



BLACK HILLS
STATE UNIVERSITY

2025

ANNUAL SECURITY
and
FIRE SAFETY

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BHSU Department of Public Safety



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

I. Campus Security and Crime Report

Police Enforcement on Campus

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

Any university owned or leased property in outlying areas is patrolled either by the Department, the Lawrence County Sheriff's Office, or the South Dakota Highway Patrol.

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

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

Law Enforcement in Spearfish

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

Address location:

Department of Public Safety

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

Spearfish Police Department

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

Lawrence County Sheriff

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

Game, Fish and Parks

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

SD Highway Patrol

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

How to Report a Crime or Suspicious Activity

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

Emergency Procedures

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

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

Non-emergency Procedures

For non-emergency assistance, please call the BHSU Department of Public Safety at (605) 642-6297. The Department of Public Safety is located in the Student Union, Room 102. While Individuals are encouraged to report crimes to the police, individuals may seek support and assistance with reporting from the Vice President for Student Affairs, the Dean of Students, Human Resources, the Student Health & Counseling Center, or any other university staff member.

Reporting of a Crime

If you are the victim of, or witness to a crime and do not want to pursue action within the BHSU conduct system and/or criminal justice system, you may choose to make a report with the Spearfish Police Department by calling (605) 642-1300.

Annual Safety Audit

Annually, the Department of Public Safety, members of Residence Life Staff, volunteer faculty, staff and students conduct a nighttime walkthrough of the BHSU campus in order to identify areas in need of security enhancement. Contact the Department of Public Safety for more information at (605) 642-6297.

Crime Prevention Programs

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

BHSU Building Security and Access

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

Criminal Activity Off Campus

The Department of Public Safety does not provide law enforcement service to off-campus residences. Criminal activity off campus is monitored and recorded by the Spearfish Police

Department. The Department of Public Safety maintains a close working relationship with the Spearfish Police Department. If violations of federal, state, or local laws surface off campus, but involving the BHSU community, the Spearfish Police Department may contact the Department of Public Safety personnel.

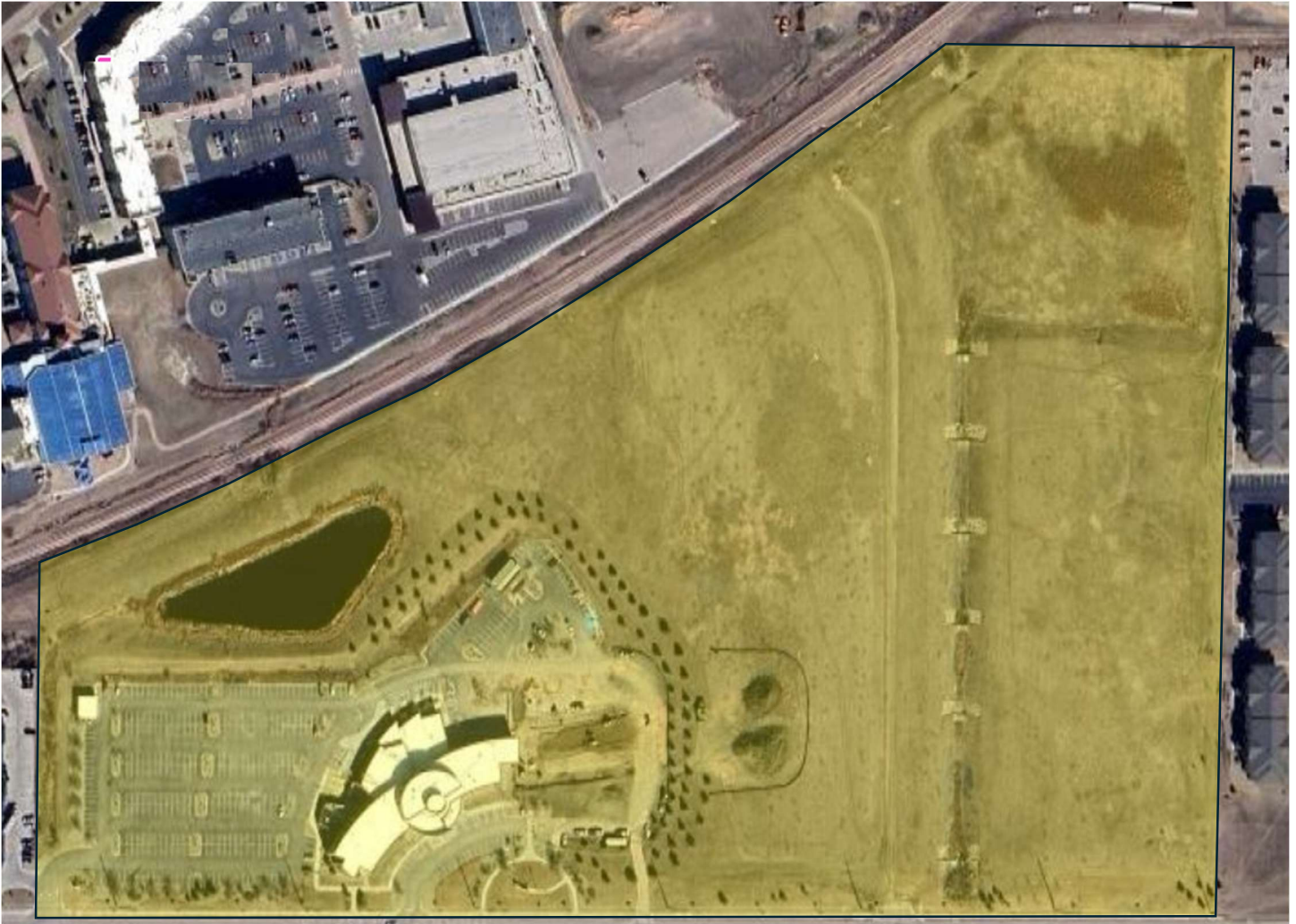
Preparation of the Annual Security Report

