

CAMPUS SECURITY AND FIRE SAFETY REPORT: 2022-2023

The South Dakota School of Mines & Technology (South Dakota Mines) is committed to the safety and security of our students and employees. South Dakota Mines Public Safety personnel regularly monitor the campus and work closely with the Rapid City Police Department in enforcing community, state, and federal laws, in addition to providing education and prevention programs. Public Safety is comprised of two full-time state certified law enforcement officers, two full-time safety officers, and additional student safety officers. The Public Safety phone line (605-394-6100) is monitored 24 hours a day and available to report all concerns. Dial 911 in the event of an emergency.

CAMPUS CRIME STATISTICS & THE CLERY ACT

ANNUAL CRIME REPORT

Statistics are gathered from crime reports generated by the Rapid City Police Department and campus agencies (Public Safety and Community Standards) as required in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (*Clery Act*). Each year, the University emails all campus community members the Campus Security and Fire Safety Report and informs them they may also review information on the Community Standards website: www.sdsmt.edu/communitystandards. Copies may also be requested at Community Standards, Public Safety, Human Resources, Admissions, or the Dean of Students Office. Additional information is also available through the Department of Education at <https://ope.ed.gov/campusafety>. **To review South Dakota Mines Crime Statistics, please see the 2021 Crime Statistics in Appendix B.**

TIMELY WARNINGS

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

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

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

CRIME LOG

A crime log is kept and maintained by the South Dakota Mines Public Safety Office.

PUBLIC SAFETY AND LOCAL LAW ENFORCEMENT

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

The South Dakota Mines Emergency Management Team will, without delay and considering the safety of the community, decide the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of the responsible authorities, compromise efforts to aid the victim or to contain, respond to, or otherwise mitigate the emergency.

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

CAMPUS ALERT REGISTRATION INFORMATION

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

1. Registration e-mails are sent out periodically from Campus Alert.
2. You are encouraged to take part by supplying personal contact information but must at least leave your campus e-mail information in the system.
3. Registration directions can be found at <http://emergency.sdsmt.edu> or e-mail campusalert@sdbor.edu.
4. If you have already registered, but need to update your information, go to <https://campusalert.sdbor.edu/?univ=sdsmt>.

REPORTING CRIMINAL CONDUCT OR STUDENT CONDUCT CONCERNS

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

Student conduct concerns should be reported to the Community Standards Office at 605-394-2348 or online through the Advocate Online Report: <http://www.sdsmt.edu/communitystandards>. Voluntary online reports can be submitted anonymously and privately. Online reports may be reported on a voluntary, confidential basis for inclusion in annual reporting though the limited information may limit the response of University officials.

SAFETY SERVICES, PROGRAMS, AND CRIME PREVENTION

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

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

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

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

CAMPUS FACILITY SECURITY

NON-RESIDENTIAL BUILDING SAFETY & BUILDING ACCESS

Public Safety completes scheduled building lockups daily to ensure building security. Buildings are monitored by trained staff, building managers, while buildings are unlocked. All buildings have safety information posted, including emergency information, the location of AED devices, and fire safety information. A night safety walk or comparable event is scheduled annually to ensure the overall safety of the campus. In addition, Facilities Services monitors facilities and grounds to ensure a safe environment.

RESIDENCE LIFE SAFETY & BUILDING ACCESS

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

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

ALCOHOL AND DRUG POLICY

South Dakota Board of Regents (SDBOR) Policy Manual (Updated June 2021), 3:4, Student Code of Conduct prohibits the following:

2.7. USE AND MISUSE OF SUBSTANCES

- 2.7.1. The unauthorized manufacture, sale, possession, use, or consumption of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances by students.
- 2.7.2. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the Board of Regents when:
 - 2.7.2.1. Needed in conjunction with approved research activities.
 - 2.7.2.2. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional Students who are at least twenty-one (21) years of age.
 - 2.7.2.3. Alcohol is possessed, used, or distributed in a lawful manner on premises controlled by the Board of Regents that have been designated by the Institution's president as places where such possession, use, and distribution may be permitted, subject to such conditions as the Institution's president may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the Board of Regents; or
 - 2.7.2.4. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances. For purposes of this section, a prescription does not include a written certification for use of medical marijuana, pursuant to SDCL 3420G-1(23). Students who use medical marijuana pursuant to a validly issued written certification when not on property controlled by the Board may subsequently report to class or participate in activities as long as such use does not cause impairment or disrupt academic or campus activities.
 - 2.7.2.5. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a Board Policy.
- 2.7.3. The unauthorized possession of any drug paraphernalia.

