



STUDENT HANDBOOK

NORTHERN STATE UNIVERSITY

2021-22

NORTHERN.EDU



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WELCOME

The Northern State University Student Handbook includes helpful information about services, administrative policies and procedures. This handbook has been developed for your use by the Student Affairs Office. It is the responsibility of every student to be aware of current policies. Questions about these policies, or other information should be directed to the Dean of Students, NSU Avera Student Center Room 222, 605-626-3007. Since the policies, programs, and services contained herein are subject to continuous review and evaluation, the University reserves the right to make changes at any time without notice.

LETTER FROM THE PRESIDENT



On behalf of our campus community, welcome to Northern State University! I'm thrilled that you've chosen Northern as your college home.

Northern is recognized for excellence in the liberal arts which will prepare you with 21st Century critical thinking, problem-solving and communication skills that are valued by employers and in the workforce.

You will work with faculty scholars who are committed to teaching, personalized and individualized attention and mentoring you in experiential learning opportunities including undergraduate research and internships in your field of study. And you will be supported by faculty and staff to guide you to the ultimate goal of graduation and pursuing a successful career and life as an engaged citizen and leader.

We also want you to take advantage of a full college experience in an environment committed to your success in athletics, fine and performing arts, student organizations and intramurals and by participating in a vibrant schedule of events on campus, study abroad opportunities and engaging in the wonderful community of Aberdeen.

The more deeply you engage, the more you will fuel a passion for lifelong learning and community engagement and expand your worldview and develop friendships that will last a lifetime.

Again, welcome to Northern – this is the perfect place to unleash your potential, and I'm proud to have you as part of our pack. Have a great year in Wolves Country!

Sincerely,

A handwritten signature in black ink that reads "Neal H. Schnoor". The signature is written in a cursive, flowing style.

Neal Schnoor
President

LETTER FROM DEAN OF STUDENTS



Welcome to Northern State University!

You will quickly discover that Northern is a special place where dedicated faculty and staff are committed to helping you on your higher education journey.

You are part of the Wolf Pack

Membership in this academic community imparts both privileges and responsibilities. This handbook will help you understand these rights and responsibilities and serve as a resource to help you navigate the important things you need to know, including location of offices, services, and the tasks you need to complete (paying your bill, getting a parking pass, etc.). You are joining a caring community where we look out for one another and make responsible choices. If you see a fellow wolf in distress, offer a helping hand, a kind word, or share your concern with a faculty or staff member.

Be a part of Campus Life

Students who fully engage in campus life are more successful in the classroom, graduate sooner, and enjoy their college experience more. This handbook, along with the NSU website, contains resources to help you find activities that will connect you to other students with whom you share common interests. These activities and experiences will introduce you to life-long friends, new hobbies, academic interests, and leadership skills. The lessons you learn outside of the classroom may even help you land a job upon graduation!

Ask for Help

The pursuit of a college degree requires hard work, determination, creativity, and tenacity. Your admission to Northern means that we believe you are up to the task and that we are prepared to help. Successful students seek out resources and support whenever the need arises. We are here to help you along this journey. If you do not know where else to go, please come see Student Affairs in the Avera Student Center for assistance.

Be Curious

We encourage you to actively engage with professors and fellow students in this endeavor of learning. Do not be afraid to ask big questions, explore different classes and majors, and step out of your comfort zone occasionally. Get involved and participate in the many cultural, recreational and educational opportunities that make this campus community vibrant and exciting. Finally, be proud of the legacy and tradition of excellence that a NSU education provides.

Go Wolves!

Sean S. Blackburn
Dean of Students



NORTHERN STATE UNIVERSITY

Campus of Distinction: A Framework for Strategic Action

MISSION

Northern State University will provide diverse academic, civic, social and cultural opportunities that prepare students through the liberal arts and professional education for their future endeavors, while also enriching the local and regional community.

VISION

Northern State University will be regionally recognized as a student-centered, diverse community dedicated to excellence in teaching and learning, creativity and global awareness.

VALUES

Northern State University's students, faculty and staff are committed to the following values:

➤ **COMMUNITY**

Building a culture of inclusion, belonging and collegiality that respects diversity in knowledge, culture and world view

➤ **DISCOVERY**

Pursuing rigor and excellence in education, inquiry and engagement for the benefit of our students, state and region

➤ **INTEGRITY**

Adhering to the highest standards of honesty, fairness and transparency with a commitment to responsible stewardship of resources

[northern.edu/action](https://www.northern.edu/action)

THE INSTITUTION AND CAMPUS

Since 1901, Northern State University has been dedicated to the pursuit of excellence in education. Northern's roots are in teacher education, but the university has since grown into a comprehensive, multi-purpose institution made up of the College of Arts and Sciences, School of Fine Arts and School of Professional Studies. Northern serves approximately 3,500 students at the undergraduate and graduate level online, on its main Aberdeen campus and at the Huron Community Campus.

Northern's picturesque main campus includes a blend of historic and modern buildings surrounding the park-like campus green. The university continues to grow and expand, with numerous building projects finished in recent years, and some ongoing – all within easy walking distance of downtown Aberdeen.

THE BEULAH WILLIAMS LIBRARY is home to a variety of individual and group study spaces, a computer lab, a smart classroom, and a DDN room. Williams Library also houses the Reading Clinic; the campus music collection and listening room; NSU Archives and Special Collections; and the Round Room, an intimate event space. Print holdings include over 175,000 books and 35,000 federal and state documents. Access to the online catalog and electronic collections is provided to students and faculty 24 hours a day, seven days a week online.

THE AVERA STUDENT CENTER is the core of social life on campus, housing the Wolves Den dining facility; Einstein Bros. Bagels/Caribou Coffee; and student organization offices for Student Association, the Campus Activities Board (CAB) and the Honors Program. It's also home to the offices of Residence Life, Student Involvement and Leadership, Admissions, Health Services, Student Rights and Responsibilities, Disability Services, Career Services, Veterans and Military Services, and Campus Security; as well as the Counseling Center, Multicultural Center, the NSU Wolf Shoppe (campus bookstore) and the Post Office.

THE JOHNSON FINE ARTS CENTER, Northern's primary performing arts space, includes a Black Box Theatre; Berggren Recital Hall; state-of-the-art practice rooms for music students; an art gallery; and the main Jewett Theater, which hosts an array of university and community performances. The building also serves the campus as a major classroom facility.

THE JOSEPH H. BARNETT PHYSICAL EDUCATION AND CONVOCATION CENTER is home to NSU Athletics. This multipurpose facility includes a swimming pool, wrestling room, weight room, training room, auxiliary gym, locker rooms, classrooms and offices. The main arena, Wachs Arena, contains a 160-meter indoor track and a basketball court. The facility seats 8,000 people and is utilized for state tournaments and community events. Wachs Arena is home to the NSU volleyball; wrestling; indoor track and field; and basketball teams, which consistently lead the nation in attendance for NCAA Division II. The women's swim team practices in the Barnett Center, but competes at the Aberdeen Family YMCA.

Northern's beautiful turf **ATHLETIC AND RECREATION FIELDS** include a new women's soccer field and football practice field, with a pavilion between the two. The Athletic and Rec Fields are also used by NSU Intramurals, which offers numerous sports and recreational activities for Northern students.

THE HARVEY C. JEWETT IV REGIONAL SCIENCE EDUCATION CENTER is home to the NSU biology and chemistry departments. With state-of-the-art labs and equipment, this two-story facility is enhancing science education and undergraduate research on the Northern campus while offering community outreach opportunities to K-12 students around the area. With its prominent placement at the corner of Twelfth Avenue Southeast and South State Street, it also serves as a gateway to campus, with a wolf statue standing in front of the building.

THE NSU REGIONAL SPORTS COMPLEX connects to the Barnett Center. The complex includes the brand new Dacotah Bank Stadium, which is home to NSU Wolves Football, and Koehler Hall of Fame Softball Field, which will be home to NSU Wolves Softball.

THE NSU TECHNOLOGY CENTER stands out at the center of campus with its glass façade. An addition to the Mewaldt-Jensen Building, the Tech Center houses Tech Support Services. It is also becoming the new home of the Student Success Center, which brings together academic advising, the Tutoring Center, the Writing Center, supplemental instruction, the American Indian Circle Program, and the TRIO Student Support Services and Upward Bound programs. In addition, the SSC will include the offices of Career Services, Disability Services, and Testing Services.

MEWALDT-JENSEN houses programs of the College of Arts and Sciences, along with the NSU-SDSU Accelerated Nursing Program and the NSU **CENTER FOR STATEWIDE E-LEARNING**. Established by the South Dakota legislature in March 2001, the E-learning Center serves K-12 schools, undergraduate students and graduate students across South Dakota through distance education and interactive instructional technologies.

THE GERBER BUILDING houses the Millicent Atkins School of Education, now part of the College of Professional Studies and the heart of teacher education at Northern.

GRAHAM HALL, one of the most historic buildings on campus, includes the NSU Communications and Marketing Department; offices for Aramark, which operates NSU Dining Services; the Missouri River Room, which holds a variety of meetings and other events; and the office of the Exponent student newspaper.

LINCOLN HALL is the home of the School of Business, also now part of the College of Professional Studies. Lincoln is also home to the **OFFICE OF INTERNATIONAL PROGRAMS**, which includes NSU Study Abroad.

SPAFFORD HALL is home to the School of Fine Arts, including art department studios and labs. Spafford also houses the offices of the NSU President and Provost.

DACOTAH HALL includes the Financial Aid office; Registrar; and Dacotah Hall Gymnasium, a wellness center available to students that features a basketball court plus two levels of space designed for individual exercise activities.

KRIKAC ADMINISTRATION BUILDING houses the finance, purchasing and human resources offices. It is also home to Krikac Auditorium, which is a gorgeous performance space with its beautifully renovated stained-glass windows and ornately decorated seats.

Northern has six residence halls – including three new facilities offering the latest of amenities, such as various suite-style rooms. They are **BRISCOE HALL; STEELE HALL; KRAMER HALL; WOLVES MEMORIAL SUITES**, which opened in fall 2017; and **GREAT PLAINS EAST** and **GREAT PLAINS WEST**, both of which opened in fall 2018. GPW offers a game-cleaning room for students who hunt, and GPE features a Papa John's Pizza and a POD: Provisions on Demand convenience store.

THE CLARK SWISHER ATHLETIC COMPLEX, located two miles east of the main campus, is used by the NSU track and field team. The complex includes a 6,000-seat football arena, Swisher Field, and an artificial-surface outdoor track. The NSU baseball team plays at Fossum Field, located in northeast Aberdeen.

THE BECKMAN BUILDING southeast of campus houses the NSU Foundation.

THE SOUTH DAKOTA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED, a community partner of NSU, moved into a brand new school building across from the NSU Barnett Center. This state-of-the-art facility includes bigger classrooms and modern technology.

SCHOLARSHIP

Scholarly and creative activities are conducted in all authorized disciplines consistent with the academic purposes of the institution.

ONLINE AND CONTINUING EDUCATION

Online and Continuing Education coordinates the delivery of all NSU distance education degree programs and courses. Distance education courses are available to degree and non-degree seeking students delivered online, and off-campus at Huron Community Campus and other approved locations in South Dakota. OCE staff coordinates numerous faculty-led travel courses, High School Dual Credit, as well as professional development programs for SD Board of Regent Students, SD Teachers, and professional groups. All online programs and courses are available to citizens in the US, Canada, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, Federated States of Micronesia, American Samoa, The Commonwealth of the Northern Mariana Islands, and US Virgin Islands.

NSU DEPARTMENTS AND OFFICES

ACADEMIC AFFAIRS

Under the direction of the Provost and Vice President for Academic Affairs, this University division includes the Honors Program, Williams Library, College of Arts and Sciences, College of Professional Studies (including the Millicent Atkins School of Education and the School of Business), School of Fine Arts, Graduate Studies, Online and Continuing Education, Institutional Research and Assessment, Grants and Sponsored Research, First Year Seminar, Center for Excellence in Teaching and Learning (CETL), the Registrar's Office, and the Student Success Center, which provides academic support services free of charge for all NSU students. These services include academic advising, supplemental instruction and tutoring in all subjects, especially mathematics, writing, and reading. The Student Success Center also houses federal TRIO programs: TRIO Student Support Services and TRIO Upward Bound.

Among the many important duties of Academic Affairs are the preparation of the Graduate and Undergraduate Catalog, fall, spring, and summer class schedules, the coordination of commencements, and the supervision of all academic matters.

Provost/Vice President for Academic Affairs – Dr. Mike Wanous
Spafford Hall 203A, 605-626-2524

Associate Vice President for Academic Affairs – Dr. Erin Fouberg
Spafford Hall 203B, 605-626-3456

College of Arts and Sciences Dean – Dr. Alyssa Kiesow
Tech Center 359, 605-626-2601

College of Professional Studies Dean – Dr. Doug Ohmer
Lincoln Hall 101, 605-626-2400

School of Fine Arts Dean – Dr. Kenneth Boulton
Spafford Hall 316, 605-626-2500

Office of Graduate Studies Director – Dr. Erin Fouberg
Spafford Hall 203B, 605-626-3456

Office of Online and Continuing Education Director – Ronald Brownie
Krikac Administration Building 101, 605-626-2568

Honors Program Director – Dr. Kristi Bockorny
Lincoln Hall 118, 605-626-3001

Beulah Williams Library Director – Robert Russell
Beulah Williams Library 146, 605-626-3018

Registrar’s Office Director – Peggy Hallstrom
Dacotah Hall 103, 605-626-2012

Center for Statewide E-learning Principal – Mary Cundy
MeWaldt-Jensen 122, 605-626-3382

Sponsored Projects Director – Dr. Alyssa Kiesow
Tech Center 359, 605-626-2601

Institutional Research/Assessment Director – Dr. Brenda Mammenga
Spafford Hall 205C, 605-626-2433

International Programs Director – Dominika Blum
Lincoln Hall 201, 605-626-7839

Center for Excellence in Teaching and Learning – Dr. Benjamin Harley
Tech Center 256, 605-626-2241

First Year Seminar Coordinator – Dr. Liz Sills
Tech Center 264, 605-626-7839

Undergraduate Research Coordinator – Dr. Andrew Russell
Jewett Science Center 124, 605-626-2352

Student Success Center Executive Director – Britt Lorenz
Spafford Hall 104, 605-626-7781

Advising Coordinator/EAB Navigate Coordinator – Madia Droppers
Dacotah Hall 209, 605-626-2633

American Indian Circle Program Director – Lara Nelson
Dacotah Hall 108, 605-626-3573

Career Center Coordinator – Maggie Pence
Mewaldt-Jensen 102, 605-626-2416

Tutoring Center Director – Vicki Evans
Williams Library 126, 605-626-2665

Supplemental Instruction Coordinator –

TRIO Student Support Services Director – Laci Hettick
Dacotah Hall 101, 605-626-7782

TRIO Upward Bound Director – Jennie Thompson
Spafford Hall 205A, 605-626-3299

Testing Center – Danielle Notz
Beulah Williams Library 154A, 605-626-2029

FINANCE AND ADMINISTRATION

Under the direction of the Vice President for Finance and Administration, the Finance and Administration includes the departments of Controller, Human Resources, Facilities Management, Purchasing, and the University Bookstore..

Vice President for Finance and Administration – Veronica Paulson
Krikac Administration Building 205, 605-626-2537

Program Assistant – Carol Schumacher
Krikac Administration Building 205, 605-626-2537

Associate Vice President for Finance & Administration/Human Resources Director – Susan Bostian
Krikac Administration Building 213, 605-626-2520

Payroll Accountant – Wanita Bullert
Krikac Administration Building 213, 605-626-2523

Controller – Kay Fredrick
Krikac Administration Building 201A, 605-626-2518

Assistant Controller – David Knigge
Krikac Administration Building 202, 605-626-2323

Senior Accountant – Jessica Beilke
Krikac Administration Building 202, 605-626-2516

Purchasing Director – Crystal Joseph
Krikac Administration Building 212, 605-626-2529

Purchasing Assistant – Lynnsey Briese
Krikac Administration Building 212, 605-626-2533

Accounting Assistant – Dawn Preszler
Krikac Administration Building 202, 605-626-2367

Program Assistant/Perkins Loan Collections – Tammy Heilman
Krikac Administration Building 202, 605-626-2367

Senior Accountant – Susan Jacobson
Krikac Administration Building 202, 605-626-2590

Wolf Shoppe Manager – Alan Kinder
Student Center 102, 605-626-2655

Director of Facilities Management – Monte Mehlhoff
Physical Plant 209, 605-626-7779

Assistant Director of Facilities – Doug Leidholt
Physical Plant, 605-626-2560

Program Assistant/Parking Office Supervisor – Becky Gilbert
Physical Plant 208, 605-626-2560

Print Shop Coordinator – Ryan Schwab
Lincoln Hall, 626-7746

STUDENT AFFAIRS

Student Affairs is comprised of the Avera Student Center, Avera Student Health, Campus Safety, Counseling Center, Dean of Students Office, Disability Services, Homecoming, Multicultural Student Affairs, New Student Programs (HOWL & Wolf Pack Welcome), Office of Student Rights and Responsibilities, Prevention Services, Residence Life and Dining Services, Student Government Association, Student Involvement and Leadership, Student Organizations, Summer Camps and Conferences, and Title IX. Student Affairs advances the student success agenda of Northern State University and the Student Affairs Strategic Action Plan (2021-2025).

Dean of Students – Sean S. Blackburn
Student Center 222, 605-626-3007

Campus Safety Officer – Officer Angela Senger
Student Center 222, 605-626-2474 (office)

Counseling Center Director – Heather Aldentaler
Student Center 222, 605-626-2371

Dining Services Director – Melanie Hogg
Graham Hall 2, 605-626-2928

Disability Services Director – Doris Stusiak
Student Center 222, 605-626-2371

Health Services– Anna Weisser
Student Center 240, 605-626-7694

Student Rights and Responsibilities Director – Krista Bau
Student Center 222, 605-626-3007

Residence Life Director – Marty Sabolo
Student Center 222, 605-626-3007

Summer Camps and Conferences - Bradley Wolfe
Student Center 222, 605-626-3007

Student Government Association President – Jacob Swanson
Student Center 208, jacob.swanson@wolves.northern.edu

Student Involvement and Leadership Assistant Director – TBD
Student Center 222, 605-626-3007

Student Involvement and Leadership Director – Megan Frewaldt
Student Center 222, 605-626-3007

Title IX Coordinator – Krista Bau
Student Center 222, 605-626-3007

TECHNOLOGY SERVICES (NET SERVICES)

Northern Technology Services is committed to providing the technology you need to meet your educational goals. Whether you live on campus or off, Technology Services is your place for technology support and assistance. At Northern State University, we know that technology is a top priority for you.