This university report complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. An electronic version of this report can be located on our website at <http://www.bhsu.edu>. You may also connect to our site via the Black Hills State University home page at www.bhsu.edu. This report is prepared in cooperation with the Department of Public Safety, Vice President for Student Affairs, Dean of Students, and campus security authorities. A Campus Security Authority is recognized, under federal policy, as an individual responsible for appropriately communicating potential Clery incidents. At BHSU, individuals with responsibility for campus security who are not directly affiliated with the Department of Public Safety include officials with significant knowledge and/or oversight of student events and activities, and campus life. These include but are not limited to officials in student services such as housing, programming, and conduct. When acting in a medical or professional counselor capacity, the official may not be considered a campus security authority. Campus crime, arrest, and referral statistics include those reported to Department of Public Safety officers, designated campus officials and other local law enforcement agencies. Annual notification is made via email to all enrolled students, faculty, and staff. It provides the website address from which to access this report. A paper copy may be obtained at Department of Public Safety, located in the Student Union, Room 102, or by request at (605) 642-6297.

BHSU Campus Clery Map



BHSU Rapid City Campus Clery Map



Non-Campus Buildings and Property

Sanford Underground Research Facility

630 East Summit Street

Lead, SD 57754

BHSU 2024 Annual Report Statistics

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

Criminal Offenses – On Campus		2022	2023	2024
a.	Murder / Non-negligent manslaughter	0	0	0
b.	Manslaughter by negligence	0	0	0
c.	Rape	3	0	2
d.	Fondling	1	0	0
e.	Incest	0	0	0
f.	Statutory rape	0	0	0
g.	Robbery	0	0	0
h.	Aggravated assault	0	0	0
i.	Burglary	0	1	0
j.	Motor vehicle theft (does not include theft from a motor vehicle)	1	0	0
k.	Arson	0	0	0

Criminal Offenses – On Campus Student Housing Facilities		2022	2023	2024
a.	Murder / Non-negligent manslaughter	0	0	0
b.	Manslaughter by negligence	0	0	0
c.	Rape	3	0	2
d.	Fondling	1	0	0
e.	Incest	0	0	0
f.	Statutory rape	0	0	0
g.	Robbery	0	0	0
h.	Aggravated assault	0	0	0
i.	Burglary	0	1	0
j.	Motor vehicle theft (does not include theft from a motor vehicle)	0	0	0
k.	Arson	0	0	0