2.10. CONDUCT BY ORGANIZATIONS

- 2.10.2. The privileges of official recognition by an institution may be extended to organizations, including those that maintain residences for their members, only if such organizations agree to adopt and to enforce policies that, at minimum:
 - 2.10.2.1. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21 (or the legal age of use and possession in the applicable jurisdiction);

- 2.10.2.2. Prohibit the manufacture, possession, use, or dispensing of marijuana (including cannabis used or possessed for medical purposes) or unauthorized controlled substances at organizational functions or in the organizational residence;
- 2.10.2.3. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana (including cannabis used or possessed for medical purposes), or controlled substances;
- 2.10.2.4. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana (including cannabis used or possessed for medical purposes), or controlled substances;
- 2.10.2.5. Prohibit the possession, use, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances on premises controlled by the Board of Regents, except as explicitly permitted by Section C.2.6.2 (sic) of this Student Code;
- 2.10.2.6. Establish conduct policies and sanctions regarding violations by individual members no less stringent than those set forth under Board Policies, except that limited use of alcoholic beverages is permissible as set out above; and
- 2.10.2.7. Require that a report be filed with the Senior Student Affairs Officer each semester identifying all actions taken pursuant to the student conduct policies required in this Student Code;

COMMITMENT TO PROVIDING A DRUG FREE ENVIRONMENT

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

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

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

Suspected presence or usage of marijuana or other controlled substances within South Dakota Mines managed housing will result in Residence Life staff contacting local law enforcement.

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

ALCOHOL AND SUBSTANCE ABUSE CONSEQUENCES

LEGAL RISKS

The unlawful use of alcohol, marijuana, or controlled substances exposes students and employees to criminal prosecution by local, state, or

federal authorities. Immediate penalties may range from fines to loss of driving privileges and jail time. In addition, criminal proceedings and criminal sanctions interrupt normal educational or employment activities and may result in individuals being required to withdraw from the university or a termination of employment. A criminal record is permanent and available in background checks. The existence of a criminal record may affect future employment, scholarship opportunities, student financial aid, certification or licensure requirements, or opportunities to serve the community.

HEALTH RISKS

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

DRUG AND ALCOHOL EDUCATION AND PREVENTION SERVICES

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

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

Counseling Services and Student Health Services provide screening, information, referrals, and counseling on substance abuse. Each academic year the campus sponsors Health and Wellness events that provide information on local resources and educational materials related to substance abuse.

The Alliance for Substance Abuse Prevention Coalition partners with and provides substance abuse prevention on the South Dakota Mines campus. The coalition offers a wide range of educational services including alcohol, tobacco and other drug-use surveys, social norming information, bystander intervention training, wellness activities, counseling and referral, and alcohol and drug prevention classes such as Choices and Understanding Addiction.

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

MISSING STUDENT POLICY

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

Residence Life staff, or designee, will initially attempt to contact the student via e-mail or phone. If no contact is made, a Professional Staff Member (Director or Area Coordinator) accompanied by a second staff member will check the student's room to see if he or she is in his or her room or if visible personal property might indicate if the student has taken an extended trip or other planned absence from the residence hall.

Upon confirming the student is not present and has not been seen, staff will notify the Dean of Students, who will then follow South Dakota Board of Regents Policy 3:21: *Notification of Law Enforcement and Appropriate Persons that a Student is Missing* for students believed to be missing. The Dean of Students will refer the missing student information within 24 hours or less to the Rapid City Police Department (RCPD) upon confirmation that the student is missing. The emergency contact or parent, if applicable, will be notified within 24 hours or less that the student is confirmed to be missing.

