



2015



## CAMPUS SAFETY AND CRIME REPORT

PREPARED BY SECURITY OFFICER: MICHAEL J. LAJEUNESSE

CAMPUS SAFETY AND SECURITY DEPARTMENT

9299 HIGHWAY 24 FORT YATES, NORTH DAKOTA 58538

# CAMPUS SAFETY AND CRIME REPORT

## MISSION STATEMENT

Guided by Lakota/Dakota culture, values, and language, Sitting Bull College is committed to building intellectual capital through academic, career and technical education, and promoting economic and social development.

## SCHOOL VISION

Let Us put our minds together and see what life we can make for our children.

Wakhanyeza kin lena epi cha taku wasteste iwichunkiciyukcanpi kte.

## STUDENT INSTITUTIONAL OUTCOMES

1. Students will display technical and critical thinking skills effective oral and written communication.
2. Students will display leadership skills that promote ethical, responsible, dependable, and respectful behavior.
3. Students will develop work ethics and skills to function independently and cooperatively within a diverse work environment.
4. Students demonstrate knowledge of past, present, and future Native American cultures.

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## INTRODUCTION

In accordance with the Higher Education Act of 1965, §485(f) (20 U.S.C. 1092(f)), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" this document provides the policies and procedures that Sitting Bull College (SBC) has implemented for the safety and security of the campus community. This disclosure is a combined annual campus crime awareness/security report for the past three years.

On or before October 1st of every year, each member of the campus community is sent a notice of availability of institutional information, reports, and financial aid by electronic mail along with a brief description of its contents as follows:

“In compliance with Code of Federal Regulations 668.46 and the federal Higher Education Act of 1965, as amended by the Higher Education Opportunity Act of 2008 (HEOA), Sitting Bull College is providing the required disclosures for the 2015-2016 academic year. The following reports contain both general and specific information related to attending Sitting Bull College as well as drug/alcohol policies, campus crime and Violence Against Women Reauthorization Act of 2013 (VAWA) which contain statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Sitting Bull College; and on public property within, or immediately adjacent to and accessible from, the campus. Additionally, the reports contain institutional policies concerning campus security, such as policies concerning sexual assault, drug/alcohol violations, conduct, and other matters. Please find the Consumer Information Guide, College Catalog, Campus Crime Awareness/Security Report and Fire Safety Report, and the Drug and Alcohol Prevention Program at [www.sintegleska.edu](http://www.sintegleska.edu). For a printed version of each report please visit Sitting Bull College Main Campus Student Services Center, Mobridge Site, Mobridge, SD and McLaughlin Site, McLaughlin, SD. This document is designed to be an annual document and a notice will be sent out to inform prospective, new and returning students and employees of the annual publication. However, updates may be necessary due to the changing of State, Tribal and Federal laws, or changes to Sitting Bull College policy. For the most recent publication of this document, please see the Sitting Bull College website: [www.sittingbull.edu](http://www.sittingbull.edu).

## PREPARING THE REPORT

The annual disclosure of campus crime statistics is made possible through a partnership between the administration of Sitting Bull College, SBC Security Department, Sitting Bull College Clery/VAWA compliance officer and with data provided by the Standing Rock Sioux BIA Law Enforcement Department. Each entity provides updated information on their educational efforts and programs to comply with the Jeanne Clery Act and other federal and tribal law. There is no policy for a voluntary confidential reporting system for annual crime statistics; all reports are investigated by law enforcement agencies. The following is a list of titles of each person or organization reports should be made to for the purpose of making timely warnings and the annual statistical disclosure:

- President: Dr. Laurel Vermillion
- Vice President of Operations: Dr. Koreen Ressler

- Dean of Academics: Dr. Sharon Marcotte
- Security Department: Security Officer Michael J. LaJeunesse
- Standing Rock Sioux Tribe BIA Law Enforcement
- McLaughlin and Mobridge Site Coordinators

## REPORTING CRIMES

Accurate and prompt reporting of Crimes Sitting Bull College encourages accurate and prompt reporting of all crimes to campus security and appropriate police agencies, when the victim of such crime elects or is unable to make such a report. Victims, witnesses or any other members of the campus community have a duty to report incidents immediately to campus security officers. Criminal actions or other emergencies should be immediately reported to Standing Rock Sioux Tribe BIA Law Enforcement by dialing 701-854-7241 or reporting in person to a law enforcement officer. All criminal reports are investigated by the Standing Rock Sioux Tribe BIA Law Enforcement Department. There is no voluntary confidential reporting system available, and no report is held in confidence. To report criminal actions or emergencies to the appropriate Sitting Bull College Administrator call 701-854-8001, or the SBC Security at 701-854-8010 for assistance or information. Employees shall contact their immediate or nearest ranking supervisor to report any incident and will also report any criminal action to Standing Rock Sioux Tribe BIA Law Enforcement. Employees must also notify Dr. Koreen Ressler, Vice President of Operations of the situation; describe the person(s) involved and the location. Campus Security will notify the appropriate individuals with respect to necessary action. Logs kept pursuant to these policies are kept for public inspection in Michael LaJeunesse's office (Student Support Center; Fort Yates, ND Main Campus). A printed copy will be made available upon oral or written request. New information about an entry into a log that becomes available to security shall be recorded in the log not later than two (2) business days after the information becomes available. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

## TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that, in the judgment of law enforcement or the College, constitutes an ongoing or continuing threat and/or a Clery Act reportable crime, a campus wide "timely warning" will be issued. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The warning will be issued through the student information system to students, faculty, and staff emails; "knock and talk" notification to classrooms. Printed copies of the notice may also be posted at conspicuous locations through the campus as the situation permits. This process will be used for notifying the campus community of both Clery Act reportable crimes and other emergencies as described in the "Emergency Notification" section of this Annual Report.

## SAFETY OF AND ACCESS TO CAMPUS FACILITIES

During business hours (8:00 am to 4:30 pm), the College will be open to students, parents, employees, and the general public. During non-business hours, the campus is closed and access is restricted to all College personnel and their program participants. In the case of periods of extended closing, the college will admit only those with prior approval to all facilities. Some 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 developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. All rear and side access doors leading to the campus are closed and locked during evening hours starting at 8:00 pm. When the school closes for the night, Sitting Bull College Security will inspect the building to see that it is empty and then set the alarms and then lock down the campus. Other individuals present on institutional property at any time without the express permission of the appropriate administrator shall be viewed as trespassing and may as such be subject to a fine and/or arrest.