Criminal Offenses – Noncampus		2022	2023	2024
a.	Murder / Non-negligent manslaughter	0	0	0
b.	Manslaughter by negligence	0	0	0
c.	Rape	0	0	0
d.	Fondling	0	0	0
e.	Incest	0	0	0
f.	Statutory rape	0	0	0
g.	Robbery	0	0	0
h.	Aggravated assault	0	0	0
i.	Burglary	0	0	0
j.	Motor vehicle theft (does not include theft from a motor vehicle)	0	0	0
k.	Arson	0	0	0

j.	Motor vehicle theft (does not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
k.	Arson	0	0	0	0	0	0	0	0	0
l.	Simple Assault	0	0	0	0	0	0	0	0	0
m.	Larceny-theft	0	0	0	0	0	0	0	0	0
n.	Intimidation	0	0	0	0	0	0	0	0	0
o.	Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Hate Crimes – Public Property 2023		Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a.	Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b.	Manslaughter by negligence	0	0	0	0	0	0	0	0	0
c.	Rape	0	0	0	0	0	0	0	0	0
d.	Fondling	0	0	0	0	0	0	0	0	0
e.	Incest	0	0	0	0	0	0	0	0	0
f.	Statutory rape	0	0	0	0	0	0	0	0	0
g.	Robbery	0	0	0	0	0	0	0	0	0
h.	Aggravated assault	0	0	0	0	0	0	0	0	0
i.	Burglary	0	0	0	0	0	0	0	0	0
j.	Motor vehicle theft (does not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
k.	Arson	0	0	0	0	0	0	0	0	0
l.	Simple Assault	0	0	0	0	0	0	0	0	0
m.	Larceny-theft	0	0	0	0	0	0	0	0	0
n.	Intimidation	0	0	0	0	0	0	0	0	0
o.	Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Hate Crimes – Public Property 2022		Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
a.	Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
b.	Manslaughter by negligence	0	0	0	0	0	0	0	0	0
c.	Rape	0	0	0	0	0	0	0	0	0
d.	Fondling	0	0	0	0	0	0	0	0	0
e.	Incest	0	0	0	0	0	0	0	0	0
f.	Statutory rape	0	0	0	0	0	0	0	0	0
g.	Robbery	0	0	0	0	0	0	0	0	0
h.	Aggravated assault	0	0	0	0	0	0	0	0	0
i.	Burglary	0	0	0	0	0	0	0	0	0
j.	Motor vehicle theft (does not include theft from a motor vehicle)	0	0	0	0	0	0	0	0	0
k.	Arson	0	0	0	0	0	0	0	0	0
l.	Simple Assault	0	0	0	0	0	0	0	0	0
m.	Larceny-theft	0	0	0	0	0	0	0	0	0
n.	Intimidation	0	0	0	0	0	0	0	0	0
o.	Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

VAWA Offenses – On Campus								2022	2023	2024
a.	Domestic violence							0	1	0
b.	Dating violence							0	1	0

c.	Stalking	0	2	1
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VAWA Offenses – On Campus Student Housing Facilities		2022	2023	2024
a.	Domestic violence	0	1	0
b.	Dating violence	0	1	0
c.	Stalking	0	2	1

VAWA Offenses – Noncampus		2022	2023	2024
a.	Domestic violence	0	0	0
b.	Dating violence	0	0	0
c.	Stalking	0	0	0

VAWA Offenses – Public Property		2022	2023	2024
a.	Domestic violence	0	0	0
b.	Dating violence	0	0	0
c.	Stalking	0	0	0

Arrests – On Campus		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	4	2	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Arrests – On Campus Student Housing Facilities		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	4	2	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Arrests – Noncampus		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	0	0	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Arrests – Public Property		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	0	0	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Disciplinary Actions – On Campus		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	2	0
b.	Drug abuse violations	0	0	3
c.	Liquor law violations (not including drunkenness or DUI)	53	49	64

Disciplinary Actions – On Campus Student Housing Facilities		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	2	0
b.	Drug abuse violations	0	0	3
c.	Liquor law violations (not including drunkenness or DUI)	53	49	64