Housed on the third floor of MeWaldt-Jensen (MJ), the Technical Support Center is staffed with full time technicians who are happy to assist you with your technology needs. The Media Services Center and Instructional Technology Center are also available to assist with technology projects and needs. Students, faculty and staff can find answers to commonly asked questions and instructional documents on the myNSU portal.

Contact Information: Office: MJ 302 | Phone: 605-626-2283 | E-mail: help@northern.edu
Request System: <https://support.northern.edu>

Acceptable Use Policy

Users of the Northern State University and the South Dakota Board of Regents systems must abide by the South Dakota Board of Regents Acceptable Use of Information Technology Systems policy.

Peer-to-Peer File Sharing Policy

Unauthorized distribution of copyrighted material is illegal and carries substantial civil and criminal penalties under the Digital Millennium Copyright Act (DMCA) and other laws. Northern State University respects the intellectual property rights of others and expects students, faculty, and staff to do so as well. It is the responsibility of all members of the NSU community to make a good faith determination that their use of copyrighted materials complies with both United States Copyright Law and this policy or to seek assistance from NSU copyright advisors (Robert Russell, Beulah Williams Library Director). Northern State University prohibits the use of its network to illegally distribute, download or share copyrighted materials. Proper use of copyright materials also extends to electronic resources available on the internet. Anyone using NSU computing and network resources consents to the SDBOR Acceptable Use Policy.

Wolves Account Access

A Northern account is required to connect to the campus network and log into computer labs. Your Wolves account will also provide access to the myNSU portal, D2L, Gmail and G Suite, O365, Self-Service Banner, and Navigate. To retrieve your account visit northern.edu/myNSU and click on New Account and Password Reset.

Computers on Campus

All full-time undergraduate students are required to bring a laptop to campus. It is recommended that students bring either a Windows or Mac laptop. Financial aid can be used for the purchase of a required computing device. For more information regarding recommended hardware and software, please visit northern.edu/it.

Vice President for Technology/Chief Information Officer – Dr. Debbi Bumpous
Technology Center 158, 605-626-3394

Enterprise Systems Director – Mark Rathbun
Mewaldt-Jensen 315, 605-626-7820

Coordinator of Instructional Technology Services – Jason Henslee
Technology Center 160, 605-626-2283

Director of Media Services – Keith Griebel
Technology Center 160, 605-626-7776

Director, Networking & Security and Tech Support Services, Security Officer – Jodi Casanova
Technology Center 271, 605-626-2564

VP of Technology/CIO – Debbi Bumpous
Technology Center 158, 605-626-339

ENROLLMENT, COMMUNICATIONS AND MARKETING

Communications and Marketing attracts and retains students, helping them unleash their potential at NSU, by sharing Northern's story and developing relationships within the community and region. The department includes NSU Admissions, whose staff members recruit prospective students and guide them through the enrollment process; Financial Aid, whose staff members assist with scholarships, loans and other types of aid; and Communications and Marketing, whose staff members are skilled in communications planning, graphic design, writing/editing, media relations, photography, printing and print management, social media, and web development and design.

Vice President of Enrollment, Communications and Marketing – Justin Fraase
Graham Hall 101, 605-626-7747

Admissions Director – Layton Cooper
Graham Hall 105, 605-626-3354

Financial Aid Director – Becky Pribyl
Dacotah Hall 103, 605-626-2640

Graphic Design Coordinator – Jenny Vaughn
Graham Hall 120, 605-626-2618

Marketing Design Specialist – Amanda Mahlke
Graham Hall 121, 605-626-3316

Editor – Elissa Dickey
Graham Hall 116, 605-626-2552

Campus Visits and Events Coordinator – Jayde Sechser
Student Center 217, 605-626-7600

DEPARTMENT OF ATHLETICS

NSU's student athletes, staff and administration strive to achieve excellence in academics, respect in the community and championships on the field of play. The highest university standards are expected for over 425 NCAA Division II student athletes competing on fifteen varsity teams in the Northern Sun Intercollegiate Conference. Through exceptional playing and training facilities, academic support systems, expectations of winning and one of the strongest booster organizations in the Midwest (NSU Wolves Club), Wolves athletics regularly leads the nation in fan attendance and averages more academic all-conference student athletes than any other school in the NSIC. The NSU student-athletes have had a CUM GPA of 3.2 for the last seven years. NSU's tradition of winning, character of our students, and diverse academic opportunities make Northern State University a special place.

Intercollegiate Interim Athletic Director – Terri Holmes

Barnett Center 37, 605-626-2578

For more information go to nsuwolves.com

Senior Women's Administrator – Terri Holmes

Barnett Center 37, 605-626-2578

For more information go to nsuwolves.com

Intramural Sports – Elijah Campbell

Dacotah Hall Gym 115, 605-626-3350

CAMPUS SERVICES

FAX SERVICE

The Student Affairs Office maintains a fax machine for use by students, faculty, and staff for the transmission of personal materials. Charges for outgoing faxes are \$0.75 for the cover page and \$0.25 for each page after that. Incoming faxes are charged at \$0.25 per page. The fax phone number is (605) 626-2531. For more information about this service, visit Student Center Room 222 or call 626-3007.

LOST AND FOUND

Lost and found items can be reclaimed at the Student Affairs Office, (SC-222) or the NSU Student Center Information Desk (lower level NSU Student Center) in the evenings. Lost and found items may be reported by filling out a lost article form. Call 626-3007 for more information.

PARKING AND FINES

Campus community members who operate one or more vehicles on the NSU campus must purchase a parking permit if they wish to park in any campus parking lot. There will be two permit colors.

Gray – allows you to park in any lot on campus EXCEPT the Visitor lot at the northwest corner of JFAC. Faculty, staff and students may purchase gray permits either on line or in person at the Parking Office/Physical Plant. Permits purchased on line need to be picked up in the Parking Office/Physical Plant. The cost of the gray parking permit is \$135.00 per year. At the start of the second semester, the cost will be \$67.50.

Orange – allows you to park in any parking lot EXCEPT the Washington Street lot, Steele Hall lot and the Visitor parking lot. Faculty, staff and students may purchase orange permits either on line or in person at the Parking Office/Physical Plant. Permits purchased on line need to be picked up in the Parking Office/Physical Plant. The cost of the orange parking permit is \$81.00 per year. At the start of the second semester, the cost of a permit will be \$40.50.

- First ticket is a warning; one warning per school year.
- Second ticket will be billed as \$30.00 for no NSU parking permit displayed or parked in the visitor lot or \$15.00 for any other violation.

Permits are required for fall and spring semesters. A parking permit is not required for motorcycles as long as they are parked in the designated motorcycle parking area.

Detailed parking regulations are available from the Facilities Management office, 626-2560.

POSTAL SERVICES

The NSU Post Office handles all mail for the university and is located in the lower level of the Student Center. It offers many services for sending letters and mail off campus also. Students should check their NSU e-mail for e-notices for their packages arriving at NSU. For more information, please contact 605-626-2656.

CHANGE OF ADDRESS

When a student has a change of address, they should notify the the Registrar's Office.

PUBLICATIONS

The Exponent is a bi-weekly print and online student-run news publication that serves the university and the surrounding communities by providing reliable and relevant reporting of campus and local news, organizations, and events of interest to the students, faculty, and staff of Northern State University. The online edition can be accessed at exponentnsu.wordpress.com. *The Exponent* is published August through April. *The Exponent* employs student writers, photographers, copy editors, and comic artists, and it provides advertisement opportunities for campus and community events. For more information, contact *The Exponent* Faculty Advisor Dr. Elizabeth Haller at Elizabeth.Haller@northern.edu.

SCHEDULING OF UNIVERSITY EVENTS

The following steps should be followed when an individual or group wishes to schedule an event or meeting using university facilities.

1. Reservations and rentals for all Northern State University facilities (excluding residence hall or dining services facilities) must be made through the online event scheduler.
2. Space is not considered reserved until it has been approved by the facility coordinator.
3. Once a space is approved through 25 Live, please contact the Building Manager to ensure that they are aware of the event and will be able to make any special arrangements.
4. The faculty advisor shall be present when a student group is using a university facility.
5. The Facilities Management Office is responsible for temporary parking permits and special parking arrangements.

UNIVERSITY AFFILIATED USE

Regularly contracted staff members, faculty or administrative groups, full-time students, student groups, or university affiliated groups may use university facilities on campus without charge for events that are a part of the university program or are sponsored by the university when these are scheduled according to university procedures.

Outside organizations that co-sponsor an on-campus event may do so without charge for facility use providing:

1. The event is scheduled according to established procedures.
2. The event is of benefit to the campus organization or students in general.
3. Students may attend the event free of charge or at a reduced rate.
4. The event is not in conflict with current programs on campus.

Where extra service (hauling, custodial, etc.) is required, the organization or person sponsoring the event will be required to pay for such service at a rate to be determined by the Director for Facilities Management.

CANCELLATION OF CLASSES DUE TO SEVERE WEATHER

The President determines when the campus will close in a severe weather situation. Local media, including KGIM, KSDN, KAAA, KDSB-TV, KDLO-TV, KELO-TV and KSFY-TV will be asked to inform students, faculty, and staff of class cancellations in the event of severe weather. The Campus Alert system will also be used to convey class cancellations. Announcements will also be added to Northern social media accounts and on the website.

NORTHERN STATE UNIVERSITY ANIMAL POLICIES

Service Animals

Service animals are animals trained to assist people with disabilities in the activities of normal living. The Americans with Disabilities Act (ADA) definition of service animals is “...any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items.” If an animal meets this criteria, it is considered a service animal regardless of whether it has been licensed or certified by a state or local government or training program. Their service for the individual with a disability entitles them to access of public places and common areas. Under the new ADA standards, miniature horses are recognized as service animals. They must meet the same criteria as service dogs.

Individuals with disabilities who use a service animal on campus are not required to register with Disability Services, but students who wish to have an assistance animal in student housing must make a formal request for this accommodation through Disability Services.

NSU HOUSING

Assistance Animals

Northern State University residence halls are covered under the Fair Housing Act (FHA) and the U.S. Department of Housing and Urban Development (HUD), and Section 504 of the Rehabilitation Act of 1973 (Section 504) in addition to the ADA. The FHA addresses assistance animals as follows:

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. For purposes of reasonable accommodation requests, neither the FHA nor Section 504 requires an assistance animal to be individually trained or certified. While dogs are the most common type of assistance animal, other animals can also be assistance animals.

The Office of Disability Services, together with the ESA Approval Committee, will evaluate a request for a reasonable accommodation to possess an assistance animal in a residence hall using the general principles applicable to all reasonable accommodation requests. Requests must be made in writing at least 45 days prior to the start of classes in order to accommodate the student making the request and also the residents of the building. Any student having an animal in a residence hall prior to approval will have 24 hours to remove the animal. After that, the animal will be removed from NSU housing and boarded with a local facility at the discretion of NSU housing. The student will be responsible for any cost related to the transportation and boarding of the assistance/emotional support animal. The University also reserves the right to pose financial sanctions for violation of this policy.

The following forms and documents are necessary to complete your request:

- NSU Service and Assistance Animal Acknowledgement, Information and Registration Form
- Disability Assessment Form (generally completed by a provider in either South Dakota or the student's home state)
- NSU Service and Assistance Animal Emergency Contact Information
- NSU Service and Assistance Animal Roommate Agreement Form

Evaluation is based on the following two questions:

1. Does the person seeking to use and live with the animal have a disability as defined by the ADA: a physical or mental impairment that substantially limits one or more major life activity?
2. Does the person making the request have a disability-related need for an assistance animal?
 - Does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or does the animal provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?

Where the answers to questions (1) and (2) are “yes,” the FHA and Section 504 require the university to modify or provide an exception to a “no pets” rule or policy to permit a student with a disability to live with and use an assistance animal(s) in all areas of the premises where students are normally allowed to go, unless doing so would impose an undue financial and administrative burden.

If documentation of the disability and/or the need for the animal is requested, such documentation must be current and be prepared by a licensed medical professional. The Disability Assessment Form must be completed by the said medical professional.

If the person involved also requests a single room, the person will be charged the single room rate.

The request may also be denied if:

1. The specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or
2. The specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation. Breed, size, and weight limitations may not be applied to an assistance animal. A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct — not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused. Conditions and restrictions that housing providers apply to pets may not be applied to assistance animals. For example, Residence Life may not require applicants and residents to pay a deposit for an assistance animal.

Expectations for Service and Assistance Animals

Because service and assistance animals are in close proximity to students and others, they must be quiet, obedient and well-groomed. Specifically:

- The animal must be up-to-date with check-ups and vaccinations.
- Vaccination and license tags must be displayed on the animal (when applicable).
- All animals must be in compliance with the provisions of the City of Aberdeen's Animal Ordinance.
- All animals must be well-behaved as defined by the university.
- If the student leaves his/her residence hall overnight, it is not the roommates' responsibility to act as caregiver for the animal.

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- Animals must be under the control of the user at all times.
 - Animals must be clean, groomed, and free of ticks or other pests. Cleaning of animals, bedding, cages, etc., in university facilities is prohibited.
 - Animals are to relieve themselves in designated locations only.
 - The animal user is responsible for promptly cleaning up after the animal. All waste must be double bagged and disposed of in dumpsters and/or trash cans located on the exterior of campus buildings.
 - The animal user is responsible for any property damage caused by the animal.
 - Service animals may be prohibited from areas that may be hazardous to the animal or its owner (mechanical equipment rooms, etc.)
 - To assist the campus population in recognizing a service animal, it is highly encouraged that the service animal be identified by a marked harness or cape but not required.
 - The animal must not be disruptive to others in the residence hall.
 - Assistance animals are allowed to accompany persons with disabilities in residence halls only and in designated areas where they relieve themselves.

Failure to comply with the stated expectations may result in the loss of housing privileges and forfeiture of housing charges.

Please refer to Residence Life policies for more specific information.

Information for University Visitors and Guests

Guests of residents of university housing who wish to bring an assistance animal into university housing overnight must contact the Office of Disability Services at least four (4) weeks in advance to provide the dates of the visit, the type and breed of assistance animal, to attest that the assistance animal is up to date with vaccinations and to comply with the requirements set forth in these guidelines.

PETS

Students are not permitted to have pets in residence halls except for fish in aquariums. Aquarium size is limited to one 10 gallon tank per room/suite.

CAMPUS ALERT SYSTEM

NSU has emergency guidelines and operating procedures in place for a wide variety of possible emergency situations. Individuals should become familiar with emergency response procedures on the emergency information website in order to have a plan and know what to do before, during and after an emergency.

Northern State University has implemented a Campus Alert Notification System, known as Everbridge, for students, faculty, and staff. This service allows NSU to deliver emergency alerts through a text, call or email. Students, faculty, and staff receive Campus Alert registration instructions via an email to their NSU email account. Once registered, notification settings can be modified by logging in to the Campus Alert System.

Register at [northern.edu/report](https://www.northern.edu/report).

TRANSCRIPTS

A official transcript of record (grades) will be sent on written request to a college registrar, public school superintendent, or other employing officer. Transcripts cost \$9.00 for each copy. Requests for transcripts should be made to the Registrar's Office, 103 Dacotah Hall or online via instructions on our website: <https://www.northern.edu/academics/records-registration/transcripts-anddiplomas>

GRADES

Students can access their grades via Self Service Banner (SSB) on the web page. Access continues for 6 months after last attendance at NSU. Students may wish to print/save an unofficial copy of their transcript for their own records while they still have access. After that, former students may request a transcript.

ACADEMIC ADVISING

The overall objective of academic advising is to help students realize the maximum educational benefits available to them at Northern State University. Academic advising may include all aspects of academic success, including academic planning and progress, academic policies and procedures, class registration, and exploration of NSU programs.

Academic advisors should:

- Understand and effectively communicate the curriculum, graduation requirements, and university policies and procedures
- Encourage and guide students as they define and develop realistic goals
- Encourage and support students as they gain the skills to develop clear and attainable educational plans
- Provide students with information about and strategies for utilizing the available resources and services on campus

While advisors are available for help and guidance, students must assume the ultimate responsibility for the course of their educational careers.

Students should:

- Schedule regular appointments with the advisor during each semester
- Come prepared to each appointment with questions or material for discussion
- Be an active learner by participating fully in the advising experience
- Ask questions
- Clarify personal values and goals and provide advisor with accurate information regarding interests and abilities
- Become knowledgeable about college programs, policies, and procedures

ADVISOR ASSIGNMENTS

Once students have registered for their first semester, they will be assigned professional advisors. Students are encouraged to meet with their advisors on a regular basis.

General Information on Advising/Registration Procedures

- Professional advisors will assist students with their initial registration.
- The Advising Center assigns advisors. Students may contact the Advising Center for advisor contact information and assignment requests.
- Contact the appropriate offices when unsure about policies and procedures.
- Students will meet with an advisor prior to registering for classes.
- Students who pre-register and later decide to cancel their registration should notify the Registrar's Office and their advisor.

ACADEMIC LOAD

The unit of credit is a semester hour representing one lecture period a week for the semester. Three hours of laboratory work is considered the equivalent of one hour of lecture. For each hour of credit, a student should expect to spend up to three hours a week in class or study.

Undergraduate

The recommended student load is 15 semester hours with a maximum of 18 semester hours. Students with a grade point average above 2.70 may enroll for a maximum of 19 semester hours. For summer sessions, the recommended student load is 5 semester hours for each 5-week summer session with a maximum of 7 credit hours. Any combined summer enrollment above 18 total credits is considered to be an overload and requires permission of the advisor and appropriate academic administrator. For financial aid eligibility, athletic eligibility, deferments and enrollment verification, full-time undergraduate enrollment is 12 semester hours; three-quarter enrollment is 9 to 11.5 semester hours; and half-time enrollment is 6 to 8.5 semester hours. All enrollments for interim and summer sessions are combined when determining enrollment status for summer school.

Graduate

The recommended graduate student load is 9 semester hours. Students may exceed 9 hours with permission of the Director of Graduate Studies. For financial aid eligibility, deferments and enrollment verification purposes, full-time graduate enrollment is 9 semester hours; three-quarter enrollment is 7 to 8 semester hours; and half-time is 5 to 6 semester hours. All enrollments for interim and summer sessions are combined when determining enrollment status for summer school. The maximum for summer is 6 credits per session; 7 for Counseling Graduate Plan of Study.