## CONFIDENTIAL REPORTING OF CRIMES TO COUNSELORS

Sitting Bull College does have Counselors on its campus. There are no procedures that encourage professional Counselors to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics, as each report is investigated by law enforcement officials. Additionally, Sitting Bull College does not have procedures that encourage Counselors to inform persons they are counseling about procedures for confidential crime reporting.

## ENFORCEMENT AUTHORITY OF STANDING ROCK SIOUX TRIBE BIA LAW ENFORCEMENT AND CAMPUS PERSONNEL

Sitting Bull College has their own campus security department to enforce campus policies, protect campus students, staff, faculty and facilities, and inform law enforcement of criminal violations. Campus Security is vested with the authority to investigate, detain and apprehend persons believed to be in violation of the law. Sitting Bull College's Security Officer has no authority to arrest however; security may apprehend and detain individuals while conducting an investigation of any violation on campus. Sitting Bull College utilizes the Standing Rock Sioux Tribe's BIA Law Enforcement as its law enforcement agency, which has authority to arrest perpetrators and investigate criminal activity. Each BIA Law Enforcement Officer is duly sworn and commissioned in accordance with the Standing Rock Sioux Tribe BIA Law Enforcement Code and peace officer training standards and may enforce The Standing Rock Sioux Tribe Law and Order Code, criminal laws and the rules and regulations of Sitting Bull College. Additionally, all BIA Law Enforcement Officers have powers of arrest over Standing Rock Sioux tribal members throughout all of Sioux and Corson County and any other place in which the College owns, leases, controls or otherwise holds property. Sitting Bull College administrators are required in the event of a crime or emergency to call Standing Rock Sioux Tribe BIA Law Enforcement 701-854-7241. The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.

## INFORMATION AND PROGRAMS AT SITTING BULL COLLEGE

Sitting Bull College does not offer a formal crime awareness and prevention program to students and staff, but does sponsor crime awareness and prevention information throughout the academic year with scheduled events. Students are encouraged to exercise proper care in seeing to their personal safety and the safety of others. The following are some crime prevention tips for each individual to protect themselves and others:

- Do not leave personal property in classrooms.
- Report to your instructor or security, any suspicious persons.
- Always try to walk in groups outside the school premises.
- If you are waiting for a ride, wait within sight of other people.
- Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room.
- Be aware of the security of the Sitting Bull College Campus by reading the “Crime Awareness and Campus Security Report” which is available upon request to students, employees (staff and faculty) and prospective students and is published on the SBC Website at: [www.sittingbull.edu](http://www.sittingbull.edu).
- Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, the safety of an individual, cause a suspect to flee/evade detection, or result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request. Incidents shall be recorded with Michael LaJeunesse at 701-854-8010. To file an incident report contact Sitting Bull College Campus Security at 701-854-8010 or at 701-455-3272. Incident reports will include the date, time, location, incident reported, and disposition of incident and the name of the person who took the report. Incident Report forms are available from the Security Department on the Main Campus, the Personnel Office and from Michael LaJeunesse on the Fort Yates Campus or may be obtained and completed on the SBC Website at: [sittingbull.edu](http://sittingbull.edu). Except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, reports are open to public inspection within two business days of the initial report being made to a campus security authority.

## STUDENT ORGANIZATIONS OFF-CAMPUS

Sitting Bull College does not have student organizations with off-campus locations, therefore there is no policy regarding monitoring and recording through local police criminal activity in which students engaged at off-campus locations of student organizations.

## ALCOHOL AND DRUG POLICY

Sitting Bull College agrees with the concepts of a drug free work place as defined by the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. In compliance with federal regulations, the institution will adhere to the following:

1. It is a policy of Sitting Bull College that it is prohibited for a student to engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance at SBC. The policy is in compliance with the following Tribal Code: Section 4-801. If an employee of the College believes a student is intoxicated or involved in any of the above mentioned dealings with alcohol/other drugs, the following steps will be taken:
  - a. Campus Security will be notified of the situation in which he or she will respond. Once contact is made with the individual, the student may be asked to submit to a Preliminary Breath Test (PBT). Depending on the seriousness of the situation, the student will be escorted off the SBC property. BIA Law Enforcement will be contacted, and/or referred to the College Counselor. An incident report will be written and turned over to the Vice President of Operations for further action.
  - b. If this situation occurs a second time with the same student during the academic term, the student will be placed on disciplinary dismissal until treatment or counseling or both are received. Upon applying for reentry into the College, the student must provide verification of treatment to the Vice President of Operations. Students will be referred to Chemical Prevention for assessment.
2. The purpose of this policy is not to be punitive, but to ensure this institution is not enabling a student's abusive use of chemicals. In an effort to maintain a drug-free school, the institution does provide a drug-free awareness program that consists of, but is not limited to the following:
  - a. During registration, students will receive pamphlets regarding counseling services available within the area for addiction problems.
  - b. Information bulletin board maintained with updates and free materials for students and staff.
  - c. The library maintains and updates drug-related materials.
  - d. Counseling and referral services will be provided.
  - e. SBC Web site with resource links.

The Sitting Bull College Counselor may make referrals to the Standing Rock Sioux Tribe Chemical Prevention Program for students who have drug or alcohol problems.

## DRUG OR ALCOHOL-ABUSE EDUCATION PROGRAMS

A description of drug or alcohol-abuse education programs as required under 120(a)-(d) of the Higher Education Act may be obtained through the Sitting Bull College Student Support Office. Sitting Bull College encourages Personal Health and Wellness which provides students with drug, alcohol and tobacco information and prevention strategies. Sitting Bull College does hosts alcohol abuse education programs throughout each semester to inform students about the dangers related to alcohol consumption/abuse. The Sitting Bull College Drug and Alcohol Policy is printed in the Sitting Bull College Bulletin. Definition of a Controlled Substance: Any drugs in conflict with the Indian Religious Freedom Act are exempt from this policy. A drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's



prescription is exempt if the student/staff has a valid prescription. The basis for control and regulation is the danger of addiction, abuse, physical and mental harm (including death), the trafficking by illegal means, and the dangers from actions of those who have used the substances. [www.legaldictionary.com](http://www.legaldictionary.com)

## REGISTERED SEX OFFENDER POLICY

To increase the safety and welfare of the students, faculty, and staff of Sitting Bull College, no convicted or registered sex offenders will be allowed to enroll in any SBC courses or allowed on any SBC property or at any SBC sponsored event. A hard copy of the Registered Sex Offenders located on the Standing Rock Sioux Reservation will be kept at the receptionist desk of each SBC building to be used as a reference guide and identification.