Disciplinary Actions – Noncampus		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	0	0	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Disciplinary Actions – Public Property		2022	2023	2024
a.	Weapons: carrying, possessing, etc.	0	0	0
b.	Drug abuse violations	0	0	0
c.	Liquor law violations (not including drunkenness or DUI)	0	0	0

Unfounded Crimes		2022	2023	2024
a.	Total unfounded crimes	0	1	1

Fire Safety Report – All Residences		2022	2023	2024
a.	Number of fires	0	0	0
b.	Cause of fires	N/A	N/A	N/A
c.	Number of deaths	0	0	0
d.	Property damage sustained	N/A	N/A	N/A

Fire Safety Report – Buildings, Residence Halls, Apartments		2022	2023	2024
a.	Number of fires	0	0	0
b.	Cause of fires	N/A	N/A	N/A
c.	Number of deaths	0	0	0
d.	Property damage sustained	N/A	N/A	N/A

CRIME DEFINITIONS

Jeanne Clery Annual Report Crime Definitions from the FBI’s Uniform Crime Reporting Handbook
For more information, visit ucr.fbi.gov

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

- **Murder and Non-Negligent Manslaughter:** The willful (non- negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape:** 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. This offense includes the rape of both males and females.
- **Fondling:** 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:** Sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length and the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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.
- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

HATE CRIMES

Hate Crimes include, by geographic location and by category of prejudice, any of the aforementioned offenses, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Although there are many categories of bias, under the Clery Act, only the following eight categories are reported:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African American, whites).
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, Atheists).
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals.)
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of people based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

- **Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the above.
- **Drug Abuse Violations:** Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Note that Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property are only included in Clery Act statistics if they are Hate Crimes.

II. Emergency Notifications and Timely Warnings

Emergency Notification

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

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

Timely Warnings

If a situation arises, either on or off campus, which constitutes a threat to members of the campus community, a "timely warning" will be issued. The warning will be issued through the BHSU Campus Alert system, which includes notification through email, text message and

telephone. Students and employees are encouraged to register contact preferences through the BHSU Campus Alert system. Notice may also be sent through alternate or additional methods of communication and will be posted on the BHSU homepage at www.BHSU.edu. These policies and procedures require the Vice President for Student Affairs and the Dean of Students, or his/her designee, to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to mitigate the emergency. Emergency messages will include information on what has occurred and instructions on what to do next. The BHSU alert system is tested on an annual basis and documentation of the test, description of the exercise, the date, time and whether announced or unannounced is kept in the vice president and dean of student's office. In the event of a major emergency www.BHSU.edu information will become the university's homepage and will be updated with information about the nature of the emergency and further emergency procedures.

Information thought to warrant the issuance of a timely warning should be reported to the Department of Public Safety in the Student Union, Room 102, or by calling (605) 641-6988.

III. Missing Student Policy

1. Reporting a Student as Missing

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

2. Institutional Response

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

3. Publication of this Policy

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

4. Students' Option to Identify Persons to be Informed

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

IV. Sexual Assault and Harassment Policy and Procedures

Black Hills State University as an institution recognizes that sex offenses are serious issue. The university will not tolerate acts of sexual misconduct. All reported instances of sexual misconduct will be investigated and appropriate disciplinary, criminal, and/or legal action will be taken, with consent of the victim. Appropriate support services will be made available to victims of sexual misconduct. The university strongly encourages all members of the campus community to report to the Department of Public Safety office any incident of sexual misconduct. Students who are alleged to have committed sex offenses (including but not limited to rape, sodomy, forcible & non-forcible sexual contact, indecent exposure, simple and aggravated assault) against members of the BHSU community will be subject to investigation and disciplinary measures as outlined in Board of Regents Policy Student Conduct Code 3:4 (reference specific sections 2.B:4-5).

1. Procedures to follow if a sex offense occurs:

- A. A student should contact a BHSU Public Safety officer or a Spearfish Police Department officer. Authorities will describe the importance of preserving evidence as may be necessary to the proof of criminal sexual assault.
- B. A student desiring additional support should contact the:

- i. Hall Director, or
- ii. Dean of Students, or
- iii. Vice President for Student Affairs

2. Sanctions for sex offenses as described above will be determined on a case-by-case basis following an on-campus disciplinary procedure, which may include, but will not be limited to expulsion. Discipline for aggressive conduct shall be subject to the following conditions.