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

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

SEX OFFENDER REGISTRY

A list of Registered Sex Offenders in Pennington County, South Dakota, is accessible by contacting the Rapid City Police Department at 605-394-4134 or online at <https://sor.sd.gov/>

SEXUAL MISCONDUCT & SEXUAL ASSAULT EDUCATIONAL PROGRAMS AND EFFORTS

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

- New Student Orientation programming;
- Online education for all students, faculty, and staff;
- Educational programming and training with targeted student populations;
- Educational programming throughout the academic year;
- Training for Residence Life Senior Staff and Resident Advisors; and
- Poster Campaigns

SEXUAL MISCONDUCT & SEXUAL ASSAULT POLICIES AND PROCEDURES

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

Any student, employee or other person participating in institutional activities or using institutional facilities who engages in conduct that would constitute dating violence, domestic violence, sexual assault or stalking, in circumstances that implicate the person's fitness to study, work, participate in the functions or use the facilities at the institution may be expelled, terminated, denied further participation in institutional programs or use of institutional facilities, or otherwise disciplined, upon notice and opportunity to be heard.

DEFINITIONS

South Dakota Board of Regents Policies 1.17, 1.17.1 and 3.4 define dating violence, domestic violence, sexual assault, stalking, and consent. These definitions align with South Dakota criminal law.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2) For the purposes of this definition,
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence means

- 1) a felony or misdemeanor crime of violence committed
 - a) By a current or former spouse or intimate partner of the victim.
 - b) By a person with whom the victim shares a child in common.
 - c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
 - d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For purposes of this section violent crimes are determined under the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program, which classifies four offenses involving force or threat of force as violent crimes: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault, as set forth in 34 C.F.R. part 668 Appendix A to Subpart D of Part 668—Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program:
 - a) Murder and Nonnegligent Manslaughter means the willful (nonnegligent) killing of one human being by another.

- b) Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- c) Robbery means the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence or by putting the victim in fear.
- d) Aggravated Assault means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Sexual assault means any offense that constitutes rape, fondling, incest, or statutory rape:

- 1) Rape has the same meaning as given above in § 3(B)(2)(b).
- 2) Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 3) Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by SDCL § 25-1- 6, which provides that: Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.
- 4) Statutory Rape means sexual intercourse with a person who is under the statutory age of sixteen.

Stalking means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a) Fear for the person's safety or the safety of others; or
 - b) Suffer substantial emotional distress.
- 2) For the purposes of this definition:
 - a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Consent may be implied from the facts and circumstances surrounding the commission of an act. Consent will not be found where an act has been done through the use of force, coercion, or threats of immediate and great bodily harm. Submission does not equal consent, and to establish consent, a party charged must utterly negate any element of force, coercion, or threat. Consent, once given, may be retracted. Consent will not be found under any of the following circumstances:

- 1) if the victim is less than thirteen years of age; or

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

REDUCING THE RISK OF SEXUAL ASSAULT

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

- You are not obligated to perform sexual acts as payment or as a favor.
- You have the right to deny alcohol at any time. Alcohol impairs your judgment and lowers your ability to say NO!
- You have the right to say no at any time, for any reason, and to let the offending party know that his/her actions are unwelcome.
- Going to parties with people you trust may help you to avoid dangerous situations and is a great way to ensure that there will be others close by when needed.
- Having your own transportation gives you a degree of power to leave a challenging and potentially high-risk situation. If you travel to a party with a friend, depart together—stay safe.
- If you must walk alone, call for a walking escort. Call Public Safety (**x6100 on campus or at 605-394-6100**).
- Act as a positive bystander when you are out – help your friends, intervene in possibly dangerous situations, and get assistance from those around you.

WHAT TO DO IF YOU HAVE BEEN ASSAULTED

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

REPORTING AND SUPPORT

Victims of any type of sexual harassment including sexual assault, stalking, dating violence or domestic violence have a variety of reporting

mechanisms and support structures available to them in accordance with SDBOR Policies 1:17, 1:17:1, and 3:4. All sexual misconduct reports will be investigated by staff who receive annual training on sexual misconduct and SDBOR investigation policies and procedures.