If a Registered Sex Offender is identified, Campus Security is to be notified @ 701-854-8010 so the situation can be dealt with immediately.

For more information about current state requirements, please go to:

[www.ndsexoffender.com](http://www.ndsexoffender.com) and [www.sexcriminals.com/megans-law/us/south-dakota/](http://www.sexcriminals.com/megans-law/us/south-dakota/)

## SEXUAL ASSAULT POLICY

Sitting Bull College is a community that encourages students' social and emotional development as well as their intellectual growth. The college will not tolerate sexual assault of any kind. Sexual misconduct is socially irresponsible and violates the rights of other individuals. Nothing that you do, say or wear, gives anyone the right to assault you. Sexual assault is a crime and will be dealt with accordingly.

To assist with this process, an educational program on sexual assault is required during student orientation. This program covers sexual misconduct and substance abuse. Student Services and counseling department will provide informational brochures to help educate students and prevent sexual misconduct.

Sex offenses are considered reported when a complaint is filed with Campus Security and/or officials of the College who have responsibility for student and campus activities. Incidents that occur on or off campus and are reported to Campus Security and/or Law Enforcement officials may result in disciplinary action pursuant to the Student Code of Conduct. False reporting of a sexual assault will result in disciplinary action being taken against the Complainant.

### **Defining Sexual Assault:**

Sexual assault, including rape, is defined as sexual contact without consent and includes, but not limited to, intentional touching, either of the victim or when the victim is forced to touch another person's genitals, breasts, thighs, or buttocks; rape (sexual intercourse without consent whether by an acquaintance or stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or penetration with an object without consent. Sexual offenses are further defined in the Standing Rock Criminal Code, Chapter 4 (4-508, 4-510, 4-515).

### **Consent or Lack of Consent:**

One of the most critical issues regarding sexual assault is consent. Sexual activity should not take place unless both parties have freely given consent, and consent is understood by both parties. Sexual assault frequently occurs when one party refuses to take “no” as an answer to sexual advances. A verbal “no”, no matter how indecisive or insincere it may sound, constitutes a lack of consent. Resistance, no matter how passive, also constitutes a lack of consent.

Silence does not mean consent. For instance, an individual who has lost consciousness while under the influence of alcohol or drugs does not have the ability to give consent, even if that person does not explicitly say “no”. Similarly, someone who is physically or mentally incapacitated may not be able to object to sexual advances. Consent, when it is given, must be given willingly and freely. Consent given under duress (physical or emotional threats) does not constitute freely or willingly given consent.

### **How to protect yourself against Sexual Assault:**

There is no absolute way to protect you against sexual assault, but there are simple common-sense precautions that can help minimize risks. Be aware of your surroundings and don't let alcohol or drugs cloud your judgment. Be assertive and always demonstrate that you are in control.

- Keep your doors and windows locked when you leave your house, apartment, or automobile.
- Don't lend out your keys and don't put your name or address on your key ring.
- Always watch for unwanted visitors; know who is on the other side of the door before you open it.
- Keep out of isolated areas. There is safety in numbers; walk with a companion or with a group at night.

### **Reporting process if you are sexually assaulted:**

Victims of rape or sexual assault are encouraged to contact Campus Security and/or BIA Law Enforcement. Upon request, a victim will be assisted in making any necessary contacts by Campus Security and Student Services. There are two options for the victim in the reporting process, informal and formal.

#### **Informal Reports**

The student may choose not to file criminal charges or seek sanctions through the College Student Code of Conduct and disciplinary action; however, the College does encourage the student to seek support through the SBC Counseling Services Department where the student will be assured confidentiality. When there is the potential for danger to other members of the community, confidentiality may not be guaranteed. Incidents occurring off campus may also be reported to the College.

The student may choose the following options:

1. Do nothing.
2. Contact SBC Counseling Services for support and discussion of options.
3. Request an internal investigation for the purpose of College disciplinary action.

## **Formal Procedures**

A formal report of sexual assault will automatically create a record of the incident with the Campus Security Department and/or the BIA Police Department, depending on where the incident occurred.

To file a formal report of sexual assault, the student should complete an incident report with Campus Security, **if the incident occurred on campus**; or with the BIA Police Department, **if the incident occurred off campus**. If the incident occurred on campus, Campus Security will assist in filing charges with BIA Law Enforcement.

After the formal report has been made, the student may choose from the following options:

1. File criminal charges through the BIA Police Department with the assistance from Campus Security. The College reserves the right to pursue College disciplinary action, even if this is not requested by the student filing the report.
2. File criminal charges through BIA Law enforcement with assistance from Campus Security, and pursue College disciplinary action through the Vice President of Operations.
3. File a complaint with Campus Security and not pursue criminal charges, and pursue College disciplinary action with the Vice President of Operations.

It is important to obtain immediate medical attention following the sexual assault, both to provide for the victim's well-being and to document and collect physical evidence of the assault.

If requested, options for and assistance with changing academic and/or campus living arrangements will be provided by the College, if these changes are reasonably available.

## **Disciplinary Process:**

All students at the Sitting Bull College are required to adhere to the Student Code of Conduct. Students found responsible for these violations will be subject to sanctions that include removal from housing, restrictions from activities, disciplinary probation, suspension, or expulsion. Students accused of sexual assault may be subject to disciplinary proceedings conducted by the Vice President of Operations.

When a request is made to bring formal charges against the accused person, the complainant will be required to write a statement describing the events that transpired and be interviewed by Campus Security and the Vice President of Operations. Campus Security will coordinate with BIA Law Enforcement in order to minimize the number of interviews. Both the accused and the complainant may have an advocate with them during all proceedings through the College disciplinary process, and both the complainant and the accused will be informed of the outcome.

## CAMPUS VIOLENCE POLICY

### I. Purpose of the policy

The Sitting Bull College is committed to providing a safe learning, living and working environment for its students, faculty, staff and visitors. In this regard, SBC will take reasonable action to provide an environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior.

### II. Policy Statement

SBC will not tolerate violence, threats, harassment, intimidation and other disruptive behavior on its campus by students or visitors. Such behavior may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or intimidation. Individuals who commit such acts may be subject to sanctions including, but not limited to, removal from the premises; exclusion from the premises; criminal prosecution; corrective and/or disciplinary action; suspension or expulsion.

### III. Definitions

#### *STALKING*

Stalking is a more severe form of harassment which is being more commonly reported. It involves pestering an individual, either in person or in writing or electronic formats or on the telephone. Stalking can also involve following an individual or spying on them, alarming the recipient or causing them distress and may involve violence or fear of violence.

