

**BLACK HILLS STATE UNIVERSITY**  
**Policy and Procedure Manual**

SUBJECT: Department of Athletics Disciplinary Policy

NUMBER: 8:1

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Office: Office of Athletics

Source: [Student-Athlete Handbook](#)

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1. Purpose

This policy implements and sets forth the process for disciplining student-athletes for infractions related to alcohol, drugs and criminal Offences. It is the belief of the Black Hills State University Athletic Department that student-athletes (SA) must maintain a level of behavior that reflects the guidelines for healthy and safe living. SAs are representing the University 24/7/365 and expected to act in a way of respect not only for themselves, but also for their teams, the athletic department and the University as a whole. It is a privilege to be able to participate in college athletics and with privilege comes responsibility.

2. Definitions

- a. Suspension: The SA may not participate in any team activities during the suspension period. At the head coach's discretion, the SA may attend workouts, practice, competitions, meetings, and other team functions, but may not participate in any of these activities.
- b. Competition: This includes championship and non-championship season contests and is defined as a game or date. Missing a date could result in more than one competition.
- c. BHSU Options Program: This program is based on an educational and harm reduction approach. The intention is to engage students in a self-reflective process, in a non-judgmental environment, where they may notice substance-use behaviors, contemplate whether a change is desired and be given new knowledge to help create a personal plan. The SA will participate in the Options program depending on the level of infraction/offence. Contact BHSU Counseling staff to schedule an appointment at .605-642-6520.

- d. Thompson Diversion Program: The Thompson Diversion Program provides BHSU students with the opportunity to correct a poor decision. Instead of a poor decision affecting their permanent adult record, which can result in negative consequences such as loss of job opportunities or ineligibility for financial aid, this program ensures that students take responsibility for their actions. Through cooperation with their peers, students correct their mistakes by giving back to BHSU and the Spearfish community and by completing activities that ensure education and accountability
  - i. Visit <https://www.bhsu.edu/student-life/student-services/diversion-program> for registration and additional details.

### 3. Procedures

#### a. Reporting

- i. Student-athletes are required to contact their head coach within 24 hours of the infraction. If the SA chooses to appeal, contact must still occur. Failure to do so may result in progression to the next level.
- ii. It is the responsibility of the head coach of each team and/or athletic department staff to notify the Director of Athletics if a student-athlete has been charged with any infraction whether through the state criminal and/or University. If a coach or other staff member demonstrates blatant disregard for this policy, he/she will be subject to disciplinary penalty.
- iii. Every infraction and offence must be reported to the Assistant Athletic Director for compliance and documented according to NCAA, RMAC, and University policy. This documentation will remain on file in the Athletic Department Compliance Office.

### 4. Policy

- a. The Black Hills State University Athletic Department does not tolerate drug use, alcohol consumption, or criminal behavior and has established behavior guidelines for student-athletes at BHSU. Disciplinary action will be taken by the

Athletic Department in response to behavior that is determined to violate these guidelines. Discipline levels have been established and are commensurate with the seriousness of the offence. These include Tobacco Infractions and Level I – Level V Infractions. Below are the specific guidelines regarding these infractions and accompanying disciplinary actions.

- b. Any instance in which a student-athlete violates a team, athletic department, and/or University policy in which alcohol, tobacco, illegal substance and/or a criminal offence is involved, he/she is subject, but not limited to, the disciplinary actions set forth in this policy along with possible legal implications.

- c. Tobacco Infractions

- i. Tobacco use of any kind (including chewing tobacco/Vaping) is prohibited for student-athletes. BHSU also prohibits tobacco use of any kind anywhere within campus buildings, including residence halls. Use of tobacco and snuff will be considered an infraction. The first time will constitute a warning. The second offence will enter the student-athlete in Level 1 1<sup>st</sup> offence.

- 1. Referral for free counseling or replacement products at Health Services and/or SD Quit Line at 1 -866-737- 8487.

2nd Offence:

- 2. Student-athlete enters into Level I Infraction

- d. Level I Infraction

- i. Examples Include: Minor in Possession, Minor in Consumption, 1<sup>st</sup> Positive BHSU Drug test for Marijuana (other street drugs fall under Level III), Using a Fake Identification to purchase alcohol or enter a bar/restaurant for only 21 years or older or any related University Conduct violations, Tobacco Use (after Warning), misdemeanors, and any related University violations.
  - ii. 1st Offence:

1. Mandatory meeting with head coach, Director of Athletics, Compliance and/or SWA
2. Suspension up to one calendar week at the discretion of the head coach and Director of Athletics, this may include competition dates;
3. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics; and
4. BHSU Thompson Diversion Program if applicable
  - a. <https://www.bhsu.edu/student-life/student-services/diversion-program>
5. Alcohol assessment or education sessions may be required if Thompson Diversion Program is not available.

iii. 2nd Offence:

1. Mandatory meeting with Head Coach and Director of Athletics and/or SWA;
2. Suspension for one calendar week;
3. Suspension from one competition or 10% of team's scheduled competitions, whichever is greatest. Mandatory attendance of OPTIONS Program cost of program to be borne by the student-athlete;
  - a. Call BHSU Counseling Staff to Schedule
4. The Head Coach may assess any additionally disciplinary penalty as previously approved by the Director of Athletics.

iv. 3rd Offence:

1. Mandatory meeting with head coach and Director of Athletics, Compliance and/or SWA: Suspension from two competitions or 20% of the team's scheduled competition, whichever is greatest. This is in addition to the 10% missed for the 1st Offence;
2. Mandatory Compass Point Drug and Alcohol prevention, intervention and treatment evaluation. Call 605-642-7093 to schedule an appointment Cost of program to be borne by the SA