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

INSTITUTIONAL RESPONSE

Sexual harassment investigations will be conducted according to the South Dakota Board of Regents Policy 1:17. Specifically, the University will follow the below institutional response procedures:

Actual knowledge of sexual harassment in connection with an education program or activity requires a prompt response in a manner that is not clearly unreasonable in light of the known circumstances. South Dakota Mines will treat complainants and respondents equitably by offering supportive measures, with or without the filing of a formal complaint, and when a formal complaint is filed, by following the grievance process outlined in Board of Regents Policy 1:17 prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures.

Supportive measures shall be offered at no cost and will be designed to restore or preserve equal access to the institution's education program or activity without unreasonably burdening the other party, which may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the

complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator will advise the complainant of any counseling or support groups that are available for persons who feel that they have been subjected to discriminatory conduct and any supportive measures to avoid contact with the alleged perpetrator pending the results of the investigation and any related proceedings. The complainant will also be informed of the right to file other applicable administrative or criminal complaints and will not be dissuaded from doing so.

RECEIPT OF A FORMAL COMPLAINT

South Dakota Mines must investigate the allegations in a formal complaint. A formal complaint may be filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegations of sexual harassment.

Within five (5) working days of receiving a formal complaint, the Title IX Coordinator will provide written notice to the parties who are known. Within ten (10) working days of receiving a formal complaint, South Dakota Mines will determine whether the conduct alleged, if taken as true, would constitute sexual harassment, and if the allegations contained in the formal complaint occurred in the institution's education program or activity. The institution shall dismiss the formal complaint if the factual allegations, if taken as true, either fail to constitute sexual harassment or did not occur in the institution's education program or activity.

South Dakota Mines may dismiss the formal complaint or any allegations if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint, the respondent is no longer enrolled or employed by, or otherwise affiliated with, the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Within five (5) working days of dismissing a formal complaint or any allegations, the institution shall send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

INVESTIGATION OF A FORMAL COMPLAINT

South Dakota Mines shall provide equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Prior to completion of the investigative report, the institution will send to each party and the party's advisor, if any, the evidence subject to inspection and review, and the parties must have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

South Dakota Mines will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. An investigative report that fairly summarizes relevant evidence will be provided and, at least ten (10) working days prior to a hearing (if a hearing is required) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

HEARINGS

South Dakota Mines shall provide for a live hearing conducted before a hearing examiner using the contested case proceedings set forth in SDCL Chapter 1-26. Notice shall be provided to both parties at least fifteen (15) days in advance of a live hearing. If a party does not have an advisor present at the live hearing, South Dakota Mines will provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be an attorney.

PETITION FOR ADMINISTRATIVE REVIEW

The complainant and respondent may petition for administrative review of the institution's proposed determination regarding responsibility, and an institution's dismissal of a formal complaint or any allegations by petitioning in writing to Executive Director of the Board of Regents no later than ten (10) working days after notice of the institution's decision is deemed received. Within five (5) working days of receiving a petition for administrative review, the Executive Director, or their designee, shall provide written notice of the petition to the other party. That party will have five (5) working days from the date of the notice to submit a written statement to the Executive Director in support of, or challenging, the outcome.

INFORMAL RESOLUTION

At any point prior to reaching a determination regarding responsibility, South Dakota Mines may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution: provides written notice to both parties, obtains the parties' voluntary consent, and does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

DISCIPLINARY POLICIES AND PROCEDURES

As defined in SDBOR Policy 1:17, 2.1.11, following a determination of responsibility by the University, disciplinary sanctions may be imposed on the Respondent. More than one sanction may be imposed for any single finding of responsibility. Imposition of a sanction may be delayed or suspended on such conditions as the University may prescribe. Disciplinary sanctions may include warnings, probation, loss of privileges, restitution, education/personal development sanctions, residence suspension, residence expulsion, suspension, expulsion, adverse employment action(s), withholding degree(s), and revoking admission and/or degree.

