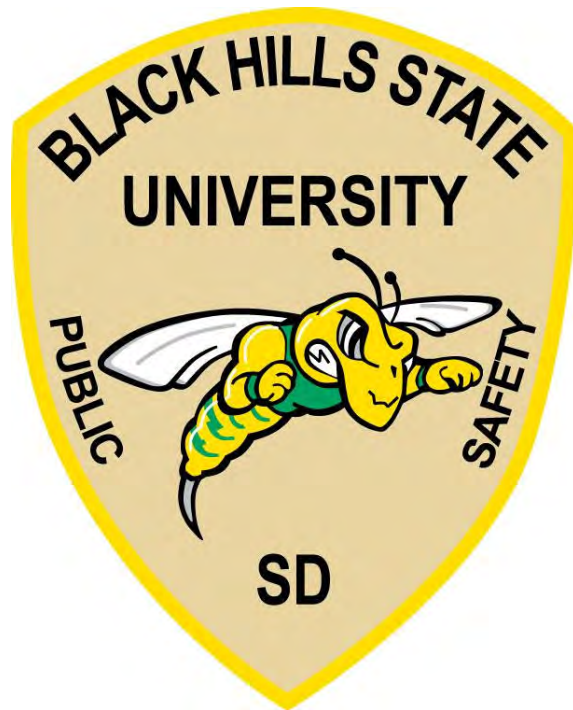
## Fire Log 2019

Residence Hall	Date Occurred	Time Occurred	Incident Number	Nature of Incident	Cause	Number of Deaths	Number of Injuries Requiring	Dollar Loss
Bordeaux	-	-	-	-	-	-	-	-
Thomas	-	-	-	-	-	-	-	-
Heide	-	-	-	-	-	-	-	-
Humbert Hall	-	-	-	-	-	-	-	-
Wenona Cook	-	-	-	-	-	-	-	-

Copies of the fire log can be obtained by contacting the BHSU's Department of Public Safety.

Cause: Listed in accord with the National Fire Incident Reporting System

Nature of Incident: Listed in accord with the Nation Fire Incident Reporting System



BHSU Department of Public Safety

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