#### *PHYSICAL ASSAULT*

Physical assault of any kind is a criminal offense. An assault is an act of violence against your person causing bodily harm. This includes the fear or threat of a violent act against your person.

### IV. Procedures

In order to implement this policy and maintain a safe campus environment, SBC urges individuals who experience or witness violent behavior on campus to report it immediately to Campus Security.

- **Assaults or threats of physical harm that require immediate police attention, should contact BIA Law Enforcement by dialing 911 and Campus Security as soon as possible.**
- Campus Security is available to help persons assess the severity of the circumstances and the need for police involvement. Campus Security should be contacted regarding any situation that causes concern about personal safety or well-being.

Reports of any incident will be taken seriously by the Campus Security Department and dealt with appropriately. Information regarding incidents of violent conduct and threats of violence will be investigated, and if warranted, criminal charges will be levied or disciplinary action will be taken in accordance with applicable procedures.

Students of SBC who receive threats of bodily harm or who are targets of harassing or stalking behavior are urged to contact Campus Security and to make use of services offered by Student Counseling.

Every effort will be made to respect the privacy of all individuals involved in these matters. However, the necessity to protect public safety may require the disclosure of otherwise confidential information.

In some cases, reported behaviors may not constitute violations of criminal law which require police action, but may be violations of SBC policy. Any student accused of these violent acts will be referred to the Vice President of Operations for disciplinary action accompanied by a detailed report of the incident.

## HARASSMENT

Harassment comes in many forms, some of which are listed below:

### **BULLYING**

A complex phenomenon of unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an unpredictable and irrational abuse of power or position that can manifest itself in physical, verbal or non-verbal forms. There is usually an element of vindictiveness attached to bullying and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean the recipient.

### **SEXUAL HARASSMENT**

Unwanted behavior of a sexual nature. It includes unwanted attention of a sexual nature that denigrates or ridicules or is intimidating. This may be physical, ranging from unwanted touching, groping or the invasion of personal space to sexual assault, rape or indecent exposure. Sexual harassment can be verbal and may include unwanted personal comments or sexual slurs, belittling, suggestive, lewd or abusive remarks, explicit 'jokes' or innuendo, and compromising invitations, including demands for sexual favors. Examples of non-verbal sexual harassment include: suggestive looks, leering, explicit gestures, sending sexually explicit emails or the display of pornographic material on College equipment or premises. Most commonly, the reported incidents refer to the sexual harassment of women by men, although there are reports of women sexually harassing men and of same sex sexual harassment.

### **RACIAL HARASSMENT**

Unwanted behavior based on race, ethnic or national origin. It includes written or verbal threats or insults based on race, ethnicity or skin color, abusive comments about racial origins, ridicule based on cultural grounds, derogatory name calling, racist jokes, damage to property, the display of offensive graffiti or insignia and incitement of others to commit any of the above.

### **RELIGIOUS HARASSMENT**

Unwanted behavior based on religious beliefs or practices. This may take many forms including ridiculing items worn for religious reasons, denigrating cultural customs and dismissive treatment of requests for holidays for religious or cultural festivals, or derisory comments against an individual's beliefs. It includes the incitement or persistent pressure through forms of evangelism

and religious propaganda that suggests the answer no is unacceptable to the person trying to spread their ideas on religion or recruiting to their particular group.

### **DISABILITY HARASSMENT**

Unwanted behavior based on disability, impairment or additional need. Such behavior may include comments that are patronizing or objectionable to the recipient or which creates an intimidating, hostile or offensive environment for people with disabilities. Disability harassment includes inappropriate reference to disability, unwelcome discussion of the impact of disability, refusal to work with and exclusion of people with disabilities from social events or meetings.

### **SEXUAL ORIENTATION HARASSMENT**

Unwanted behavior based on known or presumed sexual orientation. Such behavior includes name calling, stereotyping, assault, verbal abuse, actual or threatened unwanted disclosure of sexuality, derogatory comments, excluding same-sex partners from social events or intrusive questioning about a person's domestic circumstances.

### **PROCEDURE**

Any complaint of-harassment should be handled in the following manner:

1. The issue must immediately be taken to Sitting Bull College's Vice President of Operations or counselors for informal discussion with both parties.
2. Any further violation will result in written reprimand and possible suspension of employment or disciplinary dismissal until treatment or counseling or both is received.
3. Termination or expulsion will result should behavior continue.

This policy is designed to protect all employees and students from harassment in any way associated with the college environment, no matter who the harasser is.

*\* Students, Faculty and Staff have the right to appeal (see appeals process)*

## **CAMPUS HOUSING MISSING STUDENT NOTIFICATION POLICY**

This policy outlines the official notification procedures of Sitting Bull College for missing students who reside in on-campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008 (HEOA). The purpose of this policy is to promote the safety and welfare of members of the College Community through compliance with the requirements of the HEOA.

If a member of the college community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Fort Yates Police Department at 701-854-7241, The Housing Director 701-854-8012, and/or the SBC Security Officer at 701-455-3272.

Upon receiving information that a student cannot be located and may be missing, FY Police officers in conjunction with the Housing Director will initiate an investigation which will include the following:

- Conduct a welfare check into the student's unit.
- Call known contacts (parents, guardians, roommates, and friends).
- Contact employers and associates, if known.
- Contact the student's professor to ascertain the student's recent attendance in class.
- If the student has a vehicle, the SBC Security Officer and Housing Director will attempt to locate the vehicle.

If the student cannot be located after reasonable efforts, FY Police will then contact the student's emergency contacts no later than 24 hours after the student has been determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, FY Police will notify the student's parents or legal guardian.

The SBC Security Officer will file a Missing Person's Report with the Fort Yates Police Department to initiate an investigation. This report must be filed in person at the Fort Yates Police Department located in Fort Yates, North Dakota.

## WEAPONS/FIREARMS POLICY

### I. PURPOSE:

The Sitting Bull College Weapons and Firearms Policy is to ensure the safety of the students, faculty, staff, residents, and visitors to the college campus and outreach sites. In an effort to maintain a safe environment, the institution does provide a safety awareness program that consists of, but is not limited to the following:

- a. During orientation, students will receive information regarding maintaining a safe learning environment.
- b. Campus crime statistics will be disclosed to the federal government at <http://ope.ed.gov/security>.
- c. Workshops and information sessions on personal safety and self-defense will be offered every academic year.
- d. Counseling and referral services will be provided, as deemed appropriate or as provided in this Policy.