WEAPONS POLICY

Unauthorized possession of firearms, stun guns, tasers, BB guns, switchblade knives, fixed blade knives with a blade length of five (5) inches or greater, or any item is designed or used to injure or harm another person as defined by SDBOR Policy 3:4 Student Code of Conduct 2.3.6 on institutional premises is strictly prohibited. No student or employee shall possess or carry a weapon while on university property, except as authorized in University Policy VII-08.

POLICIES

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

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

PROCEDURES

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

Any employee or student who becomes aware of a violation of this policy is required to immediately notify Public Safety, Residence Life, or Supervisor.

Employees who are bound legally not to release such information are excluded from the notification policy. Violation of this policy may result in immediate termination of employment or expulsion.

EXCEPTIONS TO THE POLICY

If it is necessary to bring a weapon not delineated in this policy on campus, approval from Public Safety or designee must be obtained prior to bringing said weapon on campus.

If approved, the supervisor of the person having the weapon on campus must follow the activities from start to finish.

Public Safety or designee will provide the information and plan for storage/use to the Dean of Students, Residence Life official, and Facilities, Risk, & Services official for informational purposes only.

SMOKE, VAPOR, AND TOBACCO-FREE CAMPUS POLICY

In order to protect and promote the health and comfort of college students, employees and visitors, smoking, vaping, and tobacco use of any kind is prohibited on the entire interior of the campus including campus buildings, residence halls, grounds and parking lots. Smoking, vaping, and

tobacco use is allowed in personal vehicles in designated parking lots on the perimeter of campus. No sale or give away of smoking, vaping, or tobacco products is allowed on campus. Smoking, vaping, and tobacco use is also prohibited in and around all facilities managed by the university.

More information is available online through the South Dakota Mines Policy Manual: <http://www.sdsmt.edu/About/Office-of-the-President/SDSM-T-Policy-Manual/>.

CAMPUS FIRE REPORTING

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

Students and staff should report a fire by immediately calling:

- From campus phone 9-911 followed by calling Public Safety at x6100 or
- From cell phone 911 followed by calling Public Safety at 605-394-6100

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

- Public Safety (x6100 on campus or at 605-394-6100)
- Campus Environmental Health & Safety, 605-394-6020

FIRE DRILL TRAINING AND EVACUATION PROCEDURES

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

PROCEDURES FOR EVACUATION

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

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

FIRE SAFETY EDUCATION

All residence hall personnel receive annual training in fire safety and building evacuations. Resident Advisors are given the responsibility to coordinate the evacuation and to account for everyone under their charge at the designated Evacuation Assembly Point (EAP). All first-time

students are required to complete an online fire safety course prior to moving into the residence halls.

RESIDENCE LIFE FIRE SAFETY POLICIES

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

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

1. Smoking: No smoking, vaping, or use of tobacco is allowed on campus including Residence Halls. Hookahs are not allowed in campus housing.
2. Open Flames: Candles, incense, and items that are burned are not allowed in campus housing, except if candle wicks are cut/removed.
3. Portable Electrical Appliances: Toasters, hot plates, and any item with exposed coils are not allowed in campus housing (these items may be used in approved kitchens and apartment kitchens).
4. 3D Printers: 3D printing that used resin are prohibited. Students must follow manufacturer and safety instructions with room ventilation.

DESCRIPTION OF FIRE-SAFETY SYSTEMS IN CAMPUS HOUSING

Building	Smoke Alarm & Fire Extinguishers	Fire Alarm External Monitoring	Sprinkler	Fire Drills
CONNOLLY HALL	Yes	Yes	Yes	1
PALMERTON HALL	Yes	Yes	Yes	1
PETERSON HALL	Yes	Yes	Yes	1
ROCKER SQUARE II	Yes	Yes	Yes	1
ROCKER SQUARE I	Yes	Yes	Yes	1
PLACER HALL	Yes	Yes	Yes	1