ACADEMIC PROBATION AND SUSPENSION

Probation

Students will be placed on academic probation at the end of a term (including summer) in which the student's cumulative grade point average falls below the minimum progression standard based on class level:

Class	Credit Hour Range	GPA Standard
Freshman	0-29.99	1.8
Sophomore	30-59.99	1.8
Junior	60-89.99	2.0
Senior	90+	2.0

Students enrolling in the Regental system for the first time with prior credit, including internal and external transfer students and dual credit students, shall not be placed on probation by their designated home institution until they have been enrolled at a Regental university for one (1) academic term. Re-entry transfers who left Northern on academic probation and return at a later time with a good academic record from another accredited institution will no longer be on probation. Students will remain on probation until their cumulative GPA reaches the standard.

Suspension

A student on academic probation who fails to maintain a term grade point average that meets or exceeds the GPA standard required for his/her class level is placed on academic suspension for a minimum of two academic terms (including summer). A student on academic suspension will not be allowed to enroll for any coursework at any Regental university except when an appeal has been approved by the Regental university from which the student is pursuing a degree. An approved appeal granted by one Regental university will be honored by all Regental universities.

STUDENT ACADEMIC MISCONDUCT 2:33

1. Definitions

- A. The phrase “Academic Misconduct” means Cheating or Plagiarism:
- B. The term “Cheating” includes, but is not limited to, the following:
 - 1. Using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another’s quiz, test, examination, or other assignment or allowing another to copy from one’s own quiz, test, examination, or other assignment;
 - 2. Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
 - 3. Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the Institutional faculty or staff;
 - 4. Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
 - 5. Falsifying or misrepresenting data or results from a laboratory or experiment; or
 - 6. Engaging in other behavior that a reasonable person would consider to be cheating.
- C. The term “Plagiarism” includes, but is not limited to, the following:
 - 1. Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
 - 2. Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
 - 3. Engaging in other behavior that a reasonable person would consider plagiarism.
- D. The term “Student” includes all persons taking courses from the Institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not.
- E. Other capitalized terms in this policy are defined in Board Policy 3:4, Section 2.

2. Authority

- A. For purposes of this policy and Board Policy 3:4, the Institution that offered the course shall have default authority over the Student.

3. Academic Misconduct Process

A. Allegations

Allegations of Academic Misconduct must be reported by the Faculty Member to the Student Conduct Officer. At the Faculty Member’s request, the Student Conduct Officer will inform the Faculty Member whether the Student has ever engaged in Academic Misconduct, which information may be used in determining any academic consequences should it be determined that the Student engaged in Academic Misconduct. The Faculty Member may request this information at any point throughout the informal resolution process.

B. Informal Resolution

- 1. The Faculty Member will meet with the Student to discuss the allegations and attempt informal resolution. The Faculty Member may request the assistance or presence of the

Student Conduct Officer for this meeting.

2. Informal resolution is reached where:

a. The Student and the Faculty Member agree that there was no Academic Misconduct; or

b. The Student admits to the Academic Misconduct, agrees to the academic consequence, and signs a form documenting the Student's agreement. By signing the form, the Student waives the right to appeal both the fact that the Student engaged in the Academic Misconduct and the academic consequence.

3. If informal resolution is reached, the Faculty Member must inform the Student Conduct Officer. If the informal resolution included the Student admitting to the Academic Misconduct, the Faculty Member must provide the signed form used to document the Student's agreement to the Student Conduct Officer.

4. If informal resolution is not reached, the Faculty Member must inform the Student Conduct Officer that the alleged Academic Misconduct was not informally resolved through this policy and will need to be addressed through Board Policy 3:4.

C. Formal Resolution

1. Once the Student conduct process through Board Policy 3:4 is concluded, the Faculty Member will receive a copy of the informal resolution documentation or the written findings that include the facts found to have occurred.

2. If the informal resolution documentation or the written findings include a determination that a violation of the Student Code for Academic Misconduct occurred, the Faculty Member may impose academic consequences for the Academic Misconduct.

D. Appeals

1. Informal Resolution Reached Through Board Policy 2:33

A Student may not appeal either the fact that the student engaged in the Academic Misconduct or the academic consequence imposed by the Faculty Member because the Student waives such appeal rights in agreeing to the informal resolution under this policy.

2. Informal Resolution Not Reached Through Board Policy 2:33

A Student may appeal the academic consequence imposed by the Faculty Member pursuant to Board Policy 2:9.

SOURCE: BOR, May 2016.

STUDENT FREEDOM IN LEARNING

To secure student freedom in learning, faculty members in the classroom and in seminar should encourage free and orderly discussion, inquiry and expression of the course subject matter. Student performance may be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Each institution shall establish an academic appeals procedure (see Student Academic Grievance Procedure) to permit review of student allegations that an academic evaluation was

tainted by prejudiced or capricious consideration of student opinions or conduct unrelated to academic standards. These procedures shall prohibit retaliation against persons who initiate appeals or who participate in the review of appeals.

C. Students are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

CLASS ATTENDANCE

Each faculty member develops a policy on class attendance. The instructor's attendance policy must be in writing and copies must be distributed to students within the first week of each course. The instructor should include policies regarding make-up work and the relationship of attendance to grading.

When a student participates in a university activity requiring absence from class, the Vice President for Academic Affairs shall, upon request of the sponsoring faculty, notify professors that the student should be permitted to make up work missed during the absence.

COURSE ADDS

Classes can be added to a student's schedule any time before the start of the semester, and with the instructor's permission through the census date of the semester or class (first 10% of class days). Extra class activities and individual studies should be added as soon as possible, but may be added until 70% of the semester has passed.

COURSE DROPS

Courses dropped through the census date of the semester or class (the first 10% of class days) cancel registration. The instructor is not required to approve the withdrawal. No record of enrollment will appear on your transcript. Tuition and fee charges will be removed.

From this date (Census Date) until 70% of the semester or class has passed, the student will receive a grade of 'WD'. The instructor's permission is not required, and grade rosters will reflect the withdrawal. A grade of 'WD' will not affect the student's grade-point average. Students are allowed six "WD" grades. Additional drops will be assigned 'WFL' grades, which count as an 'F' (undergraduate level only).

A grade of 'W' can be replaced by the grade of 'F', however, if an 'F' is assigned by the instructor because of academic misconduct, the 'F' grade given for cheating will override the student's timely withdrawal from a class.

DECLARING A MAJOR OR MINOR

All students are required to select a curriculum and a major. Minor programs are optional, but recommended. The SDBOR student record system is Self Service Banner. A program worksheet/evaluation will be available in Degree Works. The program worksheet details the student's requirements for graduation.

If a student wishes to declare an additional major or minor, or change a previously declared major or minor, a new, signed program approval form must be submitted to the Registrar's Office. The form is available from advisors.

ATTENDANCE CONFIRMATION

All students are required to complete the "Attendance Confirmation" online through SSB on the Finance link. Financial Aid refunds will not be processed until confirmation is completed. "Attendance Confirmation" is open approximately three weeks before the start of each term and

closes the same day as the payment due date. Because of varying start dates in summer, Attendance Confirmation is only done in fall and spring terms.

FEE PAYMENT

NSU requires payment in full by the day after Census Date, which is about a week after the start of each term. Students may access their billing statement on-line through Self-Service Banner and SDePay. If payment or financial arrangements are not made with Finance Office by the specified due date, the student's enrollment may be cancelled.

Tuition rates and other costs are fixed and/or approved by the Board of Regents and may be revised during the year when there are circumstances beyond the control of the university.

FINAL EXAMS

The university encourages faculty members to give frequent examinations during the semester. A final examination or appropriate culminating activity during the final exam period is required. Students may request exception to the exam schedule only if they are scheduled for more than three (3) exams in any one day or if there are personal emergencies. Students must provide written approval from the professor to the academic dean, who will then notify the professor of final approval. Arrangements for taking an exam other than at the regularly scheduled time must be made by the student and the professor at least one (1) week in advance.

PRIVACY RIGHTS

Student records maintained by Northern State University include directory information and educational records. As custodians of student records in compliance with the Family Educational Rights and Privacy Act of 1974, NSU assumes the obligation to ensure full protection of student records, including maintaining the confidentiality of educational records. Student records are identified and accessed by student identification number. NSU follows Board of Regent's policy regarding the release of directory information. Directory information is information not generally considered harmful or an invasion of privacy if disclosed. The following has been defined as directory information at NSU and can be released without the student's written permission:

- Student's name
- Grade level (undergraduate or graduate)
- Major field of study
- Graduation date
- Diploma or degree
- Dates of attendance
- Hometown
- Academic honors/achievement

A student may request that directory information not be made public by completing a form in the Registrar's Office asking that directory information be treated the same as educational records. While such a signed form is in effect, NSU will verify only whether or not a student is currently enrolled. This request remains in effect until negated in writing to the Registrar.

Educational records are those records, files, documents, and other materials which contain information directly related to a student's academic progress, financial status, medical condition, etc. Educational records may not be released to any third party, except those included under FERPA, without the written consent of the student.

The University discloses educational records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A

school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as commencement photographers, NSU Foundation, or consultants, an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Per the Solomon Amendment, recruiting information is supplied upon request to U.S. military recruiters.

Students may change information on their record if they can prove it is inaccurate. Grade changes are made at the request of the faculty member who gave the original grade and with the approval of the faculty chair.

Student records, including admission records, are maintained under the supervision of the Vice President of Enrollment Management and Student Affairs. Academic records are maintained under the supervision of the Registrar. A complete copy of NSU Privacy Act Policies and Procedures is available on the Registrar's Office website.

STUDENT ACADEMIC GRIEVANCE PROCEDURE

Students who feel that they have been aggrieved by a decision or action of a NSU faculty member relating to class absences, grades, and classroom behavior, shall follow the procedure outlined below if they wish to bring their grievances to a resolution. The NSU administration, faculty and students believe a grievance procedure is necessary to avoid unresolved differences. Consequently, these procedures have been adopted:

A. After an attempt at informal resolution between the student and faculty member, any student with an academic grievance shall first file a written complaint with the faculty member involved and during a scheduled conference shall request relief from that person. This filing must occur within ten (10) school days after the alleged grievance. If the alleged grievance occurs during the last two weeks of the fall or spring semester, a written decision by the faculty member must be made and sent to the student by registered mail within ten (10) school days after the written grievance has been filed.

B. If the faculty member's decision does not satisfactorily resolve the grievance, within five (5) school days of receipt of the decision the student shall file the written grievance with the appropriate department chairperson and division dean to request relief. Within two (2) days of receipt of the written grievance, the chairperson shall send a copy of the grievance to the faculty member. At this point the faculty member, the department chairperson, the division dean, or the student may request that the discussion of the grievance include all four parties. The request of any one of the individuals shall be honored. Joint or separate recommendations by the dean/chairperson shall be sent to the faculty member and the student within ten (10) school days after the written grievance has been filed with them.

C. If a chairperson's action or decision, in the role as a faculty member, is being grieved, and if resolution satisfactory to the student is not reached as outlined in step A, a written grievance shall be filed with the appropriate faculty chair and procedures similar to those outlined in step B shall be followed.

D. If a faculty chair's action or decision, in the role of faculty member, is being grieved, and if resolution satisfactory to the student is not reached as outlined in step A, a written appeal may be filed with the Academic Grievance Committee as outlined in step C.

E. Within five (5) days of receipt of any recommendation(s) from the faculty chair/unit head, the faculty member shall notify the student of acceptance or rejection of the recommendation(s). If the grievance is still unresolved, the student may forward a written appeal to the Academic

Grievance Committee within ten (10) school days after receiving the faculty chair's/unit head's recommendation. The proper form on which an appeal is filed can be obtained in any faculty chair's office or in the office of the dean of the faculty. A meeting of the Grievance Committee must be convened within ten (10) and no less than five (5) school days after the appeal has been filed in the Vice President for Academic Affairs office. The committee must reach a decision within ten (10) days after its first meeting.

F. The Academic Grievance Committee shall be a committee of the President and shall consist of:

- the Vice President for Academic Affairs, who shall act as chairperson
- one faculty member and an alternate from each undergraduate division chosen by each division faculty and
- three students and three alternates chosen by the student government in existence at that time.

G. The committee shall follow the procedures below:

- Hearings are closed unless an open hearing is requested by both parties.
- Hearings are informal, but a taped transcript shall be made and filed in the office of the Vice President for Academic Affairs. The tape is to remain confidential, but shall be made available to the student and to the faculty member.
- The faculty member and the student shall each have access to each other's written statements prior to the hearing and have the right to offer rebuttal to each other's comments at the hearing.
- The faculty member and the student may present appropriate testimony and may be advised by a person of their choice.
- During the hearing and in the presence of the faculty member and the student, the committee may request testimony from at least one consultant from the faculty member's academic discipline.
- The committee or its advisor may ask relevant questions of the faculty member and the student. The faculty member and advisor as well as the student and advisor may ask relevant questions of the committee. The committee members, the faculty member, the student and advisors may ask questions relevant to all participants' testimony.
- Any records of the faculty member or the student deemed pertinent to the appeal shall be made available to the committee upon its request. The confidentiality of these records shall be protected.
- The recommendation of the committee and the reasons for it shall be reported in writing to the faculty member and the student. The report is to be received within at least ten (10) school days following the hearing. The report shall become part of the faculty member's official file. If an action or decision of the Vice President for Academic Affairs, in the role of faculty member, is being grieved, the Vice President for Student Affairs shall act as chairperson of the committee.

H. If the recommendation of the Academic Grievance Committee or the decision of the faculty member is not satisfactory to the student, a written appeal may be filed with the president of the university. The president shall meet jointly with the faculty member, the student and advisors, if desired, and shall have access to all statements, records and tapes involved. All other procedures of the committee shall be applicable to the hearing with the president. The president shall report all recommendations in writing to the faculty member, the student, and the Academic Grievance Committee within ten (10) school days following the hearing.

THE NSU ONLINE BOOKSTORE

At Northern State University, selecting and ordering textbooks is managed 100% online at the NSU Online Bookstore. Created in partnership with Akademos, Inc. and powered by TextbookX, the Online Bookstore simplifies the textbook ordering process for students while providing them with a variety of physical and digital textbook formats.

THE ONLINE BOOKSTORE OFFERS:

Quick ordering process-complete your entire order in 5 minutes. New, used, eBook, and rental textbook formats. An average savings of 60% off list price on Marketplace items. Price match guarantee on new books. A free economy shipping week with no minimum purchase during the third week before the term begins. After that, free economy shipping is available with a minimum purchase of \$49 (not including Marketplace). Year-round access to post and sell any textbook on the website's Marketplace-you name the price. Visit the website and order online at Northern.TextbookX.com

All courses, required materials, and pricing options are displayed in a personalized, easy-to-use page when you log in with your student account. Log in with NSU account, Select textbooks, Check out and Deliver. Order early to take advantage of great savings opportunities and free delivery options. Visit the website today: Northern.TextbookX.com

For t-shirts, sweatshirts, hats, and other Wolf gear, as well as gifts, school supplies, and snacks, visit the NSU Wolf Shoppe on campus. Please note, the campus store will no longer sell textbooks. Students are encouraged to order textbooks before the start of the term and deliver to their homes. Students can also choose to deliver to campus once they are back on campus. Pick up is located at the NSU Post Office. Need Help? Contact the Bookstore's Customer Service team: Northern.TextbookX.com/Help

WITHDRAWAL FROM NSU

Students wishing to withdraw from NSU must contact the Registrar's Office. Self-Service Banner will not allow students to withdraw from all classes as special processing is required. Withdrawal forms authorizing honorable dismissal are obtained from this office or found on their website. Students may not withdraw from school after the 70% point of the semester or class. Veterans and dependents must consult with the proper authorities if they want their educational benefits to continue up to the date of withdrawal.

Students who voluntarily withdraw from NSU may be entitled to a partial refund of tuition and other fees. Refunds to students who received financial aid will be applied to the financial aid programs from which the student received assistance.

If a student notifies the Registrar's Office of their withdrawal prior to the start of the term, the student is canceled and no record appears on their transcript. If withdrawal is initiated between the start of the term and census date, a notation appears on the transcript, noting the withdrawal date. Withdrawals initiated after census, through the 70% point result in classes appearing on the transcript with 'WW' grades. GPA is not affected. An administrative withdrawal can be processed for non-attendance, disciplinary action, or non-payment of financial obligations. The student will be notified by the Registrar before an administrative withdrawal is processed.

For more information on withdrawal from NSU, call the Registrar's Office, 626-2012.

POLICIES CONCERNING STUDENT ORGANIZATIONS

ALCOHOL-RELATED ACTIVITIES POLICY

NSU student organizations will not sponsor any activity at which alcoholic beverages are to be consumed or at which consumption is stated, encouraged, or implied. “Student organization” is intended to include any recognized campus organization, club or residence hall council. Faculty and/or staff who serve as advisors to recognized campus organizations or clubs are required to prohibit development of alcohol-related activities by such recognized entities. The minimal institutional penalty for such offense is the withdrawal of institutional recognition of any organization which violates this policy.

BINGO AND LOTTERY POLICY

A. Student organizations wishing to conduct bingo, raffle, or lottery must secure permission from their advisor and the Director of Student Involvement and Leadership.

B. Bingo games and lotteries must be conducted according to South Dakota State Statutes 22-25-23 through 22-25-25.1. Copies of these statutes may be obtained from the Student Affairs Office, 222 NSU Student Center.

a. State law requires that thirty (30) day written notice of a bingo or lottery event be given to the governing body of the municipality. In NSU’s case, this is the Aberdeen City Finance Office.

b. NOTICE OF INTENT TO HOLD BINGO GAME OR LOTTERY forms are available from the Student Affairs Office, 222 NSU Student Center.

C. Classes are not to be interrupted for any solicitation.

D. Failure to comply with any regulation contained within this policy shall constitute grounds for Northern State University to withdraw its permission to the organization for any further bingo or lottery events. NSU also reserves the right to refuse permission when such an event is, in its view, inappropriate or not in its best interest.

EVENT SECURITY

Organizations sponsoring events on campus where there is a potential for violence or damage are required to provide a professional security force at such events. The sponsoring organization will be held liable for any damage that occurs at its event, unless an individual is caught and required to pay for damages.

Individuals attending an organization function who are under the influence of drugs or alcohol must be asked to leave and/or referred to local authorities.