- A. Discipline on the first occasion may include expulsion where appropriate, given the nature of the aggressive conduct or harassment.
- B. If there is a second occurrence of an infraction of the same nature at any time during the student's career in South Dakota public higher education, expulsion will be mandatory.
- C. Where the aggressive conduct would constitute a criminal offense under South Dakota Law, the matter will be reported promptly to local police authorities. In the case of a sex offense, the victim will be encouraged to report the offense to the appropriate law enforcement authority, but reporting will not necessarily be required.
- D. In disciplinary proceedings involving aggressive conduct or harassment, a student's actions while under the

influence of alcohol, marijuana, or other illegal controlled substances will be presumed not to be considered a mitigating factor.

- E. Intoxication may be considered an aggravating factor in proceedings involving aggressive conduct or harassment, and it will be so considered where the student has a history of prior violations of alcohol, marijuana, or other illegal controlled substance regulations.
3. On-campus disciplinary action in cases of alleged sexual assault will follow the aggressive conduct or harassment proceeding with the additional provision that the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceedings brought alleging sexual assault.
4. Students have the option to be assisted by the Vice President for Student Life and/or the Dean of Students office in notifying the Police if the student chooses to do so.
5. Educational and Counseling Support:
 - A. A sexual assault training program is given annually to resident assistants and hall directors. Educational programs are also offered to the campus community. These educational programs cover areas such as promotion of awareness of rape, acquaintance rape, and other sex offenses.
 - B. The BHSU Counseling Center is available for assistance as are local counseling agencies.
 - C. The Vice President for Student Affairs and/or the Dean of Students office will assist the victim in changing academic and living arrangements if requested by the victim and if these changes are reasonably available.

South Dakota Board of Regents Policy 1.4.1, Harassment including Sexual Harassment

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of officials.

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

Melissa Hart, Director of Human Resources, Woodburn Hall Rm 202; (605) 642-6877.

For complaints by students:

John Allred, VP for Enrollment Management, Woodburn Hall Rm 214; (605) 642-6599. Black Hills State University will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Title IX coordinator, dean of students, or the Department of Public Safety, the student may inquire or complain to any department chair or any officer of Black Hills State University at the level of vice president or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, Black Hills State University will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the Black Hills State University for serious or repeated violations.

Campus Procedures for Addressing Sexual Misconduct, Dating Violence, Domestic

Violence, Stalking, Sexual Harassment and other acts of sex and gender discrimination.

For offenses including sexual misconduct or other gender-based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. South Dakota Board of Regents Policy 1.4.3, Human Rights Complaint Procedures.

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

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing

with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. The coordinator is ultimately responsible to assure in all cases that the behavior is brought to an end, Black Hills State University acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The coordinator is also responsible for ensuring training is conducted annually for all advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

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

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and

the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the findings, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of Black Hills State University appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be notified when the results of the resolution process become final.

Registered Sex Offenders

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

Registered sex offenders can be identified by contacting the local law enforcement officials in our host municipality. If you would like information regarding registered sex offenders who are actively enrolled or employed at Black Hills State University, contact the Lawrence County Sheriff's Office at (605) 578-2230. They

will advise you regarding the information you may obtain and their guidelines for obtaining the information, or the information can be accessed at <http://www.lawrence.sd.us/Sheriff/sheriffs.htm>. Not all sex offenders who may be attending or employed at Black Hills State University reside in Spearfish, SD, or Lawrence County. Be sure to indicate to the local law enforcement agency you contact that you are either a current or prospective student or employee at Black Hills State University, and you want to review the listing for this institution. The law enforcement personnel will respond by directing you to the correct information.