Sitting Bull College finds and determines that the free and unregulated possession of weapons on the SBC campus would:

1. Create an unreasonable risk to the health, welfare and safety of students, employees and campus visitors and the preservation of property on the SBC campus by careless or malicious use;
2. Create a climate of fear and intimidation that would distract and interfere with the reasoned discourse and cooperation required for productive learning and working environments on SBC campus;
3. Be consistent with the academic mission of SBC.

## **II. POLICY:**

Except as expressly provided below; the possession of firearms, explosive or incendiary devices, or other weapons on the Sitting Bull College campus is prohibited. This prohibition shall extend to all grounds and buildings on the Sitting Bull College campus. This policy shall apply to all students, employees and invitees of SBC and all other visitors to the SBC campus. "Weapons" include, but are not limited to, the following:

1. Firearms of any size or type of construction and ammunition;
2. Gas or air guns, including BB, pellet and paintball guns;
3. Bows and arrows, and cross-bows;
4. Blackjacks, bludgeons, batons, nunchaku, throwing stars, and metallic knuckles;
5. Swords, pikes, lances and spears;
6. Any knife with a blade over 3.5 inches in length, including fishing and hunting knives;
7. Ballistic, gravity and switchblade knives, regardless of the length of the blade;
8. Fireworks, gunpowder, or explosive substances; and
9. Any harmless object designed to look convincingly like a firearm, explosive and incendiary device, or any other weapon.

## **III. EXEMPTIONS:**

This policy shall not apply to;

1. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
2. A member of the Armed Forces of the United States or North Dakota or South Dakota National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A weapon that remains inside a locked motor vehicle while on the Sitting Bull College campus, provided that the weapon is unloaded and is used for the sole purpose of hunting wild game in accordance with hunting regulations. This exception shall not apply to explosive or incendiary devices or explosive substances.
4. A kitchen knife with a blade over 3.5 inches in length which is kept in campus apartments or campus housing homes for the purpose of food preparation.
5. A student, employee or invitee of Sitting Bull College who has a legitimate educational or employment related purpose for the possession of the weapon on the SBC campus. An example of this exception would be the possession of a Bow and Arrow for the purpose of Archery class.

## **IV. PROCEDURE:**

If it is suspected, believed or witnessed that a Sitting Bull College student is in violation of this policy, and is in possession of a weapon, Campus Security needs to be contacted immediately, and under no circumstances should anyone approach this individual.

1. A violation of this Policy by a student is considered a violation of the SBC Code of Conduct, paragraph #9, which states: "Failure to comply with directions of college official acting in performance of their duties." Any student in possession of a weapon or firearm or any incident involving a student in possession of a weapon or firearm in violation of this Policy will be handled by Campus Security until the situation can be neutralized.



2. If Campus Security deems the possession of the weapon is without justification, Campus Security will immediately call the BIA Law Enforcement or Sioux County Sheriff's office. Campus Security will prepare an incident report and submit the report to the Vice President of Operations.
3. The Vice President of Operations will then handle the violation as a violation of the Code of Conduct.
4. If the situation occurs a second time with the same individual during the same academic year, the above procedure will be repeated. However, at this point, the student will be placed on disciplinary dismissal until counseling is received. Upon applying for reentry into the College, the individual must provide verification of counseling and an understanding of the SBC Weapons Policy to the Vice President of Operations.

**Exception:** If the student possessing a weapon is malicious in intent and harms another person or property, the College has the authority to expel the student immediately and permanently.

## REPORTING AN INCIDENT

- A. **Mandatory Reporting:** Supervisors, managers and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and must promptly report it to the Title IX Officer. Failure to do so may result in disciplinary action up to and including termination. All Sitting Bull College employees are considered responsible employees with a duty to report any incident to the Title IX Officer which is Dr. Koreen Ressler.
- B. Confidential reporting resources are available through Michael LaJeunesse at 701-854-8010 or the Vice President of Operations at 701-854-8001: With limited exceptions, every employee must report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy. Where potential complainants wish to remain anonymous, the report may be made in a John/Jane Doe format. Additionally, attorneys, clergy members, licensed counselors or physicians who are engaged in such capacity may keep such reports confidential. All forms of gender discrimination, sexual harassment or sexual misconduct should be reported, no matter the severity.
- C. **Reporting to the BIA Law Enforcement.** Sitting Bull College strongly encourages you to report sexual violence and any other criminal offenses to the BIA Law Enforcement. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, college disciplinary actions and/or civil actions against the perpetrator.
  - If the incident happened on campus, it can be reported to the Standing Rock Sioux Tribe BIA Law Enforcement. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
  - **Reporting for Faculty and Staff (Non-Student) Instances:** Faculty and staff shall report any instances of sexual misconduct by another faculty or staff member to Dr. Koreen Ressler who is the designated Title IX Officer. As

stated above, Sitting Bull College also strongly encourages that you report any instances to BIA Law Enforcement.

- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual misconduct shall immediately report such instance to the Title IX Officer, including the name of the perpetrator.

D. Reporting for Student Instances Students shall report any instances sexual misconduct to the Title IX Officer. A complaint should be filed as soon as possible. If either the victim or the accused are students, the incident will be addressed through the Title IX Hearing process. Additionally, as stated above, Sitting Bull College strongly encourages that you report any instance of gender discrimination, sexual harassment and sexual misconduct to the police.

Sitting Bull College will promptly take necessary steps to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sexual misconduct has occurred. Periodic updates on the status of the investigation will be provided to the victim. If the school determines that the sexual violence occurred, Sitting Bull College will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. Sitting Bull College will provide the complainant with victim advocacy, mental health counseling and academic support services. All cases of sexual violence will be reported to the Standing Rock Sioux Tribe BIA Police for investigation and prosecution.

Investigation: The Title IX Officer will be available to explain to both parties the process and to notify in writing the receipt of a complaint and the actions Sitting Bull College will take. An investigation will be conducted by a Sitting Bull College Title IX official. This investigation will include:

- Meeting personally with the complainant,
- Meeting personally with the accused,
- Meeting personally with any witnesses, and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial.

## INSTITUTIONAL ACTION

A. Mediation may include conflict resolution or a restorative agreement between the parties with the Title IX Officer presiding over the mediation. However, mediation may only be used:

1. Prior to a Notice of Hearing being issued;
2. When the Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
3. When the complaint does not involve sexual violence as defined in the Sexual Misconduct Policy. Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Officer who is the

Vice President of Operations. The procedure is outlined in the Student Bulletin. Statements made during the voluntary resolution process may be introduced before the Hearing. Confidentiality shall still be maintained throughout the mediation process.