GUEST SPEAKERS AND PERFORMERS

Student organizations, departments or committees, or the university may invite and hear persons of their own choice. Those routine procedures required by the institution before a guest speaker is invited to appear on campus, including the completion of an appearance contract, ensure that there is orderly scheduling of facilities, adequate preparation for the event, and assurance that the event will not substantially disrupt the educational process. Specific procedures may be found in the Faculty Handbook or by consulting with the Director of Student Involvement and Leadership. Guest speakers may represent a club or organization, but they should not be represented as sharing the views of the University unless otherwise arranged with Communications and Marketing

LIABILITY FOR RECOGNIZED STUDENT ORGANIZATIONAL ACTIVITIES

While the institution encourages student organizations to sponsor a variety of programs and services for the students, it is concerned about the magnitude of risk to students under such sponsorship. It

should be noted that litigation relating to such risk has been focused at the institution. Recent cases, however, are beginning to include faculty advisors, administrators, and student leaders. The question of personal liability coverage at this time is highly uncertain and may remain so due to the continued court cases in this area. In general, the state only provides coverage for its employees in their line of duty and for students while operating state vehicles on state business.

The concern for liability should not diminish the importance of student activities and the role they play in student development and education. What is needed is an understanding of the magnitude of risk assumed in positions of student and advisory leadership.

The best guidance available for administrators, faculty advisors and student leaders is to remain fully informed, cautious, and alert when supervising an event or activity. If there is any concern about the major causes of risk, and possible necessity for “informed consent waivers,” competent legal advice should be obtained.

STUDENT ORGANIZATIONS FINANCIAL POLICY

Any organization that financially obligates itself, whether through a member or officer for services, merchandise or facilities does so in the name of the organization and the members. The university is not responsible in any way for debts incurred by the organization.

CHECKING ACCOUNTS

Student organizations that receive any funds from the Student Budget Appropriations Committee may not have an off-campus checking account. All funds, including fundraising through various on and off campus fundraising events must be placed in a university account. Organizations which do not receive ANY SBAC funds may have an off-campus checking account. Checking accounts must require dual signatures, one of which is the organization’s university advisor. Although within the rights of the organization, The Office of Student Involvement and Leadership does not recommend off-campus checking accounts as transition periods may be more difficult.

PURCHASES

No purchases may be made from a student organization’s university account without securing an authorized purchase order through the Purchasing Office. Requisitions for purchases must be processed via SDezBuy or by Internal Requisition depending on the particular vendor and/or circumstance, please consult your Departments Secretary or Direct Supervisor to start the purchasing process for you.

Upon receipt of materials/products, the purchase order must be received in the Banner Accounting System, please notify the Department Secretary that you have received the item(s). If an invoice/receipt was given to the requestor (you), that receipt **MUST** be turned in to the Purchasing Office. Please give this to your Department Secretary to forward on to the Purchasing Office. The invoice/receipt will be forwarded to the SDBOR Accounts Payable Center for processing of a check to be issued to the vendor.

For help or questions on Purchasing, contact 626-2529 or 626-2533. For other financial matters, contact the Finance and Administration Office, 626-2566.

RECOGNITION PROCEDURE FOR NEW STUDENT ORGANIZATIONS

A. Student Organization Review Committee (SORC) will review applications.

a. Applications Include:

i. Intent to Charter: a typewritten statement explaining the need for the organization and how the organization proposes to contribute to the quality of NSU student life.

ii. Membership List: list of at least five (5) students who are members of the organization (include Student ID Numbers).

iii. Advisor Agreement: form available in the Office of Student Affairs

iv. Organization Registration: form available in the Office of Student Affairs

v. Organization Constitution: samples available in the Office of Student Affairs

vi. Department Approval: required for campus media groups, recreational and sport clubs.

- b.** If needed, organizations will be notified of changes or corrections that need to be made to their application.
- c.** Completed application is first reviewed by the Assistant Director of Student Involvement and Leadership to ensure all documents are complete.
- d.** If the application is complete, SORC will recommend club to Student Association stating the purpose of the organization and how it aligns with the mission and purpose of NSU. They will also include the meeting date and time that the organization is to appear before Student Association.
 - i.** Organization Advisor and President should also receive a copy of this letter at least one (1) week before the scheduled meeting.

B. Student Government Association will allow the organization time to explain the need for the organization and how the organization proposes to contribute to the quality of student life at NSU. A representative from the organization must be prepared to answer any questions regarding the application, proposed constitution, or other relevant information.

C. Student Government Association must approve by three-fourths (3/4) favorable vote.

- a.** If approved, Student Association will forward its recommendation to the Director of Student Involvement and Leadership. The Assistant Director of Student Involvement and Leadership sends the newly recognized organization a letter informing it of its status as a chartered organization with all the rights and responsibilities therein.
- b.** If denied, the Student Government Association Vice President shall send a letter providing specific reasons and rationale for denial of recognition.
- c.** Appeal process is to work with the Assistant Director of Student Involvement and Leadership to address the reasons and rationale for denial. They can then request a place on the agenda of the upcoming meeting for a hearing to reconsider the denial.

For help getting a new organization recognized, please contact the Office of Student Affairs, 626-3007.

ORGANIZATION RECOGNITION POLICIES

Northern State University fully supports in its educational programs, co-curricular and extracurricular activities a policy of non-discrimination on the basis of age, race, creed, color, gender, sexual orientation, disabilities, national origin, ancestry, marital status, arrest record, or conviction record.

All recognized student organizations must include the statement of non-discrimination in their constitution.

If an organization wishes to become recognized, the following criteria must be met:

1. The organization must not duplicate any existing student organization.
2. The organization agrees to adhere to policies and procedures set forth by the institution, Student Government Association, and the Director of Student Rights and Responsibilities.
3. The organization must submit two copies of its constitution to the Assistant Director of Student Involvement each time there is a change.

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4. The organization must complete and file a registration form with the SORC of the Student Association every spring by April 1st (available in the Student Affairs Office, 222 NSU Student Center).
 5. The organization must secure a faculty/staff advisor.
 6. The Student Government Association must officially recognize the organization by a three-fourths favorable vote.

TRIP PERMISSION REQUESTS

All student organizations and campus departments sponsoring off-campus student trips where NSU funds are expended must file a Student Trip Permission Request Form at least one (1) week prior to the anticipated trip. This form, found in the Public Folder under NSU/Travel, serves to inform the administration of activities in which student organizations participate and provides a basis to pay the insurance premium covering student travel. All out-of-state travel must be approved by the Vice President for Academic Affairs, for academic related travel and the Dean of Students for all other travel.

For more information, please contact the Finance and Administration Office or the Purchasing Office.

VIDEOS/MOVIES

Students and student organizations who buy or rent movies may not, without specific authorization from the owner of the copyright, show them publicly. Under the definition of the Copyright Act, the purchaser or renter of video movies may not show that movie at any place that is “open to the public or at any place where a substantial number of persons outside a normal circle of a family and its social acquaintances is gathered.” Performance of video movies in such areas as lounges and commons is prohibited.

If a campus organization wishes to show movies on campus, stop by the Assistant Director of Student Involvement and Leaderships office, room 222 of the Student Center, NSU Student Center, for more information.

POSTING POLICY

All types of notices – windshield flyers, posters, flyers, banners, signs, sidewalk chalking, window writing, or any other form of promotion of an activity on or off campus – must conform to the regulations noted below. All postings must be consistent with the mission, policies and procedures of Northern State University.

1. All posters, flyers, banners, signs, and other materials (notices) for posting or display must be authorized and individually stamped by the Office of Student Involvement and Leadership, regardless of the individual, office or group originating the posting and regardless of the subject matter. The only exception shall be postings appearing on specifically designated department/office bulletin boards.
2. All notices must be submitted to nsuactivities@northern.edu at least three (3) business days prior to an event or requested posting date and include the following information:
 1. Event name
 2. Event location
 3. Date and time of event
 4. Sponsoring group or individual
3. All notices must contain correct spelling, grammar, and punctuation.
4. Only one (1) poster per event may be posted on a board and the size of posters and other materials shall not exceed 11” x 17”.

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5. Notices will not be posted on any surface that could be damaged or leave residue from adhesive or any other method used in posting: windows, doors, stair steps, hand railings, in or on elevators, vending machines, trees, water fountains, exterior building surfaces, vehicles, or painted walls/surfaces.
 6. Unauthorized postings may result in an individual or group being billed for damages and labor for repairs.
 7. Only official Northern State University notifications will be the exception to the posting locations.
 8. Posted notices must be removed by the sponsor group or individual within 24 hours after the event has taken place (except on weekends). Notices may be posted for a maximum of four (4) weeks prior to the event. In the case of material without specific dates, posting approval shall be granted for up to four (4) weeks from the date of approval.
 9. Information on notices must be expressed clearly and, if in non-English, must also include English translation.
 10. Notices of alcohol or drug-related events are prohibited.
 11. Notices that include obscenities or libelous material are prohibited.
 12. A notice promoting an event that is unlawful or violates Northern State University regulations may not be posted.
 13. Notices advertising off-campus housing are prohibited.
 14. Use of any bulletin board or authorized space in any building on campus does not constitute an endorsement or guarantee of any product, service or information by Northern State University.
 15. Posted materials are the responsibility of the sponsoring organization or department. Northern State University and its employees assume no responsibility for posted material, nor liability for damages or injury incurred by participating in events advertised.
 16. A notice should not physically cover or block already posted materials.
 17. Stickers, scotch tape, duct tape, double-sided tape, packing tape, and similar materials are prohibited for any type of posting as they damage or leave residue on surfaces. Tacks may be used on bulletin boards and other like surfaces.

Groups or individuals who do not follow these policies may lose posting privileges. Any damages resulting from improper posting will result in repair costs. Any use of a fraudulent approval stamp will result in temporary loss of privileges and/or a fine.

Unusual or special displays falling outside of the above guidelines will need special approval from the Office of Student Involvement and Leadership and must be displayed in an appropriate, safe and non-disruptive manner.

Poster Approval Posting Numbers

- **MJ-14**
- **Technology Center - 4**
- **Library-1**
- **Student Center-3**
- **Gerber-1**
- **Lincoln - 1**
- **Krikac Administration Building-1**
- **Dakota Hall-5**
- **Spafford Hall-3**
- **Residence Halls-29**

SOLICITATION/FUNDRAISING ON CAMPUS

I. General Guidelines

- A.** Organizations wishing to sell or solicit on campus must secure permission through the completion of the Solicitation form available in the Student Center, Room 222.
- B.** Sales by individuals solely for their personal gain will not be approved.
- C.** Items may not be sold or solicited in classrooms, the Johnson Fine Arts Center, or the Library, nor may items be sold or solicited door-to-door in any campus building.
- D.** No sale or solicitation may impede vehicular traffic on any roadway, nor impede pedestrian traffic on any walkway or access to/from any building.
- E.** It is the responsibility of the organization authorized under this policy to clean the area surrounding the point of sale or solicitation. This must be done with sufficient frequency to avoid the accumulation of litter.
- F.** An area within the main lobby of a residence hall may be designated for use by an organization wishing to sell or solicit. The organization must secure approval from the Director of Residence Life and notify the Hall Director or Resident Assistant upon entering the residence hall.
- G.** Lotteries and raffles must follow South Dakota State Statutes 22-25-23 through 22-25-26. Copies of these statutes and the NSU Lottery & Raffle Policy are available in the Student Affairs Office, Student Center, Room 222.
- H.** Failure to comply with any regulation contained within this policy shall constitute grounds for Northern State University to withdraw its permission to the organization for any further sale or solicitation on campus. NSU also reserves the right to refuse permission when such sale or solicitation is, in its view, inappropriate or not in its best interest.

II. Approval for On-Campus Organizations & Departments

On-Campus:

- A.** Any officially recognized Northern State University student organization may sell or solicit items that pertain to the activities of the group at any authorized distribution center within the restrictions of this policy and with appropriate approval.
- B.** All sale and solicitation efforts must be approved in advance. Solicitation Request Forms are available in the Student Center, Room 222. The completed form must be returned at least two (2) weeks in advance of the sale or solicitation. Both the organization advisor and the Director of Student Involvement and Leadership.
- C.** If the solicitation involves businesses or individuals outside of the university, the NSU Foundation and Vice President for Finance & Administration must also approve.
- D.** If the sale involves food items, the Dining Services Director must also approve.
- E.** If the sale involves clothing or merchandise, the Bookstore Manager must also approve.

Off-Campus:

- A.** All fundraising and solicitation efforts by student organizations that occur off-campus must be approved by the organization advisor, the NSU Foundation Executive Director, the Vice President for Finance and Administration, and the Director of Student Involvement and Leadership.
- B.** All fundraising and solicitation efforts by university departments that occur off-campus must be approved by the department head, the NSU Foundation Executive Director and the Vice President for Finance and Administration.

C. Organizations that solicit items from the local business community must provide the NSU Foundation Executive Director and the Vice President for Finance and Administration with a list of items received, stating value, where, and from whom solicited. Organizations may not solicit the business community for cash gifts.

Information and assistance in soliciting off-campus organizations and businesses is available. Contact the NSU Foundation, Beckman Building, 605-626-3005.

III. Approval for Off-Campus Organizations

A. Commercial products may be sold on campus only when those products meet a need not presently being filled by university services.

B. Vendors wishing to sell on campus must be approved by the University Bookstore Manager, the Vice President for Finance and Administration and the Director of Student Involvement and Leadership. Prevailing facility rental rates will apply for any space desired, unless sponsored by a campus department or recognized student organization.

C. Organizations may not bring food on campus without the approval of the Dining Services Director.

IV. Violations

A. Solicitation/fundraising activities found in violation of this policy will be halted by the Student Affairs personnel or other campus personnel and the sponsoring organization or department will be penalized according to the following schedule:

1. First violation - a phone call will be made, and a follow-up letter sent, to the organization's chief officer and to the advisor. In the case of a department, the appropriate department chair or dean will be contacted.
2. Second violation - revocation of solicitation/fundraising privileges for not less than thirty (30) in-session school days.
3. Third violation - referral of the student organization to the Student Senate for consideration of revocation of recognition. Also, suspension of solicitation/fundraising privileges for not less than ninety (90) in-session school days.

IMMUNIZATION POLICY

To prevent illness and protect the health of the campus community, NSU strongly recommends students to be immunized. All students are required to receive the MMR (Measles, mumps, rubella) vaccine, and strongly encouraged to receive the meningitis vaccine for protection against these potentially life-threatening diseases.

CAMPUS FIRE PREVENTION AND SAFETY POLICY

I. POLICY STATEMENT

NSU is truly committed to campus safety. With so many students living and learning in such close proximity throughout our campus, each and every student plays an important role in fire prevention. The following policies are designed to aid in fire prevention and protect the safety of the campus community.

Every student assumes the responsibility of complying with fire safety policies, procedures, and guidelines as put forth in this handbook. Violations of fire safety policies and procedures are treated with the highest priority and may result in student conduct sanctions including, but not limited to, fines, educational programming, and removal from residence halls.

II. POLICY VIOLATIONS AND SANCTIONS

The following minimum conduct sanctions may be imposed upon any student found to have violated this Fire Safety Policy.

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1. Smoking of products including but not limited to tobacco products, e-cigarettes, and vapor cigarettes in campus buildings or other non-designated areas of campus
 - i. First Violation – \$50.00 Fine, Subject to Formal Student Conduct Warning and Educational Programming
 - ii. Second Violation – \$50.00 Fine and Subject to Formal Student Conduct Probation
 - iii. Third Violation – \$100.00 Fine and Subject to Conduct Probation, and possible removal from Residence Hall.
 2. Item(s) hanging from fire alarm or fire sprinkler system
 - i. First Violation – Residence Hall Written Warning and Educational Programming
 - ii. Second Violation - \$25.00 Fine and Subject to Formal Student Conduct Sanction(s)
 3. Burning candle or other open flame(s)
 - i. First Violation – \$25.00 Fine, Residence Hall Written Warning, and Educational Programming
 - ii. Second Violation – \$50.00 Fine and Subject to Formal Student Conduct Sanction(s)
 - iii. Third Violation – \$100.00 Fine and Subject to Residence Hall Expulsion
 4. Tampering with room fire/smoke detector or other room fire alarm device
 - i. First Violation – \$100.00 Fine, Subject to Formal Student Conduct Sanction(s), and Educational Programming
 - ii. Second Violation – \$200.00 Fine and Subject to Student Conduct Probation and Residence Hall Expulsion
 5. Tampering with building fire alarm system – NOT resulting in the transmission of a fire evacuation
 - i. First Violation – \$75.00 Fine, Subject to Formal Conduct Warning, and Educational Programming
 - ii. Second Violation – \$200.00 Fine and Subject to Student Conduct Probation
 6. Tampering with building fire alarm system – RESULTING in the transmission of a fire evacuation and a fire department response
 - i. First Violation – \$200.00 Fine, Subject to Student Conduct Probation, and Educational Programming
 - ii. Second Violation – \$300.00 Fine, Subject to Student Conduct Sanction(s), and possible Residence Hall Expulsion
 7. Discharge of building fire extinguisher for non-emergency purpose
 - i. All Violations – \$100.00 Fine, plus additional cleaning charges and Subject to Student Conduct Probation

SMOKING POLICY

Smoking is allowed in parking lot areas on the perimeter of campus only. Smoking products of any kind, including electronic or vapor cigarettes, are prohibited anywhere within the campus buildings, including residence halls and the campus green.

NORTHERN STATE UNIVERSITY'S PHILOSOPHY AND POLICY CONCERNING ALCOHOL AND OTHER DRUGS

I. Statement of Philosophy

Northern State University, in keeping with its institutional commitment to provide a quality educational experience for its students, discourages high-risk behavior with regard to the use of alcohol and other drugs.

Northern State University prohibits the possession of alcohol on University property or at student-sponsored events. Furthermore, Northern State University cannot and will not tolerate the use, possession, manufacture, or distribution of illegal drugs on University property or as part of any University activities.

Northern State University recognizes explicitly that students are adults, which means they are expected to obey the law and take personal responsibility for their conduct.

Individuals make the choice to use -- or not use -- alcohol and other drugs, but group dynamics and group influences play a particularly important role in the university setting. Throughout the United States, both long-standing traditions and current attitudes create the potential for the abuse of alcohol and other drugs. Northern State University is therefore committed to supporting and encouraging the development of positive activities for all students.

The Alcohol and Other Drugs Policy of Northern State University is established to help ensure the health and safety of all members of the University community, and should be applied in such manner and spirit. It is not the intention of Northern State University to use this or any other policy to regulate the personal affairs of any individual or group of individuals.