FIRE STATISTICS, FIRE LOG & FUTURE IMPROVEMENT PLANS

The 2021 Fire Statistics Annual Report can be found in Appendix A. The reporting is by calendar year and are for periods: Jan. 1, 2019 – Dec. 31, 2019; Jan. 1, 2020 – Dec. 31, 2020; Jan. 1, 2021 – Dec. 31, 2021. For purposes of this report, a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

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

APPENDIX A: SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY ANNUAL FIRE REPORT STATISTICS 2021

CAMPUS SECURITY AND FIRE SAFETY REPORT: 2022-2023

Building	Year	Cause	Number of Fires	Number of Injuries	Number of Deaths	Property Damage
CONNOLLY HALL	2019	NA	0	0	0	\$0
PALMERTON HALL	2019	NA	0	0	0	\$0
PETERSON HALL	2019	NA	0	0	0	\$0
ROCKER SQUARE II	2019	NA	0	0	0	\$0
ROCKER SQUARE I	2019	NA	0	0	0	\$0
PLACER HALL	2019	NA	0	0	0	\$0
CONNOLLY HALL	2020	NA	0	0	0	\$0
PALMERTON HALL	2020	NA	0	0	0	\$0
PETERSON HALL	2020	NA	0	0	0	\$0
ROCKER SQUARE II	2020	NA	0	0	0	\$0
ROCKER SQUARE I	2020	NA	0	0	0	\$0
PLACER HALL	2020	NA	0	0	0	\$0
CONNOLLY HALL	2021	NA	0	0	0	\$0
PALMERTON HALL	2021	NA	1	0	0	\$0
PETERSON HALL	2021	NA	0	0	0	\$0
ROCKER SQUARE II	2021	NA	0	0	0	\$0
ROCKER SQUARE I	2021	NA	0	0	0	\$0
PLACER HALL	2021	NA	0	0	0	\$0

APPENDIX B: SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY ANNUAL CRIME REPORT STATISTICS 2021

The South Dakota School of Mines & Technology is committed to the safety and security of our students and employees. The reported statistics are gathered from crime reports generated by the Rapid City Police Department and campus agencies (Public Safety and Community Standards) as required in the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (*Clery Act*). The reporting is by calendar year and are for periods: Jan. 1, 2019 – Dec. 31, 2019; Jan. 1, 2020 – Dec. 31, 2020; Jan. 1, 2021 – Dec. 31, 2021.

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

CAMPUS SECURITY AND FIRE SAFETY REPORT: 2022-2023

campus research facility). *Public property*: defined as locations immediately adjacent to campus including public sidewalks and streets.

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

No unfounded crimes were reported in calendar years 2019-2021.

Crimes Reported to Campus Administration or Rapid City Police	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
MURDER & NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES												
RAPE	1	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	1	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	2	0	0
BURGLARY	4	1	3	1	0	2	0	0	1	0	0	0
MOTOR VEHICLE THEFT	2	0	1	0	0	1	0	0	1	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
STALKING	0	1	1	0	1	0	0	0	0	1	0	0
Arrests and Referrals	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
ARRESTS: LIQUOR LAW VIOLATIONS	0	0	1	0	0	0	0	0	0	0	0	0
DISCIPLINE REFERRAL: LIQUOR LAW VIOLATIONS	27	28	15	27	27	15	2	0	0	0	0	0

CAMPUS SECURITY AND FIRE SAFETY REPORT: 2022-2023

ARRESTS: DRUG LAW VIOLATIONS	2	2	1	0	0	0	0	0	0	0	0	0
DISCIPLINE REFERRALS: DRUG LAW VIOLATIONS	2	1	2	2	1	2	0	0	0	1	0	0
ARRESTS: WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINE REFERRAL: WEAPONS LAW VIOLATIONS	0	0	0	0	0	0	0	0	0	0	0	0
All Hate Crimes	On Campus			Residential Facilities - included in On Campus			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
MURDER & NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSES												
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
THEFT	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	1	0	0	0	0	0	0	0	0	0
DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	0	0	0	0	0	0	0	0	0	1	0	0