V. Alcohol and Drug Policy

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

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

Organizations or groups found in violation of alcohol and other substance policies, or state or federal laws may be subject to sanctions by the university. BHSU Employee Drug and Alcohol Policy In compliance with the Drug-Free Workplace Act of 1988 the South Dakota Board of Regents strictly proscribes the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances by Board employees and agents while on duty or while in any workplace controlled by the Board. For purposes of this proscription, the workplace shall include premises and vehicles owned and controlled by the Board and other premises and vehicles when used by the Board for education, research, service, or other official functions. Drug and alcohol abuse programming is through Student Services, Residence Life, and the campus Counseling Center. Any person violating this proscription shall be subject to appropriate disciplinary action, which may include termination of employment. The full text of the South Dakota Board of Regents policy related to the Drug-Free Workplace Act can be found at [4.7.1 Drug-Free Environment - South Dakota Board of Regents \(SD\) - PowerDMS](#)

BHSU Parental Notification of Drug and Alcohol Violations

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

1. Parental notification may occur when it is determined the student has committed a second violation of the South Dakota Board of Regents (BOR) Alcohol/Drug Policy, that the violation resulted in at minimum an imposition of disciplinary probation and that the violation was (a) committed while on property owned or controlled by BHSU or any other BOR institution; or (b) committed during travel sponsored by a department, college, or recognized student organization of BHSU or any other BOR institution; or (c) committed while attending an event sponsored by a BHSU department, college, or recognized student organization or that of any other BOR institution;

2. Violation of the Board of Regents Alcohol/Drug Policy by the student while enrolled at another institution under the control of the BOR shall be considered a violation under this policy.
3. The Dean of Students will determine, in each instance, whether parental notification will be made. In the event the Dean determines parental notification is appropriate, notification of a parent or guardian shall be made in writing and mailed to the home address on record. Students whose parents will be notified consequent to a conduct process may view a template of the notification letter in the office of the Dean of Students.
4. Records of parental notification under this policy will be maintained in the Office of the Dean of Students or as he or she may otherwise designate.
5. In addition to the foregoing, BHSU policy provides for parental notification of drug or alcohol violation or misuse without prior notice to the student in circumstances where action has been or will be taken to protect the safety of the student or other individuals.

VI. Alcohol and Drug Policy

Spearfish Fire Department

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

Fire Safety System

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

Fire Safety Training

Fire safety is a shared campus concern. Students are aware of the location of fire safety equipment. Fire evacuation plans and instruction are posted in the residence halls (posted in each residential unit), and copies may be obtained through Student Affairs. Residence hall staff are trained in both fire and medical emergencies. Training incorporates hands-on practical use of fire extinguishers with live fire exercises under the direction of the Spearfish Fire Chief. Fire drills are also conducted to ensure students understand

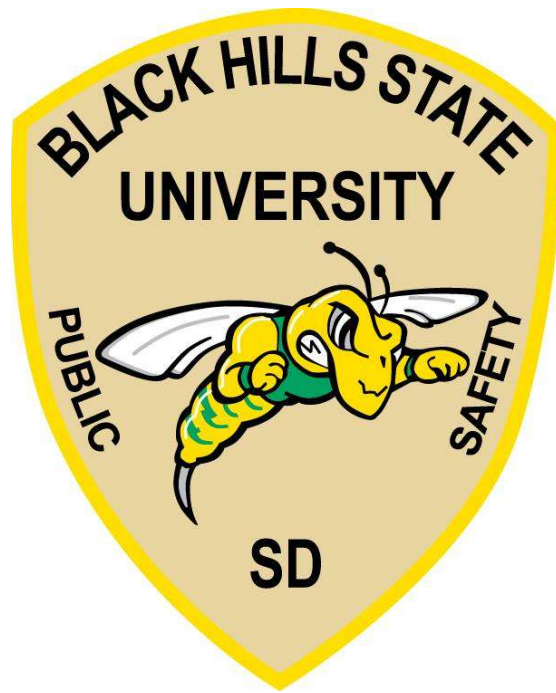
emergency building evacuation procedures.

Students must evacuate the building whenever an alarm sounds. If it is safe to do so, staff may enter rooms to ensure residents have evacuated the building. Students who ignore evacuation instruction may be subject to conduct proceedings. Tampering with emergency equipment such as fire extinguishers, fire alarms, or emergency exit signs is prohibited by state law and the University Code of Conduct.

Fire Safety at the Black Hills State University

The majority of campus Residential Standards of Living Policy addresses matters of health and safety. Accordingly, several pertain to fire safety and the hazards frequently associated with fires.

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



BHSU Department of Public Safety

Black Hills State University
1200 University Street, Unit #9515
Spearfish, SD 57799
(605) 642-6297



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