- B. Hearing: The Title IX Officer will determine if a discipline hearing is needed, mediation is never appropriate in sexual violence cases. If it is determined that Sitting Bull College will proceed in accordance with their Policies and Procedures as outlined in the Student Bulletin. In the event of a hearing, the complainant and the accused student(s) will be notified in writing of the hearing date, the alleged charges against him/her and a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

### ALL COMPLAINTS REPORTED TO VICE PRESIDENT OF OPERATIONS AND CAMPUS SECURITY

Whether the complaint is one of academic, personal, or sexual misconduct, the procedure is:

1. Notify the Vice President of Operations, Campus Security as soon as possible. This notification of misconduct must be in writing as quickly as prudently possible.
2. It is expected that any emergency or criminal misconduct will be reported to the SBC Security and Standing Rock Sioux Tribe BIA Law Enforcement Department. Student code and offenses affects students/staff status only.
3. Upon receiving a complaint or notice that a student has violated this Code, the Vice President of Operations shall notify the student within five days, in writing, of:
  - The alleged Code violation
  - The opportunity for the student to meet with the Vice President of Operations for purposes of discussing options for disposition of the case.
  - The student's right to representation.
  - The student shall be informed that he/she may be responsible for bearing the cost of representation.
4. Students or student organizations charged with a violation of this Code may have his/her case heard in an informal procedure headed by the Vice President of Operations.
5. The Vice President of Operations will meet with the student or student organization and inform the student(s) of their various rights and options. The Vice President of Operations is empowered to:
  - Make findings of facts and determine whether or not the student(s) violated the Code.
  - Dismiss the case.
  - Refer the student(s) to counseling.
  - Refer the case to the Student Standards, Scholarship and Conduct Committee for a formal hearing.

- Impose any sanction listed in this Code except expulsion, suspension, or negative notation on transcripts.
6. Formal Hearing by the Student Appeals Board and Grievance Committee. The Committee is empowered to:
    - Make findings of facts.
    - Determine whether or not the student(s) have violated the Code.
    - Impose any sanction listed within this Code.
    - A determination of responsibility is made when the preponderance of evidence supports the charge(s).
  7. No appeal shall be allowed unless the student appealing cited specifically to the hearing record (tape and minutes) and states with specificity the grounds under which the appeal shall be allowed.
  8. Contempt. A determination of contempt shall be made by the Vice President of Operations, member of the Board of Trustees, staff member selected by the Vice President of Operations and a faculty member selected by the Vice President of Operations, or a SBC Student Government member which was selected by student alone or summarily. In a case involving a determination of contempt, a written notification of such determination shall be sent by the Vice President of Operations describing the facts that constituted the contempt and the sanction imposed therefore. Individuals so charged with contempt shall have the same right to appeal as is afforded in any other case.

## SANCTIONS

Following a hearing, any one or more of the following may be imposed:

1. No action charges are dismissed.
2. Expulsion
3. Suspension
4. Negative Notation on Transcript
5. Revocation of Degree
6. Disciplinary Probation
7. Restitution
8. Community Service
9. Loss of Privilege
10. Conduct Reprimand
11. Suspended Sanction

## INTERIM RESTRICTIONS

The Vice President of Operations or designee may impose interim sanctions on a student pending a hearing if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury or interference with persons or property. The Vice President of Operations will meet with the student and inform them of the basis of the interim sanction and offer the student an opportunity to explain. The Vice President of Operations may modify or delete the sanctions

or may allow them to stand. A hearing shall be scheduled as soon as possible and no later than 10 days after the interim sanctions are imposed. The student may request a delay.

## VICTIM'S RIGHTS

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing (The advisor is limited to advising the student and may not present the case, or make statements during the proceedings.);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the alleged perpetrator shall be presumed irrelevant. If the accused is found responsible for violating the Sexual Misconduct Policy, the victim may submit an impact statement.
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the victim; additional remedies for the school community;
- Written notification of counseling services, and;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable.

## ACCUSED STUDENT'S RIGHTS

- To be given written notice of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing (the advisor is limited to advising the student and may not present the case, or make statements during the proceedings), and;
- Written notification of the outcome of the hearing including any sanctions.

The hearing will include opening statements, providing evidence and witnesses, and closing statements. Students are permitted to have a person of your choosing (except legal counsel) to accompany him or her throughout the disciplinary hearing as an adviser. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and introduce evidence during the hearing. Witnesses and evidence need to be directly related to the incident.

The standard of proof used in all Sitting Bull College disciplinary cases is preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a

violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

Outcome: When it is determined that sexual misconduct is more likely than not to have occurred, the outcome can include separation from Sitting Bull College. The victim has the right to be informed of the outcome. Both parties will be notified within five business days after the hearing at the same time through a designed delivery system.

Students have the right to appeal the decision reached through the hearing proceedings within two days after receiving the hearing determination. Possible sanctions Sitting Bull College may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking.

Sitting Bull College will implement protective measures following an allegation of dating violence, domestic violence, sexual assault, or stalking;

Appeal Procedures: An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from the College to the student or group charged with the offense. The student or group must show that one or more of the listed grounds for an appeal.

1. Appeals must be submitted in writing to the Title IX Officer within two (2) Sitting Bull College working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
2. The appeal must cite at least one of the following criteria as the reason for appeal and supporting argument(s):
  - a. The original hearing was not conducted in conformity with prescribed procedures.
  - b. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.
  - c. Evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing.
  - d. The sanction was too severe for the violation.
3. A Title IX Appeals Officer will review the record of the original hearing, including documentary evidence. It is the appeals officer’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing officer for review/or reconsideration. If there is new evidence which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or the appeals officer finds that a procedural error did occur, the matter may be remanded to the original hearing officer with instruction for either a rehearing of the entire matter or reconsideration of specific issues.
4. The final decision will be communicated in writing by the Title IX Officer to the appealing student or group, with a copy sent to appropriate offices. The decision will be communicated within ten (10) working/school days of receiving the written recommendation.
5. The decision of the appeals hearing committee shall be final.

## PREVENTION MEASURES

### A. Bystander Intervention

If you witness a policy violation, or behaviors that may lead to a policy violation, there are a variety of things you can do as a bystander:

- Divert the intended victim (e.g. “help me out of here; I don’t feel well”)
- Distract the perpetrator (e.g. “looks like your car is being towed”)
- Confront the perpetrator (e.g. “don’t speak to him/her in that manner; you are going to get yourself into trouble”)

### B. Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a nonconsensual sexual act.

- Make your limits known as early as possible.
- Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends or colleagues and ask that they take care of you.