II. Definition of Terms

A. Alcohol – In the context of this policy, the terms “alcohol” and “alcoholic beverage” are defined to be any consumed or consumable beverage that has alcohol content. This would include, but not be limited to, all forms of beer, wine, wine coolers, and distilled beverages. Empty alcoholic beverage containers also constitute the presence of alcohol and will be treated as such.

B. Illegal Drug – in the context of this policy, the term “illegal drug” is defined to be any substance whose distribution is somehow controlled or restricted by federal or state law which is not obtained through the legal prescription of a licensed medical professional. This includes, but is not limited to, all drugs classified by the Drug Enforcement Agency as a Schedule I – V drug. It should be noted that alcohol is considered an illegal drug for those persons under the age of twenty-one (21).

III. State and Federal Laws

Northern State University holds its faculty, staff, and students responsible for the observance of state and federal laws with respect to the use of alcohol and other drugs.

A. State Alcohol Laws

Applicable South Dakota alcohol laws can be found in Title 35, Chapter 9 of the South Dakota Codified Laws. They include, but are not limited to, the following:

35-9-1. Furnishing of beverage to child as misdemeanor — Exceptions. It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person under the age of eighteen (18) years unless: (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least twenty-one (21) years of age, while not on the premises of an establishment licensed for the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a

special event for which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-1.1. Restrictions on alcohol to persons eighteen (18) years or older but under twenty-one (21). It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person who is eighteen (18) years of age or older but less than twenty-one (21) years of age unless it is done in the immediate presence of a parent or guardian or spouse over twenty-one (21) years of age or by prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

35-9-2. Purchase, possession or consumption of beverage by minor is a misdemeanor — Misrepresentation of age. It is a Class 2 misdemeanor for any person under the age of twenty-one (21) years to purchase, attempt to purchase or possess or consume alcoholic beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.

B. State Drug Laws

Applicable South Dakota drug laws can be found in Title 34, Chapter 20B of the South Dakota Codified Laws.

IV. Policies, Procedures, and Sanctions

A. Student Alcohol Disciplinary Code

The Northern State University student disciplinary code prohibits the following:

1. The manufacture, sale, possession, and consumption of alcohol, marijuana or controlled substances by students on any property controlled by the Board of Regents and in connection with any student sponsored activity; except that alcohol may be served at social activities held in other locations subject to the restrictions set out in this article.
2. Possession of alcoholic beverage containers on campus.
3. Presence in any area on campus where alcoholic beverages are being consumed or alcoholic beverage containers are present.
4. Violation of federal, state or local law on institutional premises or at institutionally sponsored or supervised activities.

Furthermore, Northern State University also prohibits the following:

1. Alcoholic beverages at any student sponsored activity or event whether on or off campus.
2. The manufacture, possession, use or dispensing of marijuana or illegal controlled substances at organizational functions.
3. The expenditure of organizational funds on alcoholic beverages, marijuana or illegal controlled substances.
4. The informal collection from the members or residents of monies to be spent on alcoholic beverages, marijuana or illegal controlled substances.

Off-campus Activities

Policy

Any individual or group of individuals whose participation in an off-campus activity is in some manner being subsidized by Northern State University is expected to, at a minimum, act in accordance with any and all local, state, and county laws and ordinances during the duration of the event, including travel time. Failure to do so may result in disciplinary action being taken, which may include, but not be limited to, the placement of a Letter of Censure into the student's file and participation in Northern State University's Insight class.

Sanctions

Individuals violating any university policy, including those mentioned above, may be subject to sanctions as described in the South Dakota Board of Regents Student Code of Conduct 3:4.

All alcohol violations are reviewed on a case-by-case basis. Students who receive a first time violation may be required to participate in an alcohol educational program. Educational programming is designed to help students make better choices regarding personal health and safety, academic success, and campus policy implications.

In light of the changes in the Higher Education Amendments passed by Congress, Northern State University will contact a student's parents if he or she is under 21 years of age. Northern State University provides the Insight Program for alcohol and other drug related incidents.

Insight Level I - A class that may be required of all students on their first violation of the alcohol and other drug policy. Insight consists of an eight (8) hour class offered once a month. The class gives the student an opportunity to address the issue of alcohol and other drug use, its negative consequences and whether further assistance is needed. A student is required to follow any recommendations of the class facilitators which arise from the class session(s).

Insight Level II - Participation may be required upon the student's second violation of the alcohol and other drug policy. The purpose of Insight Level II is to help students make wiser choices and support them in following the laws and regulations concerning alcohol both on and off campus. A student is required to follow any recommendations of the program facilitators which arise from the program sessions. Exit from the program is determined by the facilitator(s).

CAMPUS HARASSMENT AND INCITEMENT

Northern State University stands for equal opportunity and equal treatment for all students, faculty, administration, and staff. An academic community must strive to eliminate inflammatory, racist, or prejudiced action or harassment aimed at any person or group if such action or harassment is based on viewpoint, race, or ethnic origin. At the same time, freedom of speech and academic freedom are recognized as vital elements in the life of the university.

No value is more fundamental to the academic community than that all persons must be treated with civility and respect, and that, accordingly, the preferred means to resolve disagreement is through well-reasoned discussion. This policy sets the minimal standards that are expected on the university campus with respect to incidents involving incitement or racial harassment.

The following categories of inflammatory and harassing speech are unprotected by the First Amendment and will not be tolerated in our community:

1. "Fighting words" which include the lewd and obscene, the profane and the insulting, which by their very utterance inflict injury or tend to incite an immediate breach of the peace.
2. Speech which has the effect of inciting imminent lawless action and which is likely to incite such action.

3. Speech or conduct which creates a hostile or abusive working environment on the basis of race or sex.

4. Legally obscene speech which is vulgar and shocking, such as materials involving the sexual exploitation of children.

The university will follow administrative policies and take actions to preserve the academic environment and the civil rights of all persons. Reasonable and non-discriminatory time, place, and manner restrictions which are narrowly tailored to preserve academic and civil communication and the First Amendment rights of all persons may be necessary in order to maintain a peaceful and tolerant atmosphere on the campus.

Persons, whether student, visitor, faculty member, or university employee who are the victim of harassment or who feel that their civil rights have been violated have several options for seeking remedy within the university. Invoking the affirmative action process is one option. Additionally, the person may report the incident(s) to one of the following offices: the President, the Vice President for Academic Affairs, the Vice President of Student Affairs, or the Director of Human Resources. These offices may deal with the problem administratively or ask interested parties to hold discussions with the complaining person and any other individual or individuals involved in the matter. All non-administrative attempts to settle the difficulty will be in the spirit of trying to improve the relationships between the parties and will be conducted in a thoughtful and respectful way. Administrative handling of complaints may include referral to appropriate civil authorities.

SOUTH DAKOTA BOARD OF REGENTS POLICY MANUAL 6:13

SUBJECT: Facilities Use by Private Parties

A. PURPOSE

To establish policy and procedures pertaining to the use of institutional facilities by private parties.

B. DEFINITIONS

1. Affiliated Entity: organizations, such as institutional foundations, whose legal purpose includes support of the institution and its activities, organizations that have been authorized by the institution to use its name and marks, and student organizations recognized by the institutions, as well as the State of South Dakota and its political subdivisions, and their instrumentalities.

2. Commercial Purposes: activities that involve the exchange of goods or services for valuable consideration and speech that relates solely to the economic interests of the speaker and audience and proposes a commercial transaction.

3. Disrupt: any actions that infringe institutional rules, interrupt institutionally sponsored or authorized instructional, research or service activities, or substantially interfere with the opportunity of other persons to use institutional grounds or facilities for their intended or authorized purposes.

4. Events: speeches, presentations, social gatherings, religious ceremonies, entertainments, youth camps or other activities that pose no substantial risk of injury to persons and property and that are generally consistent with the kinds of activity sponsored by the institution itself.

5. Facilities and Grounds: buildings, structures, internal streets and sidewalks, parking facilities, athletic facilities, landscaping and grounds owned or occupied by the institution but excludes municipal streets or sidewalks or public highways or rights of way that abut or traverse a campus.

6. Private Party: any individual or group other than the institution, its affiliated entities, or their officers, agents, faculty, or staff when acting on their behalf.

7. **Working Days:** those days when the office of the institution are open for business.

C. POLICY

1. Institutional Facilities

Institutional facilities and grounds embody investments by students and taxpayers to advance the educational, research, and service missions of the institution. They are not open to the public for assembly, speech, or other activities as are the public streets, sidewalks, parks, or seats of government. Institutional facilities and grounds are selected, designed, and operated to balance aesthetic and utilitarian considerations, to provide settings conducive to learning and research, and to provide venues to expose students to high and popular cultural activities. These purposes define the priorities for their use by private parties.

1.1. Casual visitors may enter institutional facilities and grounds to conduct business with the institution, to attend institution sponsored events, exhibits or programs that are open to the public, to deliver goods ordered by residents or to traverse the grounds without stopping, or for purposes incidental to personal family or social matters involving students or institutional staff.

1.2. Private parties may request permission to use facilities or grounds for private meetings or events. Such requests may be granted to the extent that institutional program schedules permit if the requested use is lawful and otherwise consistent with this policy, poses no risk of harm to persons or property, and will not disrupt the intended use of the facilities or grounds by the institution, its students, staff, or other visitors.

1.3. Permission to use facilities or grounds for private meetings or events shall be contingent upon agreement to avoid disruption of institutional uses of the facilities or grounds, interference with students or employees, or damage, fouling or littering facilities, grounds or other property. Private users shall be responsible for the cleanliness and order of any facilities or grounds that they use.

1.4. Institutional facilities and grounds are tax exempt public facilities and, as such, are not generally available for use by private parties for commercial purposes. Institutions may contract with private parties to provide goods and services on its behalf, to provide access to dedicated advertising venues or to engage in limited mission-related testing, research or economic development activities. As part of their service to the state and their host communities, institutions may designate specific venues where third parties may schedule occasional activities that may have incidental commercial purposes.

1.5. Some institutional facilities and grounds may be restricted, and private parties may only venture there if specifically invited by a person with authority to invite them. Buildings or facilities that are ordinarily open during regular business hours shall be deemed to be restricted areas if they have been locked.

2. Private Parties

Private Parties must request prior authorization to use a facility or a portion of the institutional grounds. Each institution shall develop and shall make public practices and rules to implement this policy. In particular,

2.1. Each Institution shall appoint a person or persons to receive and to administer private party requests for permission to use institutional facilities or grounds for meetings or events.

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2.2. Each institution shall designate those facilities, or portions thereof, or portions of the grounds that may be used by private parties for meetings or events, and shall specify whether, when and how private parties may use application in conjunction with their meetings or events.

Each institution shall differentiate between meeting rooms and classrooms that are appropriate for meetings involving up to one hundred persons and lecture halls, auditoria, outdoor areas and other places that are appropriate for larger events and gatherings. If an institution elects to permit limited activities for commercial purposes, it shall identify which facilities are available for such purposes and shall indicate what kinds of commercial purposes may be pursued in the facilities.

2.3. Each institution shall designate those days, including finals week and the week preceding it, when facilities and grounds will not be available for private meetings or events.

2.4. Each institution shall establish and publicize local rules to implement this policy. These rules shall provide, at minimum, that

2.4.1. Private parties may request permission to use institutional facilities or grounds for meetings or events that will not interfere with the use of the facilities by the institution or institutionally affiliated organizations.

2.4.2. Private parties seeking permission to use institutional facilities or grounds shall complete and submit written applications on forms developed by the institution.

2.4.3. Private parties requesting permission to use facilities or grounds for events shall submit completed forms and all necessary attachments no less than three (3) working days prior to the date on which they wish to use the facilities or grounds

2.4.4. Private parties may not reserve facilities or grounds for regularly scheduled meetings, thereby precluding institutional uses of the facility.

2.4.5. Private parties who have been granted permission to use institutional facilities shall agree to abide by all institutional regulations and shall not publicize their meetings or events in ways that suggest co-sponsorship by the institution.

2.4.6. Private parties shall agree to restore facilities and grounds to the state of cleanliness and repair in which they found them or to pay for custodial or repair services at standard university rates and for extraordinary restoration or replacement expenses at cost.

2.4.7. Private parties shall agree to avoid actions that disrupt pedestrian or vehicular traffic on campus grounds, interfere with the instructional, research, service or administrative activities of the institution or disrupt meetings or events sponsored by the institution or other private parties.

2.4.8. Private parties seeking permission to use facilities for commercial purposes or to sponsor events with planned attendance of five hundred people or more shall provide security and shall purchase event insurance in the amount of one million dollars, naming the State of South Dakota, the Board, the institution and their officers, agents and employees as named insureds.

2.4.9. Private parties may be charged fees at published rates to cover the costs institutions incur to provide private parties access to the selected facilities or grounds and to maintain and to repair such facilities; however, any such fee(s) must be based on definite and objective criteria that are not content-based.

2.4.10. Private parties may be allowed to purchase at published rates institutional services to prepare the facilities for private use, to monitor use of the facilities during meetings or events and to restore the facilities to the prior state.

2.4.11. Private parties wishing to serve, or to offer for sale, food or beverages shall make any necessary arrangements with the institutional food service provider, if applicable.

2.5. Each institution shall establish procedures to implement its local rules. These procedures shall provide, at minimum, that

2.5.1. Copies of the Board and institutional rules, information about institutional facilities and grounds available for use by private parties, schedules of fees and all forms needed to apply for permission shall be published, together with contact information to enable readers to obtain clarification of the meaning or application of rules or assistance in completing applications

2.5.2. The institution shall act upon applications no later than the third (3rd) working day after receipt of a completed application.

2.5.3. Except as provided in §2.5.5, below, the institution shall grant applications for meetings or events if,

2.5.3.1. The applications, and all required attachments, have been completed; and

2.5.3.2. The meetings or events will comply with the requirements and limitations contained in this policy and the institutional policy(ies) or rule(s) that implement it;

2.5.4. If the institution denies an application for a meeting or event, it shall provide the private party with a written explanation for the denial.

2.5.5. The institution may deny applications for meetings or events only if,

2.5.5.1. The private party has failed to comply with the requirements of § 2.5.3, above, or the meeting or event or the requested schedule otherwise does not meet the standards stated in that section.

2.5.5.1.1. If permission is denied due to a conflict with the academic calendar or with previously scheduled activities, the institution shall propose an alternative facility or place if available for the same time, or an alternative time, if available, for the same place.

2.5.5.2. The private party has on prior occasions made material misrepresentations regarding the nature or scope of a meeting or event previously permitted or has violated the terms of prior use agreements.

2.5.5.3. Any of the following grounds are present:

2.5.5.3.1. The application for permit contains a material falsehood or misrepresentation;

2.5.5.3.2. The applicant is legally incompetent to contract or to sue and be sued; or

2.5.5.3.3. The applicant has on prior occasions damaged institutional property and has not paid in full for such damage, or has other outstanding and unpaid debts to the institution.

2.5.5.4. Private parties whose prior conduct would justify denial of permission to use facilities or grounds may not avoid denial by creating new organizations, by associating themselves with other private organizations or by otherwise associating themselves with others for the purposes of avoiding denial of permission under this section.

2.5.6. A written denial shall advise private parties of their right to appeal the denial by filing a signed, written appeal with the official designated by the institutional chief executive officer to receive such appeals. Any denial issued pursuant to this policy shall be deemed effective upon the earlier of, actual communication to the applicant, transmission of an electronic message containing the written denial to the applicant, or deposit of the written denial in the United States mail.

2.5.6.1. The appeal must be presented on the approved form.

2.5.6.2. The person receiving the appeal shall not be the same official who issued the original denial

2.5.6.3. The completed written appeal must be presented within five (5) working days after the denial was issued.

2.5.6.4. The appeal shall state specifically facts that, if proven, would demonstrate

2.5.6.4.1. That the denial was based upon an incorrect assessment of material fact or

2.5.6.4.2. That it involved a misinterpretation, misapplication or violation of the requirements of Board or institutional policy.

Mere conclusions, general allegations and speculative statements cannot establish a factual ground for the claim that Board or institutional policy has been misinterpreted, misapplied or violated.

2.5.6.5. The institution will respond to such appeals via email within two (2) working days after their receipt by the institution. Should the institution deny the appeal, it shall provide in its response the procedure for appealing the decision to the institutional chief executive officer.

2.5.6.6. If the private party remains dissatisfied, the private person may appeal to the institutional chief executive officer by filing a written appeal on the same approved form within five working days after the institution issued its response.

2.5.6.7. The institutional chief executive officer shall have ten (10) working days after receipt of such an appeal to conduct such an investigation as may be warranted under the circumstances and to issue a written decision addressing the concerns raised by the private party, determining whether denial was proper under §2.5.3, and, if the appeal is denied, informing the private party of the discretionary appeal to the Executive Director of the Board of Regents.

2.5.6.8. After exhausting institutional appeals, the private party may appeal the determination of the institutional chief executive officer by submitting a written appeal to the Executive Director of the Board of Regents within ten (10) working days from the effective date in the institutional chief executive officer decision. Such an appeal shall include the application, the denial, the appeals and decisions exchanged at the institutional level, and the required appeal form.

2.5.6.9. The Executive Director of the Board of Regents shall have ten (10) working days after receipt of such an appeal to review the appeal and its documentation and to determine whether to attempt to mediate a resolution. Within five (5) working days thereafter, the Executive Director shall either issue a preliminary recommendation or refer the matter to a hearing examiner to determine whether the matter presents contested issues of material fact warranting a hearing or whether denial was proper under § 2.5.3, as a matter of law.

2.5.6.9.1. If the Executive Director issues a preliminary recommendation that would deny the private party relief, the private party shall be allowed ten (10) working days from the transmission or deposit in the mails of the Executive Director's written response to provide reasons why that response should not become final. The recommendation of the Executive Director and any responses by the private party will be forwarded to the Board at the next regularly scheduled meeting

2.5.6.9.2. If the Executive Director appoints a hearing examiner using the contested case proceedings pursuant to SDCL ch. 1-26, the hearing examiner shall contact the institution and the private party within ten (10) working days from the date of appointment to schedule any necessary exchanges of authorities, hearings or

evidentiary hearings.

2.5.6.9.2.1. The hearing examiner will make a recommendation to the Board which will take the form of findings, conclusions and an order of disposition and will be issued within fifteen working days of the hearing or of the expiration of any briefing schedule established by the hearing examiner. A copy of the recommendation will be provided to the institution and to the private party. The recommendation must be based solely on the record, pertinent institutional and Board policies, this agreement and the law of the land.