3. Reduction or cancellation of athletically related financial aid may follow this termination at the coach's and Director of Athletics discretion.
  4. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics.
- v. 4th Offence:
1. Permanent suspension from participation in athletics at Black Hills State University; and
  2. Revocation of athletically related financial aid will follow this termination.
- e. Level II Infraction
- i. Examples include: DUI, DWI, procuring alcohol for minors or social hosting.
  - ii. 1st Offence:
    1. Mandatory meeting with head coach, Director of Athletics, Compliance and/or SWA;
    2. Suspension from all team activities for one calendar week;
    3. Suspension from one competition or 10% of team's scheduled competitions, whichever is greatest.
    4. Mandatory Compass Point, Drug, Alcohol prevention, intervention, and treatment evaluation for DUI and DWI offenses. Call 605-642-7093 to schedule an appointment Cost of program to be borne by the SA
    5. Options program required for social hosting offenses
  6. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics.
  - iii. 2nd Offence:
    1. Mandatory meeting with head coach and Director of Athletics, Compliance and/or SWA:

2. Suspension from two competitions or 20% of the team's scheduled competition, whichever is greatest. This is in addition to the 10% missed for the 1st Offence;
3. Mandatory Compass Point additional treatment, evaluation, or discretion of counseling staff.
4. Reduction or cancellation of athletically related financial aid may follow this termination at the coach's and Director of Athletics discretion;
5. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics.

iv. 3rd Offence:

1. Permanent suspension from participation in athletics at Black Hills State University; and
2. Revocation of athletically related financial aid will follow this termination.

f. Level III Infraction

- i. Examples include: possession of marijuana, narcotics, or controlled substance; Use of marijuana, narcotics or controlled substance. 2<sup>nd</sup> positive test for Marijuana is considered a Level III 1<sup>st</sup> offence.

ii. 1st Offence:

1. Mandatory meeting with head coach, Director of Athletics, compliance and/or SWA;
2. Suspension from two competitions or 20% of the team's scheduled competition, whichever is greatest;
3. Mandatory drug and alcohol evaluation (referral to outsourced provider made by Director BHSU Counseling Center) with the cost to be borne by student-athlete;
4. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics.

iii. 2nd Offence:

1. Permanent suspension from participation in athletics at Black Hills State University; and
2. Revocation of athletically related financial aid will follow this termination.

g. Level IV Infraction

- i. Examples Include: Positive test of NCAA banned substance, anabolic steroid/performance enhancer; and/or missing a scheduled drug test.
- ii. 1st Offence:
  1. Mandatory meeting with head coach, Director of Athletics, compliance and/or SWA;
  2. Permanent suspension from participation in athletics at Black Hills State University for a minimum of one season of competition in all sports if competition has not begun;
  3. If competition has already begun, then student-athlete misses the remainder of the current season and all contests in the next season up to the period of time in which declared eligible during the year;
  4. Mandatory drug and alcohol evaluation (referral to outsourced provider made by director of BHSU Counseling Center) with the cost to be borne by the student-athlete;
  5. Ineligible for a period of 365 calendar days from the positive test result
  6. Re-test upon expiration of the calendar year;
  7. If re-test is positive, then permanent suspension from participation in athletics at Black Hills State University; and
  8. Revocation of athletically related financial aid will follow this termination;
  9. The head coach may assess any additional disciplinary penalty as previously approved by the Director of Athletics.

h. Level V Infractions

- i. Criminal offences such as: dealing drugs and/or other situations of arrest and conviction, examples include: assault, burglary, robbery, sexual

assault, rape, etc. Due to the seriousness of this infraction the compliance committee will review each case.

ii. Any Offence:

1. Mandatory meeting with head coach, Director of Athletics, Compliance, SWA and University officials;
2. Suspension from all team activities for one calendar week; during with time an inquiry, investigation, and notification to BHSU Student Life, BHSU Security and Law Enforcement will occur.
3. Temporary or permanent suspension from participation in athletics at Black Hills State University may occur dependent on investigation, plea, charges, date of trial, and/or court decision;
4. Revocation of athletically related financial aid may follow temporary suspension. Revocation of athletically related financial aid will follow termination.

i. Other Considerations

- i. Once a student is established as an athlete, his/her behavior is monitored before, during and after the season. Off-season suspensions are handled as if they occurred the first day of practice; suspension may begin with the first day of practice. Student-athletes are bound by these policies until eligibility is complete.
- ii. Suspensions will occur with the day most immediately following the infraction or offence. For some student-athletes this may occur in the non-championship segment of the year, in this case the student-athlete would serve the suspension during that portion of the season.
- iii. The progress of violations continues through the completion of eligibility. The infraction is against the Athletic Department and the University, not the sport. The slate is not wiped clean when a student-athlete participates in one sport and then becomes involved in another; in effect, accumulation occurs until athletic eligibility is completed.



- iv. If an infraction and/or offence occurs at or towards the end of one athletic season and the SA competes in another sport that is concurrent with the previous season, the student-athlete will serve or complete the suspension/discipline in the upcoming sport.
- v. Eligibility after suspension will not be reinstated until all sanctions have been completed in full.
- vi. The Director of Athletics has final discretion on the level of infraction and offence for each student-athlete.
- vii. The Director of Athletics reserves the right to alter any penalties based on individual circumstances and upon recommendation of the Compliance Committee.
- viii. Student-athlete has the right to appeal decisions at any Level of Infraction. The appeal process is outlined below:

- 1. BOR 3:4 Student Code of Conduct  
<https://www.sdbor.edu/policy/Documents/3-4.pdf>
- 2. Code of Conduct Appeal Process

#### 5. Responsible Administrator

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

SOURCE: Approved by President Laurie Nichols on 10/21/2021.