### C. Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON’T MAKE ASSUMPTIONS** about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you **DO NOT** have consent. Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don’t abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.

- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## RETALIATION

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any Tribal, State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an office of civil rights or school's investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an office of civil rights or school's investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation.

Sitting Bull College will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Sitting Bull College acknowledges that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her associates. Sitting Bull College will take necessary measures to ensure the safety of complainants and witnesses of any form of retaliation, and will also take strong responsive action if it occurs.

## SEXUAL ASSAULT PREVENTION AND RESPONSE

SBC maintains the disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct and through the regulations of the use of its instructional facilities. See section on Student Conduct and Offenses in the College Bulletin.

## TRAINING

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops.

With respect to cases of sexual harassment and sexual misconduct, Sitting Bull College offers services to the victim and may engage in a discussion concerning appropriate interim measures, e.g. class and scheduling adjustments, classroom adjustments, no contact orders, blocking emails, referral to counseling services, or EAP/SAP services.

Informational website and brochures devoted to educating employees are available. In person training prevention workshops may be conducted with respect to cases of sexual harassment and sexual misconduct. Sitting Bull College will offer services to the victim and may engage in a discussion concerning appropriate interim measures, e.g. scheduling adjustments, no contact orders, blocking emails, referral to counseling services, etc. Available Resources to all of the



Sitting Bull College community: Standing Rock Treatment Program (701)854-7649 provides confidential resources off campus.

## FREE SPEECH AND ACADEMIC FREEDOM

Members of the Sitting Bull College community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the College community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws or Sitting Bull College policy.

## AVAILABILITY OF OTHER COMPLAINT PROCEDURES

In addition to seeking criminal charges through local law enforcement, members of the college community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure: Office of Civil Rights: South Dakota (605)773-4771/ North Dakota 701-328-2660; OCR-ND: (312)730-1560; OCR-SD: (816)268-0550. Equal Employment Opportunity Commission-South Dakota: (605)773-3101. EEOC-North Dakota: (701)328-2660

## FBI UNIFORM CRIME REPORTING DEFINITIONS

- Clery Geography: the areas that meet the definitions of “campus,” “non-campus building or property,” or “public property.” For the purposes of maintaining a daily crime log as required under § 668.46(f), Clery Geography would be defined to also include areas within the patrol jurisdiction of the campus police or security department.
- Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program (FBI’s UCR program): a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.
- Murder and Non negligent Manslaughter: As a general rule, any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime.
- Negligent Manslaughter: The killing of another person through gross negligence. This offense does not include “Vehicular Manslaughter” which is reportable as “All Other Offenses”.
- Sex Offenses (from NIBRS): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape (from SRS): 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.
- Fondling (from NIBRS): 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.

- Incest (from NIBRS): Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape (from NIBRS): Non-forcible sexual intercourse with a person who is under the statutory age of consent. Finally, we propose to restructure the paragraph by consolidating all of the reportable Clery Act crimes under § 668.46(c).
- Robbery: The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person, or persons, by force or threat of force or violence and/or putting the victim in fear of immediate harm.
- Aggravated Assault: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Burglary: The unlawful entry into a building or other structure with intent to commit a felony or theft.
- Arson: To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.
- Motor Vehicle Theft: The taking or attempting to take a motor vehicle. A motor vehicle is a self-propelled vehicle that runs on the surface of land and not on rails.
- Hate crime: a crime reported to local law enforcement agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
- Liquor Law Violations: The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.
- Drug Law Violations: The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, importation of any controlled drug or narcotic substance.
- Weapon Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, possession, transportation, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
- Hierarchy Rule: the requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics.

Larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice (Hate Crime).

Domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local law enforcement agencies, which data shall be collected and reported according to category of Violence Against Women Act.

Sitting Bull College will record reports of stalking by complainant reports. Stalking activities in more than one calendar year or in more than one location within the institution's Clery Act-reportable areas will be recorded as separate occurrences.

The Director of Security Operations will determine when to report a new crime of stalking involving the same victim and perpetrator. Situations in which an individual is a victim of a sex offense and a murder during the same incident will be included in both categories under Sitting Bull College policy.

For purposes of reporting the statistics with the crimes described below, an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur.

1. The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).
2. The term "campus" means: (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
3. The term "non-campus building or property" means: (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
4. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.
5. The term "sexual assault" means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

## EMERGENCY PROCEDURES

Sitting Bull College will 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 employees on campus through the same measures outlined in the "Timely Warning" section of this Annual Report. The institution will, without delay, and taking into account the safety of the community will determine the content of this notification and initiate the notification system, unless the notification will, in the professional judgment of the

responsible authority compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. The process used by Sitting Bull College will defer to the assessment of the emergency situation based on information and intelligence provided to the college and/or the observation of hazards or conditions that pose an imminent risk or immediate threat to life, safety, or environment. Notification will be made to all persons who may be affected by the emergency and will contain information about the hazard and immediate action steps that should be undertaken and will be initiated on the orders of the responsible authorities.

The process will be managed by:

- SBC President: Dr. Laurel Vermillion
- SBC Vice President of Operations: Dr. Koreen Ressler
- SBC Dean of Academics: Dr. Sharon Marcotte
- SBC Campus Security
- SBC Emergency Task Force Team
- Standing Rock Sioux Tribe BIA Law Enforcement and/or other such designee as assigned Emergency information will be disseminated to the larger community through the dispatch operator at the Standing Rock Sioux Tribe BIA Law Enforcement Office, following the standard operating procedures of that agency.

Each year, Sitting Bull College will test these procedures through a drill exercise in conjunction with local, state, tribal and federal law enforcement agencies. The results of this exercise will be published and documented with the description of the exercise and whether it was announced or unannounced.

## EMERGENCY EVACUATION PLAN

In the event of a campus emergency, Sitting Bull College may use a variety of tools to communicate to the campus and the public. Depending on the nature of the emergency, Sitting Bull College may use all or some of the following when activating the Emergency Notification System:

- School Reach will be activated and notices will be relayed within 15 minutes. All students, staff and faculty are urged to contact Dave Mueller (IT Manager) and register your telephone number for emergency messages.
- Campus email – in the event of an emergency, vital information may be communicated through email. Make sure to stay connected to get the most up-to-date information.
- Local Media – local media – radio, television, newspapers – will help announce and update campus closures or emergency situations.
- Indoor Page/PA System to notify all Faculty, staff, students, and visitors within each campus building
- The Sitting Bull College Campus Security, Emergency Task Force, and the Sitting Bull College Vice President of Operations are typically the ones who deliver emergency information to college administration. Upon considering this

information, administration develops the messages and activates appropriate communications.