2.5.6.9.3. The Board will make a final decision based upon the recommendation of the hearing examiner or the Executive Director where a matter is to be resolved as a matter of law. In addition, it may review the record pertinent to the issues and may hear testimony from individuals as it deems appropriate. Such decision will be made at the next regularly scheduled Board meeting following receipt of the recommendation, provided the recommendation is received not less than ten (10) working days prior to the Board meeting. If not received in time, the recommendation will be acted upon at the subsequent meeting. If the Board rejects or modifies the recommendation of the hearing examiner or the Executive Director, the Board will provide the institution and the private party with the reasons for rejecting or modifying the recommendation.

2.5.6.10. Appeals from the decision of the Board are governed by SDCL ch. 1-26.

SOURCE: BOR August 2007; BOR April 2009; BOR December 2018

EQUAL OPPORTUNITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION 1:19

1. Equal Opportunity

The institutions under the jurisdiction of the Board of Regents shall offer equal opportunities in employment and for access to and participation in educational, extension and other institutional services to all persons qualified by academic preparation, experience, and ability for the various levels of employment or academic program or other institutional service, without discrimination based on sex, race, color, creed, national origin, ancestry, citizenship, gender, gender identification, transgender, sexual orientation, religion, age, disability, genetic information or veteran status or on any other status that may become protected under law against discrimination.

2. Non-Discrimination, Civil Rights and Affirmative Action

The Board reaffirms its commitment to the objectives of affirmative action, equal opportunity and non-discrimination in accordance with state and federal law. Redress for alleged violations of those laws may be pursued at law or through the procedures established by the provisions of 1:18 of this policy.

3. Responsibilities of Chief Executive Officers

The chief executive officers of the respective institutions shall be responsible for assuring that the Board's equal opportunity policies are communicated effectively to members of the institutional community and the public at large. The means for such communication may include seminars and other forms of public service or instructional programming and shall include notices to be posted or otherwise incorporated into institutional promotional materials. Such notices should clearly identify persons who are responsible for the implementation of equal opportunity policies and should advise readers or listeners of how they might contact the responsible institutional officials to obtain further information or to express their concerns about implementation of institutional policies.

SOURCE: BOR, February 1969; BOR, June 1987; BOR, October 1993; October, 1995; BOR, October 2010; BOR, December 2013.

SOUTH DAKOTA BOARD OF REGENTS POLICY 1:17

SUBJECT: Sexual Harassment

PURPOSE

To establish policy prohibiting sexual harassment, the process for investigating and determining when sexual harassment has occurred, and the appeal process available when a violation is found.

DEFINITIONS

- 1. Actual knowledge:** Notice of sexual harassment or allegations of sexual harassment to a Title IX Coordinator, any employee of the institution who has authority to institute corrective measures on behalf of the institution or any employee at the Special Schools. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only employee of the institution with actual knowledge is the respondent.
- 2. Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- 3. Consent:** As set forth in BOR Policy 1:17:1(3)E.
- 4. Day:** Calendar days.
- 5. Education program or activity:** Any locations, events, or circumstances taking place in the United States where the institution exercised substantial control over both the respondent and the context in which the alleged violation occurs—including locations that correspond to land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by, the institution, and adjacent streets and sidewalks. For purposes of this policy, the term also includes any building owned or controlled by a student organization that is officially recognized by the institution.
- 6. Formal complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against and respondent and requesting that the institution investigate the allegation of sexual harassment.
- 7. Institution:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, University of South Dakota, South Dakota School for the Deaf and South Dakota School for the Blind and Visually Impaired.
- 8. Respondent:** An individual that has been reported to be the perpetrator of conduct that could constitute a violation of this policy.
- 9. Sexual harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 - 9.1.** An employee of an institutional conditioning the provision of education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
 - 9.2.** Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
 - 9.3.** Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA), the definitions of which are set forth in BOR Policy 1:17.1.
- 10. Special Schools:** South Dakota School for the Deaf and South Dakota School for the Blind and Visually Impaired.

11. Supportive measures: Non-disciplinary, non-punitive individualized services offered to the complainant or the respondent.

12. Working day: Monday through Friday, except for holidays and other times when the institution's administrative offices are closed.

13. Written notice: Notice provided either via email to the student and/or employee at their official institutional email account. Notice is deemed received the day after it is sent via email.

C. POLICY

1. Scope

These procedures apply to allegations of sexual harassment occurring in connection with an institution's education program or activity. Allegations of harassment not constituting sexual harassment shall be handled pursuant to BOR Policy 1:18 and/or 3:4, as appropriate.

2. Institutional Response

An institution with actual knowledge of sexual harassment in connection with an education program or activity must respond promptly in a manner that is not clearly unreasonable in light of the known circumstances. An institution must treat complainants and respondents equitably by offering supportive measures, with or without the filing of a formal complaint, and when a formal complaint is filed, by following the grievance process outlined below prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures.

2.1. Supportive Measures

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

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

2.1.2. The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

2.1.3. Institutions must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measure.

2.1.4. Nothing contained in this policy shall be construed to preclude an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

2.2. General Requirements

In response to a formal complaint, an institution's grievance process must comply with the requirements of this section, to include the equal application of the same to both parties. Nothing contained herein should be read to restrict any right that would otherwise be protected by the First Amendment of the U.S. Constitution, deprive a person of due process protected by the Fifth and Fourteenth Amendments of the U.S. Constitution, or otherwise restrict any other rights guaranteed against government action by the U.S. Constitution.

2.2.1. Institutions must treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility of sexual harassment has been made against the respondent in accordance with the process set forth herein.

2.2.2. Remedies implemented by an institution must be designed to restore or preserve equal access to the education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

2.2.3. Institutions must require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

2.2.4. Institutions must require the Title IX Coordinator(s), investigator(s), decision-maker(s), or any person(s) designated by an institution to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

2.2.5. Institutions must ensure the Title IX Coordinator(s), investigator(s), decision-maker(s), and any person(s) who facilitate an informal resolution process receive training on the definition of sexual harassment; the scope of the education activity or program; how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

2.2.6. Institutions must ensure the decision-maker(s) receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

2.2.7. Institutions must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

2.2.8. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints

2.2.9. Institutions must include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Determinations on responsibility will be made using the preponderance of the evidence standard. The preponderance of the evidence indicating responsibility is shown if, in considering all the evidence it is more likely than not that the respondent is responsible for the alleged conduct.

2.2.10. Institutions may grant temporary delays or extensions of any deadline set forth in this policy which occur prior to the hearing, for good cause such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity (excluding cooperative agreements); or the need for language assistance or accommodation of disabilities. If any such

temporary delays or extensions are granted the institution must notify the parties in writing of the reason for any such short-term delay or extension.

2.2.11. Following a determination of responsibility by the institution, the disciplinary sanctions listed below in this section may be imposed on the respondent. More than one of these disciplinary sanctions may be imposed for any single finding of responsibility. Imposition of a disciplinary sanction may be delayed or suspended on such conditions as the institution may prescribe.

2.2.11.1. Warning—A statement to the respondent that the respondent has violated this policy.

2.2.11.2. Probation—Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the respondent is later found to have engaged in any additional violation(s) during the probationary period.

2.2.11.3. Loss of Privileges—Denial of specified privileges for a designated period of time. The privileges of continued participation in institutional activities, and/or access to institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the respondent's expense.

2.2.11.4. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.

2.2.11.5. Educational/Personal Development Sanctions – work assignments, service to the institution or community, workshops, counseling or other related educational, training or personal development activities.

2.2.11.6. Residence Suspension – Separation of the respondent from the institution's residence facilities for a definite period of time, after which the respondent is eligible to return. Conditions for return to the residence facilities may be specified.

2.2.11.7. Residence Expulsion – Permanent separation of the respondent from the institution's residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.

2.2.11.8. Suspension – Separation of the respondent from the institution for a definite period of time, after which the respondent is eligible to return. Conditions for return may be specified. A respondent who has been suspended from one institution may not enroll at another institution until the period of suspension has ended.

2.2.11.9. Expulsion—Permanent separation of the respondent from the institution. A respondent who has been expelled from one institution may not enroll at another institution. A sanction of expulsion will take the form of suspension pending completion of the appeals process.

2.2.11.10. Adverse Employment Action(s) – the institution may take adverse employment action, to include suspension, with or without pay, reassignment, demotion, and termination.

2.2.11.11. Withholding Degree – the institution may withhold awarding a degree otherwise earned until the completion of the grievance process or the completion of all disciplinary sanctions imposed.

2.2.11.12. Revoking Admission and/or Degree – the institution may revoke admission to, or a degree awarded from, the institution for violation of institutional standards for obtaining admission or the degree, or for other serious violations committed by the respondent prior to graduation.

3. Receipt of Formal Complaint

3.1. An institution must investigate the allegations in a formal complaint. A formal complaint may be filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegations of sexual harassment. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. Within 5 working days of receiving a formal complaint, the institution must provide written notice to the parties who are known. The written notice shall include:

3.1.1. Notice of allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interviews. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

3.1.2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

3.1.3. A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney; that the advisor may accompany the party to related meetings or proceedings; and that the party and their advisor may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. In the event the institution has established any restrictions regarding the extent to which an advisor may participate in the proceedings pursuant to section 4.4 below, a statement informing the parties of the applicable restriction(s) shall be included.

3.1.4. A statement of the maximum disciplinary sanction(s) that may be imposed on respondent following a determination of responsibility by the institution.

3.1.5. A statement informing the parties of any applicable provision in policy that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

3.2. If, in the course of the investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to section 3.1 above, the institution must provide notice of the additional allegations to the parties whose identities are known.

3.3. Where the allegations of sexual harassment arise out of the same facts or circumstances, an institution may consolidate formal complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents.

3.4. Within 10 working days of receiving a formal complaint, the institution shall determine whether the conduct alleged, if taken as true, would constitute sexual harassment, and if the allegations contained in the formal complaint occurred in the institution's education program or activity. The institutional shall dismiss the formal complaint if the factual allegations, if taken as true, either:

3.4.1. Fail to constitute sexual harassment; or

3.4.2. Did not occur in the institution's education program or activity.

3.5. An institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

the respondent is no longer enrolled or employed by, or otherwise affiliated with, the institution; or specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

3.6. Within 5 working days of dismissing a formal complaint or any allegations therein, the institution shall send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

3.7. Nothing contained in this policy shall preclude an institution from placing a non-student employee respondent on administrative leave, in accordance with applicable BOR Policy, during the pendency of a grievance process hereunder.

4. Investigation of a Formal Complaint

4.1. Institutions shall ensure that both the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties provided.

4.2. Institutions shall provide equal opportunity to the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

4.3. Institutions may not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

4.4. Institutions shall provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

4.5. Institutions shall provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, at least 5 working days in advance.

4.6. An institution shall ensure both parties and their advisors have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the institution must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

4.7. Institutions shall create an investigative report that fairly summarizes relevant evidence and, at least 10 working days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

5. Hearings

5.1. Institutions shall provide for a live hearing conducted before a hearing examiner using the contested case proceedings set forth in SDCL chapter 1-26. However, the use of the procedures afforded to contested case proceedings under SDCL chapter 1-26 is not determinative as to the matters status as a contested case under South Dakota law. The individual facts and circumstances shall determine whether or not the matter meets the legal threshold for a contested case, regardless of the process afforded herein. Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The institution shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

5.2. Institutions shall provide notice to both parties at least 15 days in advance of the live hearing, which notice shall include:

5.2.1. A statement of the time, place, and nature of the hearing;

5.2.2. A statement regarding the legal authority and jurisdiction under which the hearing is to be held;

5.2.3. A reference to the particular policy, rules or laws involved;

5.2.4. A short and plain statement of the allegations asserted;

5.2.5. A statement of any action authorized, which may affect the parties, as a result of any decision made at the hearing;

5.2.6. A statement that the hearing is an adversarial proceeding and that a party has the right at the hearing, to be present, to be represented by an attorney, and that these and other due process rights will be forfeited if they are not exercised at the hearing;

5.2.7. A statement that if the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party may require the use of the Office of Hearing Examiners by giving notice of the request to the institution no later than ten (10) days after service of the notice required by this section; and

5.2.8. A statement that the final decision may be appealed to circuit court and the South Dakota Supreme Court as provided by law.

5.3. If a party does not have an advisor present at the live hearing, the institution must provide without fee or charge to that party, an advisor of the institution's choice, who may be, but is not required to be an attorney. Without limiting the due process provided for contested case proceedings pursuant to SDCL chapter 1-26, the live hearing must:

5.3.1. Permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

5.3.2. Require cross-examination to be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

5.3.3. If requested by either party, provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing examiner and parties to simultaneously see and hear the party or the witness answering questions.

5.3.4. Require the hearing examiner to determine whether any question asked of a complainant, respondent, or witness is relevant before they may answer the question and explain any decision to exclude a question as not relevant before a party or witness answers a cross-examination or other question.

5.3.5. Ensure questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

5.3.6. Ensure that if a party or witness does not submit to cross-examination at the live hearing, the hearing examiner must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, the hearing examiner cannot draw an inference about the determination regarding responsibility solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

5.4. The hearing examiner shall issue a proposed determination to the president/superintendent of the institution, or their designee, who cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The institution must then issue a written determination regarding responsibility. To reach this determination, the institution must apply the preponderance of the evidence standard as described in section 2.2.9 above. In reviewing the proposed determination, the institution must give due regard to the hearing examiner's opportunity to observe the witnesses. If the institution rejects or modifies the proposed determination of the hearing examiner, or any part thereof, the institution shall provide the reasons for doing so in writing to the parties. The written determination must include:

5.4.1. Identification of the allegations potentially constituting sexual harassment;

5.4.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

5.4.3. Findings of fact supporting the determination;

5.4.4. Conclusions regarding the application of the institution's code of conduct to the facts;

5.4.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the recipient to the complainant; and

5.4.6. The institution's procedures and permissible bases for the complainant and respondent to petition for administrative review.

5.5. The institution must provide the proposed written determination to the parties simultaneously. The proposed determination regarding responsibility becomes final either at the conclusion of the petition for administrative review to the Executive Director provided for in section 6 below, or if a petition for administrative review is not filed by either party in accordance therewith, the date on which the petition for administrative review would no longer be considered timely. If no petition for administrative review is filed within the timeframe provided in section 6 below, upon the expiration thereof, the proposed determination of the institution shall constitute the final decision on the matter, which is subject to appeal to circuit court in accordance with the provisions of SDCL ch. 1-26.

5.6. The TitleIX Coordinator is responsible for effective implementation of any remedies.

6. Petition for Administrative Review

6.1. The complainant and respondent may petition for administrative review of an institution's proposed determination regarding responsibility, and an institution's dismissal of a formal complaint or any allegations therein, by petitioning in writing to Executive Director of the Board of Regents no later than ten (10) working days after notice of the institution's decision is deemed received. Petitions for administrative review under this section are limited those made on the following bases:

6.1.1. A procedural irregularity that affected the outcome of the matter;

6.1.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

6.1.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

6.2. A petition filed with the Executive Director must include the party's supporting arguments and documentation. Petitions that fail to include supporting arguments and documents or which are not made on one of the bases set forth in section 6.1 above will be rejected.

6.3. Within five (5) working days of receiving a petition for administrative review, the Executive Director, or their designee, shall provide written notice of the petition to the other party. That party will have five (5) working days from the date of the notice to submit a written statement to the Executive Director in support of, or challenging, the outcome.

6.4. Petitions for administrative review will be limited to a review of:

6.4.1. The written determination of the institution, which shall include the proposed determination of the hearing examiner;

6.4.2. The verbatim record of the hearing;

6.4.3. Supporting documents submitted as part of the hearing; and

6.4.4. Written statements and/or supporting documentation submitted by the respondent and/or complainant in accordance with the appeal process set forth herein.

6.5. After receipt of the non-petitioning party's written statement pursuant to section 6.3 above, or after the expiration of the time provided therefore, the Executive Director will issue a decision on the matter. The Executive Director's review of the petition will be limited to determining whether: (i) any material decisions lack substantial support in the record, and (ii) any procedural errors materially impacting the integrity of the decision. The Executive Director will not substitute their judgement for that of the institution unless it forms a definite and firm conviction that a mistake has been committed. The Executive Director may affirm the determination of the institution, modify the determination of the institution, in whole or in-part, or return the matter to the institution for reconsideration, additional investigation and/or a new hearing.

6.6. The Executive Director will provide their written decision simultaneously to both parties. The decision of the Executive Director shall constitute the final decision on the matter, which is subject to appeal to circuit court in accordance with the provisions of SDCL ch. 1-26.

7. Informal Resolution

7.1. At any point prior to reaching a determination regarding responsibility the institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:

7.1.1. requirements of the informal resolution process including the circumstances under

which it precludes the parties from resuming a formal complaint arising from the same allegations provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

7.1.2. Obtains the parties' voluntary, written consent to the informal resolution process; and

7.1.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

7.2. An institution may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section.

7.3. An institution may not require parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed.

8. Title IX Coordinator

8.1. Each institution will designate a Title IX Coordinator who will be responsible for carrying out the responsibilities specified in this policy and for monitoring overall compliance with this policy and related federal, state or local legislation, rule or regulation.

8.2. Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for an institution's Title IX Coordinator.

8.3. Each institution must notify applicants for admission and employment, students, employees, all professional organizations holding professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee designated as the institution's Title IX Coordinator, and that the institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Each institution must also prominently display the aforementioned contact information for the institution's Title IX Coordinator, and any applicable Title IX policies, on its website.

8.4. Nothing contained in this section 8 should be construed to prohibit or prevent institutions from using shared employees, resources and/or services to carry out and administer this policy, unless this policy and/or applicable federal, state or local legislation, rule or regulation explicitly requires the institution's Title IX Coordinator to perform or be responsible for the same.

9. Retaliation

9.1. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported

to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination under this policy.

9.2. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under section 9.1 above.

9.3. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under section 9.1 above, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

10. Preservation of Records

10.1. The following records must be maintained for a period of seven (7) years:

10.1.1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required pursuant to section 5.1 above, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;

10.1.2. Any appeal and the result therefrom;

10.1.3. Any informal resolution and the result therefrom; and

10.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Institutions must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

10.2. For each response required under section 10.1 above, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If an institution does not provide a complainant with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

FORMS / APPENDICES:

None

SOURCE: BOR August 2020

SOUTH DAKOTA BOARD OF REGENTS POLICY MANUAL 1:17:1

SUBJECT: Prevention of Dating Violence, Domestic Violence, Sexual Assault and Stalking

1. State and federal policies proscribe dating violence, domestic violence, sexual assault and stalking, oftentimes treating such actions as criminal offenses. These forms of misconduct interfere with the ability of victims to realize the benefits of the educational, cultural and social programs offered by the universities and special schools. Any student, employee or other person participating in institutional activities or using institutional facilities who engages in conduct that would constitute dating violence, domestic violence, sexual assault or stalking, as defined in this policy, or sexual assault, domestic abuse or stalking as defined under South Dakota law, in circumstances that implicate the person's fitness to study, work, participate in the functions or use the facilities at the institution may be expelled, terminated, denied further participation in institutional programs or use of institutional facilities, or otherwise disciplined, upon notice and opportunity to be heard. The decision to pursue disciplinary charges of dating violence, domestic violence, sexual assault or stalking will not preclude pursuit of additional, related charges arising from the same facts.

2. Each institution will review reports of such conduct to determine whether the employee or student be disciplined, and each institution will establish programs designed to help prevent dating violence, domestic violence, sexual assault or stalking;

A. by holding perpetrators accountable for their conduct;

B. by encouraging victims to report incidents; and

C. by informing students, staff and visitors of:

1) Board policies proscribing, dating violence, domestic violence, sexual assault or stalking, including procedures compliant with Board Policies 1:17 and 1:18 to enforce those policies;

2) strategies individuals may use to protect themselves;

3) contact information for institutional officials responsible for investigating reports of, dating violence, domestic violence, sexual assault or stalking;

4) institutional resources to assist in reporting incidents and preserving evidence; and

5) institutional and community resources to assist victims.

3. As used in this policy,

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

1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2) For the purposes of this definition,

a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b) Dating violence does not include acts covered under the definition of domestic violence.

B. Domestic violence means

1) a felony or misdemeanor crime of violence committed

a) By a current or former spouse or intimate partner of the victim;

b) By a person with whom the victim shares a child in common;

-
- c)** By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d)** By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - e)** By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For purposes of this section violent crimes are determined under the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program, which classifies four offenses involving force or threat of force as violent crimes: murder and nonnegligent manslaughter, rape, robbery, and aggravated assault, as set forth in 34 C.F.R. part 668 Appendix A to Subpart D of Part 668—Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program:

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

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

- 1)** Rape has the same meaning as given above in § 3(B)(2)(b).
- 2)** Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 3)** Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by SDCL § 25-1-6, which provides that:

Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces, or aunts and nephews, and between cousins of the half as well as of the whole blood, are null and void from the beginning, whether the relationship is legitimate or illegitimate. The relationships provided for in this section include such relationships that arise through adoption.

- 4)** Statutory Rape means sexual intercourse with a person who is under the statutory age of sixteen.

D. Stalking means:

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- a)** Fear for the person's safety or the safety of others; or
- b)** Suffer substantial emotional distress.

2) For the purposes of this definition:

- a)** Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b)** Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c)** Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

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

4. To the extent that this policy is intended to implement protections arising under the criminal law, amendments to those underlying statutes will be deemed to have been incorporated hereto on the effective date of such amendments.

5. For purposes relating to the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), conduct constituting Dating Violence, Domestic Violence Sexual Assault and Stalking under § 3 of this policy shall be reported as crime, irrespective of its treatment under South Dakota law.

A. For purposes of its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, the South Dakota criminal law classifications align with the definitions set out in § 3 of this policy as follows:

- 1)** Consent is defined as set forth in § 3(E) above;
- 2)** Dating violence includes domestic abuse as defined in SDCL ch 25-10 that occurs between persons involved in a romantic relationship as defined in SDCL § 25-10-3.2 who are not

cohabiting and who have never cohabited;

3) Domestic violence includes domestic abuse as defined in SDCL ch 25-10 that occurs between persons involved in a romantic relationship as defined in SDCL § 25-10-3.2 who are cohabiting and who have cohabited;

4) Sexual assault includes rape as defined in SDCL § 22-22-1; sexual contact with a minor as defined in SDCL § 22-22-7; sexual contact as defined in SDCL § 22-22-7.1 without consent as set forth in SDCL § 22-22-7.4 or with a person incapable of consenting as set forth in SDCL § 22-22-7.2; and attempts to commit such offenses as defined in SDCL § 22-4-1; and

5) Stalking includes stalking as defined in SDCL ch 22-19A.

SOURCE: BOR December 2013; BOR June 2014; BOR June 2015; BOR August 2020.

SOUTH DAKOTA BOARD OF REGENTS POLICY MANUAL 3:4

SUBJECT: Student Code of Conduct

A. PURPOSE

To establish the expectations of student conduct, the process for determining when there is a violation of the conduct code, and the appeals process available when a violation is found.

B. DEFINITIONS

1. **Advisor:** A person of the student's choosing who has agreed to advise a student throughout the student conduct process. The advisor may be a faculty member, staff member, student, attorney, family member, or anyone else. The advisor is limited to advising the student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing. Students should choose an advisor who is available to attend any scheduled meetings or hearings because advisor availability is not considered in scheduling meetings or hearings.

2. **Appellate Board:** Any person or persons authorized by the institutional president to consider an appeal from the chair's determination that a respondent has or has not violated the Student Code or from the conduct sanctions imposed by the Student Conduct Officer.

3. **Board Policy:** The written policies of the South Dakota Board of Regents contained in the policy manual.

4. **Chair:** The Student Conduct Officer or the senior student affairs officer who:

4.1. Is a member of the Student Conduct Panel;

4.2. Is responsible for the proper operation of the hearing; and

4.3. Has sole discretion to determine whether a Respondent has violated the student Code, and if so, to impose appropriate sanctions.

5. **Complainant:** An individual who was allegedly injured by an alleged violation of the Student Code by a respondent.

6. **Day:** Monday through Friday, except for holidays and other times when the Institution's administrative offices are closed.

7. **Faculty Member:** Any person hired by the institution to conduct classroom or other academic activities.

8. **FERPA:** the Family Educational Rights and Privacy Act of 1974, as amended.

9. Human Rights Violations: Violence, Harassment, Stalking, Discrimination, and Retaliation under this Student Code not constituting Sexual Harassment as defined by section 2.4.6 below.

10. Institution: Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, and University of South Dakota.

11. Institutional Official: Any person employed by the institution, performing assigned administrative or professional responsibilities.

12. Institutional Premises: All land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by, the Institution, including adjacent streets and sidewalks.

13. Member of the Institutional Community: Any person who is a student, faculty member, institutional official, any person employed by the institution, a volunteer, or guest. A person's status in a particular situation shall be determined by the senior student affairs officer.

14. Notice: Notice required by this Student Code shall be provided in writing via email to the student's official institutional email account. Notice is deemed received the Day after it is sent by email.

15. Organization: Any student group that has been granted institutional registration or recognition.

16. Policy: The written regulations of the institution as found in, but not limited to, this Student Code, the Residence Life Handbook, the Graduate and Undergraduate Catalogs, and other official publications.

17. Reasonable Person: A reasonable person under similar circumstances and with similar identities as the complainant.

18. Respondent: A student or organization that is alleged to have violated the Student Code.

19. Senior Student Affairs Officer: That institutional official exercising primary authority over institutional student affairs programs and operations, or designee.

20. Student: All persons taking courses from the institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not.

21. Student Code: The Student Code of Conduct contained in this Board Policy 3:4.

22. Student Conduct Panel: The panel that hears formal hearings.

22.1. This panel can take the following forms:

22.1.1. Option 1 – only the Student Conduct Officer;

22.1.2. Option 2 – the Student Conduct Officer and any institutional employee or employees or independent contractor authorized by the senior student affairs officer to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions;

22.2. For matters involving allegations of academic misconduct, the student conduct panel must include at least one faculty member or academic administrator appointed by the Provost in the form described in Option 2 above.

23. Student Conduct Officer: Any institutional official authorized by the Senior Student Affairs Officer to:

23.1. Informally resolve an allegation by determining the facts and, if a violation is found, imposing a conduct sanction without the assistance of a Student Conduct Panel;

OR

23.2. Serve as chair of the Student Conduct Panel;

23.3. Receive and consider the findings and recommendations of a Student Conduct Panel;
and

23.4. Determine whether a respondent has violated the Student Code, and if so, to impose appropriate sanctions.

C. POLICY

1. Introduction

The Board of Regents and its institutions are committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural, and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship.

1.1. Purpose of the Student Code of Conduct

The purpose of the Student Code is to educate students about their civic and social responsibilities as members of the institutional community. The primary focus of the student conduct process is on educational and corrective outcomes; however, conduct sanctions such as suspension or expulsion from an Institution may be necessary to uphold community standards and to protect the campus community. Extensive, organized, serious, or repeated violations of this Student Code are taken into account when determining conduct sanctions.

1.2. Standards of Behavior

Attendance at an institution is optional and voluntary. When students enroll at an institution, they voluntarily accept obligations of performance and behavior that are consistent with the institution's lawful mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

By enrolling at an institution, students voluntarily accept responsibility for compliance with all Board of Regents and Institutional Policies, including but not limited to this Student Code.

1.3. Authority of an Institution over its Students and Organizations

1.3.1. Student conduct proceedings may be initiated in response to conduct prohibited by the Student Code:

1.3.1.1. That occurs on institutional premises

1.3.1.2. That occurs at events official sponsored by an institution

1.3.1.3. That arises out of membership in the Institutional community; or

1.3.1.4. That occurs elsewhere and that adversely affects an Institution, any Organizations, members or the Institutional community, or the pursuit of their lawful objectives.

1.3.2. Notwithstanding this Student Code, an institution reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The institution also reserves the right to extend any deadline contained in this Student Code for good cause with written notice to the parties of the delay and the reason for the delay.

1.3.3. For purposes of the Student Code, the default authority over the student for student conduct purposes will be determined as follows:

1.3.3.1. For alleged misconduct that occurs on institutional premises, the institution where the alleged misconduct occurred;

1.3.3.2. For alleged misconduct that occurs at events officially sponsored by an institution, the institution that sponsored the event;

1.3.3.3. For alleged misconduct that occurs elsewhere and that adversely affects an institution, the institution adversely affected;

1.3.3.4. For alleged instances of Academic Misconduct, the institution that offered the course.

1.3.4. For instances where multiple Institutions have a reasonable claim to authority over the student for student conduct purposes, the Senior Student Affairs Officer at the institutions with a reasonable claim to authority shall determine the appropriate institution to proceed with the Student conduct process. The decision should consider the location of the alleged incident, complainant, respondent, witnesses, and the practicality of conducting the student conduct process at the different Institutions having a reasonable claim to authority. If the Senior Student Affairs Officers cannot agree, the System Director of Student Affairs will make a final decision.

1.3.5. Where students are also employees, they may be subject to concurrent authority. Student conduct proceedings under this Student Code may be initiated irrespective of any action taken by an institutional employer. However, when the student employee has been subject to conduct proceedings as an employee, the findings that resulted from such proceedings will be considered in the student conduct process as long as the standard used in such proceedings was preponderance of the evidence or higher.

1.4. Alcohol Amnesty

This section aims to remove the barriers that may prevent any student from seeking emergency medical attention by providing an opportunity for the institution to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol-related injuries or deaths, and increase the likelihood that students will seek medical attention in crisis situations.

1.4.1. A student who seeks emergency medical attention (or who has emergency medical attention sought on his/her behalf) for alcohol-related consumption, will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to that incident, as long as the student completes the following requirements:

- Participates in an initial meeting with the Senior Student Affairs Officer; and
- Completes all recommendations from the Senior Student Affairs Officer; and
- Submits proof of completion of all recommendations, within the time frame designated by the Senior Student Affairs Officer at the initial meeting.

1.4.2. A bystander student who has engaged in alcohol consumption and who seeks emergency medical attention for someone else or tries to actively engage in assistance for someone else for that person's alcohol-related consumption, will not be sanctioned for violating alcohol consumption prohibitions found in the Student Code related to his/her own consumption but will be invited to meet with the Senior Student Affairs Officer.

1.4.3. The institution will not pursue any disciplinary action related to any alcohol or drug consumption against any student who has been sexually assaulted or sexually harassed, for his/her use of alcohol or drugs at the time of the sexual assault or sexual harassment.

1.4.4. Subsections C.1.4.1 and C.1.4.2 of this section will only apply to a student who seeks emergency medical attention before police or institutional employees or agents take any official action or intervention related to the alcohol consumption.

1.4.5. Alcohol amnesty does not preclude disciplinary action regarding other violations of the Student Code.

1.4.6. Alcohol amnesty only applies to the institution's student conduct process. It does not apply to any criminal, civil or other legal consequence for violations under federal, state or local law.

1.4.7. Alcohol amnesty is not designed to protect or shield those students who repeatedly violate the Student Code. The Senior Student Affairs Officer may assess each situation on a case-by-case basis, denying the safeguards of alcohol amnesty if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under this Student Code.

1.5. Relationship Between the Student Conduct Process and the Criminal Law Process

1.5.1. The student conduct process is independent of any criminal or civil process. Therefore, a student alleged to have engaged in conduct that would be a violation of this Student Code (whether such conduct could also be a violation of criminal or civil law) may face student disciplinary action regardless of any criminal or civil process or their outcomes.

1.5.2. When the alleged misconduct includes allegations of Human Rights Violations, the disciplinary process will not be delayed except when law enforcement requests a delay to conduct the fact-finding portion of its investigation.

1.5.3. Determinations made or conduct sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of this Student Code were dismissed, reduced, or resolved in favor of, or against, the criminal law defendant.

1.5.4. When a student is charged by federal, state, or local authorities with a violation of law, the Institution will not request or agree to special consideration for that student because of his or her status as a student.

1.5.5. If the alleged violation of law also gives rise to student disciplinary action under this Student Code, the institution may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled under the Student Code.

1.5.6. The institution will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of Student violators provided that the conditions do not conflict with any conduct sanctions imposed as a result of the student conduct process, this Student Code, or Institutional Policies.

1.5.7. Where the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or “nolo contendere”), the alleged facts that formed the basis of the criminal charges shall be deemed established for purposes of any student conduct process.

1.5.8. Individual students and other members of the institutional community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

1.5.9. When an employee of the institution knows that a felony was committed and that knowledge is not privileged, such employee shall report the known facts and circumstances to law enforcement officials who have jurisdiction over the matter.

1.6. Interpretation and Revision

1.6.1. No provision of this Student Code shall be interpreted to deprive students of rights guaranteed them under state or federal law.

1.6.2. Institutions must ensure that institutional interests do not interfere with the impartiality of the student conduct process.

1.6.3. Any question of interpretation regarding the Student Code shall be referred to the Senior Student Affairs Officer for final determination.

1.6.4. The Student Code should be reviewed periodically under the direction of the Senior Student Affairs Officers.

1.6.4.1. If the review leads to a recommendation that Board Policy be modified, that recommendation and its supporting rationale shall be provided to the institutional presidents and, if approved, forwarded to the Executive Director.

1.7. Institutions may choose to adopt institutional policies that are consistent with this Student Code.

2. Prohibited Conduct

The following list describes actions that detract from the effectiveness of an institution's productive living-and-learning community. Any student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another Board Policy or Institutional Policy, the definition contained in this policy shall be used to address prohibited conduct by a student.

2.1. Acts of Academic Misconduct or Dishonesty

Honesty and integrity are core values at all institutions. Faculty members and students are jointly responsible for maintaining academic standards and integrity in institutional courses. In addition to any conduct sanctions imposed under this Student Code, academic consequences for academic misconduct may be imposed by the faculty member, including issuing a failing grade in the course. Any grade issued by the faculty member, whether as a result of academic misconduct or not, constitutes an academic evaluation and is not a conduct sanction imposed under this Student Code. All faculty members should report incidents of Academic Misconduct to the Student Conduct Officer.

2.1.1. Engaging in acts of Academic Misconduct, which means Cheating or Plagiarism.

2.1.1.1. Cheating includes, but is not limited to, the following:

- Using any unauthorized assistance in, or having unauthorized materials while, taking quizzes, tests, examinations or other assignments, including copying from another's quiz, test, examination, or other assignment or allowing another to copy from one's own quiz, test, examination, or other assignment;
- Using sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
- Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the institutional faculty or staff;
- Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;
- Falsifying or misrepresenting data or results from a laboratory or experiment; or
- Engaging in other behavior that a reasonable person would consider to be cheating.

2.1.1.2. Plagiarism includes, but is not limited to, the following:

- Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;
- Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or
- Engaging in other behavior that a reasonable person would consider plagiarism.

2.1.2. Engaging in other conduct that a reasonable person would consider dishonesty relating to academic achievement, research results or academically related public service.

2.1.3. Furnishing false information or false representations to any institutional official, instructor, or office. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, an Institution.

2.1.4. Forging, fabricating, altering, misrepresenting, or misusing any document, record, or identification, including misrepresentations of degrees awarded or honors received.

2.1.5. Tampering with the election of any organization.

2.1.6. Claiming to represent, or act on behalf of, the institution when not authorized to do so.

2.2. Disruption, Obstruction, or Interference with Institutional Activities

2.2.1. Disrupting or obstructing institutional activities.

2.2.2. Classroom disruption, which is behavior that a reasonable person would view as significantly or repeatedly interfering with the instructor's ability to teach the class or the ability of other students to benefit from the instructional program.

2.2.3. Failure to comply with directions of institutional, law enforcement, fire department, public safety contractors, or other government officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

2.2.4. Obstruction of the free flow of pedestrian or vehicular traffic.

2.2.5. Abuse of the student conduct process, which includes, but is not limited to, any of the following:

- Falsifying, distorting, or misrepresenting information provided;
- Making false allegations;
- Attempting to discourage an individual's proper participation in, or use of, the Student conduct process;
- Harassment (verbal or physical) or intimidation of any person participating in the Student conduct process;
- Failure to comply with any conduct sanctions imposed pursuant to this Student Code.

2.3. Misuse of Institutional Resources or Property, or Personal Property of Others

2.3.1. Tampering with fire and life safety equipment including, without limitation, fire alarms, sprinkler systems, first aid equipment, and laboratory safety apparatus.

2.3.2. Unauthorized taking of, damage to, or possession of property belonging to the Institution, another member of the institutional community, or another person.

2.3.3. Unauthorized possession, duplication, or use of keys, access cards, or access codes to any institutional premises.