- In emergency situations where immediate action is required, Sitting Bull College Security may be on full alert and will require each person to follow emergency procedures.

Evacuation of Buildings Upon hearing/seeing the audible/visual fire alarm or notification from the Campus Security and/or Vice President of Operations the need to evacuate the building all faculty and staff should immediately instruct students to move towards the closet exit. Everyone should exit the building as quickly as possible without stopping for personal items.

Assigned Sitting Bull College personnel will assist with the evacuation. The Campus Security and Emergency Task Force team will ensure the building is clear of all persons. Everyone will assemble in their designated location. Fort Yates main campus, each building has a designated evacuation area which are in the main parking lots cleared away for emergency vehicles, as well as Mobridge site will be behind the school towards to back fence of the playground and McLaughlin site will be located across the road by the high school.

## ITEMS TO REMEMBER IN EMERGENCY SITUATIONS

- Evacuate the building in a safe and orderly manner by using the designated evacuation routes, which are posted in prominent locations in each building.
- Obey the instruction of the Campus Security, Faculty and Staff, Administration and the Standing Rock Sioux Tribe Law Enforcement.
- Avoid crowding together.
- Be calm, do not panic.
- Do not stop or search for personal items.

Always keep in mind that each building does have emergency exits, so use the closest exit to evacuate the building.

## EVACUATION OF PERSONS WITH LIMITED MOBILITY/SPECIAL NEEDS

In the event of a fire, immediate and complete evacuations are preferred if it can be accomplished in a safe manner. To ensure personal safety in emergency situations, the following guidelines should be observed by students with disabilities in advance of an emergency. Notify instructors and/or classmates of the type of assistance you will need during an emergency situation.

1. If immediate and complete evacuation is not possible, ask someone to assist you to a safe area with as much distance from the affected area as possible until emergency personnel arrive and complete evacuation.
  - a. The assisting individual should stay with you until emergency personnel arrive. In addition, you should ask a second person to immediately notify emergency personnel of your location and the type of assistance required.
2. In the event of a tornado warning you should request assistance from instructors or classmates if assistance is needed. Remain in the corridors away from windows and exterior doors.

3. Pre-planning is essential to a safe evacuation.
4. If you are a person who has special needs, know your needs and consider what you would do in an emergency.
5. If you need to be evacuated, help yourself and rescuers by providing them with information about your needs and the best ways to assist you, since people may not be aware of your circumstances or how to help. Logs kept pursuant to Clery Act reporting requirements are kept for public inspection at the Sitting Bull College Vice President of Operations Office. A printed copy will be made available upon oral or written request.

It should be noted that the US Department of Education requires that summons/citations for marijuana are listed as arrests, even when the subject was not arrested, for purposes of Clery Act reporting. Sitting Bull College may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar no campus official. Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim.

## CAMPUS FIRE SAFETY

The Campus Fire Safety Right-to-Know Act requires higher education institutions to annually report fire safety information to the U.S. Department of Education (DOE).

### ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING

Each campus that maintains on-campus student housing facilities must publish as an addendum to the Annual Security Report a fire safety report. Sitting Bull College Fire Safety Report will be made available to students via the college website. The Annual Security Report and Fire Safety Report will be distributed to all students via email from the Vice President of Academics. The fire safety report must contain information regarding the campus fire safety practices and standards of that institution, including:

The Campus Fire Safety Report attached to this policy, which contains data regarding:

The number of fires and the cause of each fire

The number of injuries related to a fire that result in treatment at a medical facility

The number of deaths related to a fire

The value of property damage caused by a fire

A description of each on-campus student housing facility fire safety system, including the fire sprinkler system

- A. The number of regular, mandatory supervised fire drills
- B. Policies related to portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students in campus housing.
- C. Plans for future improvements in fire safety, if any.
- D. Training for Campus fire safety will take place during move-in orientation for campus housing tenants.

## REPORT TO THE DEPARTMENT OF EDUCATION

October 1st of each year, the campus must submit a copy of the Campus Fire Safety Statistics Report which contains the data listed in paragraph 1(A-D) above. Refer to the Campus Fire Safety Statistics Report addenda to the Vice President of Academics who will submit the report annually to the Department of Education.

## CURRENT INFORMATION TO CAMPUS COMMUNITY

Each campus must:

Update the Campus Fire Safety Incident Report Log, recording all fires in on-campus student housing facilities, which includes:

- The nature of each fire;
- The date of each fire;
- The time of each fire; and
- The general location of each fire

The campus must make an entry to the log within 2 business days of the receipt of the information. The most recent 60-day period of the fire log will be open to public inspection during normal business hours. Older periods of the fire log will be available within 2 business days of a request for public inspection.

Publish the information contained in the Campus Fire Safety Incident Report Log annually and make available to students via the school website as well as in public areas. If a fire occurs, students and employees should first dial 854-7241. To report that the fire occurred, students and employees should contact the Fort Yates Fire Department... (see emergency plan for emergency numbers)

FIRE evacuation:

- A. If a fire is small (waste-basket size) and can be safely extinguished, use an extinguisher. Notify SBC Security Officer at 701-455-3272.
- B. During an evacuation, walk, do not run. Keep noise to a minimum. Close, but do not lock doors to help contain fire and smoke.
- C. Following an evacuation, relocate to a safe assembly area and do not re-enter the building until notified that it is safe to do so.
- D. If you suspect a fire in the building, test doors before you open them. Use the back of your hand to feel the door or doorknob. If either is hot, use another escape route.
- E. If you hear a fire alarm, evacuate the building immediately and do not re-enter the building until told it is safe to do so by emergency services personnel.
- F. Call Fort Yates Police Department and/or the Fire Department to report the fire. Be prepared. Know the location of the two exits closest to your area and all potential evacuation routes out of the housing unit. Know the location of the nearest fire extinguisher and know how to use it.
- G. Never block a door or a window that is a fire exit.

H. If you become aware of fire safety equipment that has been vandalized or tampered with, report it to SBC Security Officer.

#### ADDENDUMS

Sitting Bull College - Refer to the Safety Plan & Emergency Procedures, Explosion or Fire, Page 20.

### **Contact Telephone Numbers:**

Dr. Koreen Ressler, Vice President of Operations (701) 854-8001/ (701) 226-5775

Michael J. LaJeunesse, SBC Campus Security Officer (701) 854-8010 / (701) 455-3272

Standing Rock Sioux Tribe Law Enforcement: (701) 854-7241