2.3.4. Unauthorized entry into, or use of, institutional premises.

2.3.5. Unauthorized possession, entry into, or use of institutional equipment, software systems, or information.

2.3.6. Possession of firearms, stun guns, tasers, BB guns, switchblade knives, fixed-blade knives with a blade length of five (5) inches or greater, or any item that is designed or used to injure or harm another person, fireworks, explosives, or dangerous chemicals on institutional premises or at institutional events, except as explicitly permitted by a Board Policy or an

Institutional Policy;

2.3.7. Unauthorized use or abuse of technology, including, but not limited to:

- Unauthorized entry into a file or program to use, copy, read, delete, or change the contents, or for any other purpose;
- Unauthorized transfer of a file;
- Unauthorized use of another individual's identification or account;
- Use of technology to interfere with the work of another student, faculty member, or institutional official;
- Use of an Institution's technology to engage in Harassment.
- Use of technology to engage in unlawful activities, including those involving uses that infringe intellectual property rights;
- Use of technology to interfere with normal operation of an institution's technology or other system;
- Making, acquiring, or using unauthorized copies of computer files, violating terms of applicable software license agreements, or using the Institution's technology network or system to download files in violation of copyright laws;
- Attempting to circumvent data protection schemes or tampering with security;
- Violating institutional or board computer use or internet policies.

2.4. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety

2.4.1. Violence, which includes, but is not limited to, using or threatening to use physical force on or towards another person without that person's permission, except in reasonable self-defense. The use of physical force includes both using one's own body parts as well as using other items.

2.4.2. Brandishing, pointing, or using a knife, gun, or other weapon towards another person, except in reasonable self-defense.

2.4.3. Restraining or transporting another person without that person's permission.

2.4.4. Making bomb threats.

2.4.5. Harassment, which includes, but is not limited to: Conduct towards another person that is severe or pervasive enough to create an objectively and subjectively intimidating, hostile, or demeaning environment that substantially interferes with the individual's ability to participate in or to realize the intended benefits of an Institutional activity or resource; and

2.4.6. Sexual Harassment, which is conduct on the basis of sex that satisfies one or more of the following:

2.4.6.1. An employee of an institutional conditioning the provision of education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or

2.4.6.2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or

2.4.6.3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA), the definitions of which are set forth in BOR Policy 1:17.1.

2.4.7. Stalking, which is engaging in 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 suffer substantial emotional distress.

2.4.7.1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

2.4.7.2. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

2.4.8. Hazing, which includes, but is not limited to, an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or as a condition for continued membership in a group or an organization:

- Is likely to, or would be perceived by a reasonable person as likely to, endanger the physical health of an individual or cause psychological discomfort or distress through treatment that a reasonable person would consider to be humiliating, intimidating, or demeaning;
- Destroys or removes public or private property;
- Involves the consumption of alcohol or other substances to excess; or
- Violates any Board Policy or Institutional Policy.

2.4.8.1. The express or implied permission of the individual being hazed does not make the behavior acceptable. It is also a violation of this provision to solicit, aid, or attempt to aid another person in planning or committing Hazing.

2.4.8.2. Voyeurism includes, but is not limited to, any use of electronic or other devices to make an audio, video, or photographic record of another person without that person's prior knowledge and without that person's prior authorization when such a recording is likely to cause that person or a Reasonable Person injury or distress, or involves that person's intimate parts or sexual conduct involving that person.

2.4.8.3. Invasion of Privacy occurs when:

- An individual views another person, without that person's prior knowledge and permission, under circumstances in which the other person has a reasonable expectation of privacy; or
- An individual uses an audio recording device to record another person, without that person's prior knowledge and permission, under circumstances in which the other person has a reasonable expectation of privacy.

2.5. Discrimination and Retaliation

2.5.1. Discrimination is excluding from, or treating another person differently than others in, institutional activities on the basis of sex, race, color, creed, religion, national origin, ancestry, gender, gender identity, transgender, sexual orientation, age, disability, genetic information, or veteran status. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6), and the enforcement of such single-sex membership practices by students does not violate this provision.

2.5.2. Retaliation is conduct that would make a reasonable person feel intimidated, or that interferes with, threatens, coerces, or otherwise discriminates against any individual

because that individual reports or files a complaint alleging a violation of law, Board Policy, or Institutional Policy, or participates in any process in which the individual has a right to participate.

2.6. Housing and Living Groups

Violations of any rules imposed by institutional housing or living groups are also violations of this Student Code.

2.7. Use and Misuse of Substances

2.7.1. The unauthorized manufacture, sale, possession, use, or consumption of alcohol, marijuana, or controlled substances by students.

2.7.2. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the Board of Regents when:

2.7.2.1. Needed in conjunction with approved research activities;

2.7.2.2. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional students who are at least twenty-one (21) years of age;

2.7.2.3. Alcohol is possessed, used, or distributed in a lawful manner on premises controlled by the Board of Regents that have been designated by the Institution's president as places where such possession, use, and distribution may be permitted, subject to such conditions as the Institution's president may also prescribe, provided that a notice of such designation and conditions have been filed previously with the executive director of the Board of Regents; or

2.7.2.4. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances.

2.7.2.5. Alcohol is possessed, used, or distributed in a manner that is expressly approved by a Board Policy.

2.7.3. The unauthorized possession of any drug paraphernalia.

2.8. Violation of Policy or Laws

2.8.1. Violation of published Board of Regents or Institutional Policies, rules, or regulations.

2.8.2. Violation of federal, state, or local law.

2.9. RESERVED

2.10. Conduct by Organizations

2.10.1. Organizations that, formally or informally through repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or invitees that violates the provisions of this Student Code shall be subject to conduct sanctions.

2.10.2. The privileges of official recognition by an institution may be extended to organizations, including those that maintain residences for their members, only if such organizations agree to adopt and to enforce policies that, at minimum:

2.10.2.1. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21 (or the legal age of use and possession in the applicable jurisdiction);

2.10.2.2. Prohibit the manufacture, possession, use, or dispensing of marijuana or unauthorized controlled substances at organizational functions or in the organizational residence;

2.10.2.3. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana, or controlled substances;

2.10.2.4. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana, or controlled substances;

2.10.2.5. Prohibit the possession, use, or distribution of alcohol, marijuana, or controlled substances on premises controlled by the Board of Regents, except as explicitly permitted by Section C.2.6.2 of this Student Code;

2.10.2.6. Establish conduct policies and sanctions regarding violations by individual members no less stringent than those set forth under Board Policies, except that limited use of alcoholic beverages is permissible as set out above; and

2.10.2.7. Require that a report be filed with the Senior Student Affairs Officer each semester identifying all actions taken pursuant to the student conduct policies required in this Student Code;

2.11. Institutions may impose additional or more restrictive conditions on official recognition.

2.12. Organizations are also subject to the Board of Regents' antidiscrimination policies set forth in Board Policy 1:18. However, social fraternities and sororities that are exempt from taxation under federal law may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6).

3. Student Conduct Process

3.1. Allegations of Sexual Harassment

3.1.1. Allegations of sexual harassment against a student shall be addressed exclusively through BOR Policy 1:17.

3.2 Allegations other than Sexual Harassment

3.2.1. All allegations other than sexual harassment against a student shall be addressed as set forth herein. Allegations of misconduct may be reported against any student by anyone. Allegations shall be directed to the Student Conduct Officer in the Office of the Dean of Students. The reporting party will disclose the facts that form the basis for the allegation, the identities of any other witnesses, and any other relevant information regarding the alleged misconduct.

3.2.1.1. Allegations of Academic Misconduct will be reported to the Student Conduct Officer but are initially addressed through Board Policy 2:33.

3.2.1.2. Allegations of Human Rights Violations shall follow the process outlined in Board Policy 1:18.

3.2.1.2.1. The investigator assigned must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the institution determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the institution.

3.2.1.2.2. The investigator assigned must be trained to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, including both evidence that tends to suggest a violation and evidence that tends to suggest no violation, and take into account the unique and complex circumstances of each case.

3.2.1.2.3. The investigator assigned should avoid using any investigative techniques or approaches that apply sex stereotypes or generalizations.

3.2.1.2.4. Each party should be provided written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation.

3.2.1.2.5. The investigation should result in a written report summarizing the relevant evidence that tends to suggest a violation and evidence that tends to suggest no violation.

3.2.1.2.6. The investigator assigned must make findings of fact and conclusions as to whether the facts support a Human Rights violation.

3.2.2. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct a pre-investigation inquiry to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation.

3.2.2.1. The Student Conduct Officer must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the institution determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the institution.

3.2.2.2. As to off-campus conduct, the Student Conduct Officer shall determine whether the incident adversely affects the institution, any organizations, members of the institutional community, or the pursuit of their lawful objectives.

3.2.2.3. Allegations of Academic Misconduct that are not informally resolved pursuant to Board Policy 2:33 will enter the student conduct process here.

3.2.2.4. Allegations of Human Rights Violations that are not informally resolved pursuant to Board Policy 1:18 will enter the student conduct process here.

3.2.3. If the Student Conduct Officer determines that either (i) the allegations, if true, would not violate the Student Code or (ii) that the allegations are not credible, then the Student Conduct Officer should inform the complainant of this determination and inform the complainant that the allegations may be re-submitted should additional information become available.

3.2.4. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible and will be investigated, the Student Conduct Officer shall provide written notice to the respondent within fifteen (15) days of receiving the report of alleged misconduct or notification from the Faculty Member of the need to address alleged Academic Misconduct through the Student Code.

3.2.5. The written notice to the respondent must include the following:

- The alleged behavior that would be a violation of the Student Code;
- The date and location of the alleged behavior;
- The section(s) of the Student Code alleged to have been violated;
- The name of the complainant;
- A time to meet with the Student Conduct Officer to provide the respondent with the opportunity to give his/her account of the incident leading to the allegation of misconduct;
- Information about the right to have an advisor present throughout the student conduct process;
- Information about both the informal and formal resolution processes;
- A time for a hearing to occur no earlier than ten (10), and no later than twenty (20), days after this written notice is deemed received to address any alleged violations that are not informally resolved;

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- The minimum time limit may be waived by the respondent.
 - The maximum time limit may be extended at the discretion of the Student Conduct Officer.

3.2.6. At the time that the written notice to the respondent is sent, a written notice shall also be sent to the complainant containing information about the right to have an advisor present throughout the student conduct process, information about both the informal and formal resolution processes, and the time for the hearing to address any alleged violations that are not informally resolved.

3.2.7. The Student Conduct Officer will conduct an investigation of the allegations, which may include speaking with witnesses and reviewing any documentation. Only in instances where the Student Conduct Officer determines that there is sufficient evidence to establish that the respondent violated the Student Code by a preponderance of the evidence will the allegations proceed to informal or formal resolution.

3.2.7.1. For matters involving Human Rights Violations where an investigation was conducted pursuant to Board Policy 1:18, no additional investigation is required.

3.2.7.2. If the Student Conduct Officer determines that there is insufficient evidence to establish that the respondent violated the Student Code by a preponderance of the evidence, the Student Conduct Officer will inform both parties of this fact and will cancel the hearing. This notification should also inform that parties that the investigation may be re-opened should additional information become available.

3.3. Interim Measures

In certain circumstances, the Senior Student Affairs Officer, or a designee, may impose interim measures that go into effect immediately, prior to a hearing before a Student Conduct Panel, and remain in effect until no longer needed.

3.3.1. Interim measures are intended to protect the interests of both the complainant and the respondent prior to a hearing. Interim measures may include, but are not limited to, no-contact directives, residence modifications, academic modifications and support, institutional work schedule modifications, interim residence suspension, or interim suspension. Interim measures that restrict the ability of either party to discuss the investigation should be avoided, as they may inhibit the ability of either party to obtain and present evidence or otherwise to defend their interests. Written notice of interim measures shall be provided to the party to whom the interim measures are directed.

3.3.1.1. In circumstances involving allegations of dating violence, domestic violence, sexual assault, or stalking, interim measures must be provided upon the request of a complainant if such measures are reasonably available.

3.3.1.2. In fairly assessing the need for a party to receive interim measures, the Senior Student Affairs Officer, or a designee, may not rely on fixed rules or operating assumptions that favor one party over another, nor make such measures available only to one party.

3.3.1.3. Interim measures should be individualized and appropriate based on the information gathered by the institution, making every effort to avoid depriving any student of his/her education.

3.3.1.4. The interim measures needed by each student may change over time, and the Senior Student Affairs Officer, or a designee, should communicate with each student throughout the student conduct process to ensure that any interim measures are necessary and effective based on each student's evolving needs.

3.3.2. Interim suspension may be imposed only for one or more of the following purposes:

3.3.2.1. To ensure the safety and well-being of members of the institutional community or preservation of institutional property or other property located on premises controlled by the institution;

3.3.2.2. To ensure a student's own physical or emotional safety and well-being; or

3.3.2.3. To ensure the normal operations of the institution where a student poses an ongoing threat of disruption or, or interference with, the normal operations of the institution.

3.3.3. During the interim suspension, the student may be denied access to residence facilities, the campus (including classes), and all other institutional activities or privileges.

3.3.4. A student placed on interim suspension shall be given written notice of interim measures, which shall include:

3.3.4.1. The reasons for the interim suspension;

3.3.4.2. The parameters of the interim suspension; and

3.3.4.3. Information concerning the right to appeal the interim suspension.

3.3.5. Interim Suspension Appeal Process

3.3.5.1. The student must submit a written request for a meeting to the Senior Student Affairs Officer.

3.3.5.2. The Senior Student Affairs Officer will schedule a meeting with the student as soon as practical and no later than three (3) days after receiving the written request. At this meeting, the student is provided the opportunity to raise any objections to the interim suspension or to request alternative interim measures.

3.3.5.3. The Senior Student Affairs Officer has sole discretion regarding interim measures.

3.4. Informal Resolution

3.4.1. The Student Conduct Officer may speak separately and individually with the complainant and the respondent to determine whether the alleged misconduct can be resolved through informal resolution.

3.4.1.1. In matters involving allegations of Human Rights violations, informal resolution may not take the form of having the complainant and the respondent be in the same room at the same time, unless both parties agree in writing.

3.4.1.2. In matters involving allegations of Human Rights violations, the Student Conduct Officer should consider whether the informal resolution is equitable and will end the misconduct, prevent its recurrence, and address its effects.

3.4.2. Informal resolution may be reached where:

3.4.2.1. The parties involved mutually agree to a full resolution of the alleged misconduct that is acceptable to the Student Conduct Officer.

3.4.2.1.1. This must be documented in writing and signed by the complainant, respondent, and Student Conduct Officer.

3.4.2.2. The respondent waives a formal hearing by admitting to the misconduct and accepting the proposed conduct sanctions.

3.4.2.2.1. This must be documented in writing and signed by the respondent and the Student Conduct Officer.

3.4.2.2.2. This type of informal resolution is not available in matters involving allegations of Human Rights violations.

3.4.3. Partial informal resolution may be reached where the respondent admits to the misconduct but does not accept the proposed conduct sanctions. When this occurs, the process moves to formal resolution with the hearing being limited to the question of appropriate conduct sanctions.

3.4.3.1. This must be documented in writing and signed by the respondent and the Student Conduct Officer.

3.4.3.2. In matters involving allegations of Human Rights violations, the complainant must also agree in writing to this partial informal resolution.

3.4.4. Informal resolution shall be final and the parties who agreed in writing to informal resolution waive any right to appeal otherwise available under Board Policy 3:4.

3.4.5. The Student Conduct Officer's involvement in attempting to informally resolve the allegation of misconduct does not impact the Student Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.

3.4.6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the Formal Resolution process.

3.4.6.1. If an informal resolution is reached, the Student Conduct Officer shall prepare written findings and conclusions, and any sanctions resulting from a violation during the informal resolution process. If the complaint included more than one allegation of misconduct, each allegation must have a separate decision.

3.5. Formal Resolution

3.5.1. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.

3.5.2. The composition of the Student Conduct Panel shall be determined as follows:

3.5.2.1. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:

3.5.2.1.1. Option 1 – only the Student Conduct Officer; or

3.5.2.1.2. Option 2 – the Student Conduct Officer and any institutional employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions,

3.5.2.2. For matters involving allegations of Academic Misconduct, the Student Conduct Panel must include at least one faculty member or academic administrator appointed by the Provost in the form described in Option 2 above.

3.5.2.3. Both the Complainant and the respondent will be provided notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that (i) the Student Conduct Panel include additional members (Option 2), and/or (ii) a Student Conduct Panel member be replaced due to an actual or reasonably perceived conflict of interest. Such requests must be submitted, in writing to the Senior Student Affairs Officer no later than twenty-four (24) hours after the notice is provided to the party. The Senior Student Affairs Officer shall make a final decision as to these requests and will provide notice to both parties of the decision.

3.5.3. Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:

3.5.3.1. Hearings shall be conducted in private. Witnesses other than the complainant and the respondent may only be present during the hearing while presenting their information.

3.5.3.2. The Chair shall have sole discretion and final decision-making authority over the following:

- Whether an individual's conduct interferes with the hearing and requires that individual's removal;
- Whether written information, materials, documents, and statements submitted are relevant and will be accepted for consideration by the Student Conduct Panel;
- All questions about the interpretation of the student conduct process; and
- Whether to have separate or joint hearings when a hearing would involve more than one respondent;

3.5.4. Neither the complainant nor the respondent are required to attend or participate in the hearing, and such decision will have no bearing on the question of whether the respondent violated the Student Code.

3.5.5. The respondent has no obligation to provide any information, materials, documents, or witnesses, or answer any questions and is presumed to not have violated the Student Code. The burden is on the Institution to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation of the Student Code occurred.

3.5.6. If the complainant or respondent wants the Student Conduct Panel to review any materials or documents or wants to present any witnesses at the hearing, such materials and documents and/or witness lists must be submitted to the Chair by the following deadlines in order to be considered:

- In matters alleging Human Rights violations, all materials and documents and/or witness lists must be submitted at least seventy-two (72) hours before the hearing. Additionally, a copy of the final report prepared by the Title IX/EEO Coordinator will be provided to the complainant, respondent, and the Student Conduct Panel members.
- For all other matters, all materials and documents and/or witness lists must be submitted at least twenty-four (24) hours before the hearing.

The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.

3.5.7. The complainant and the respondent have the right to be assisted by an advisor of their choice, at their own expense. Ordinarily, no more than two advisors for each student shall be permitted. The advisor is limited to advising the student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.

3.5.8. The Student Conduct Officer shall record the audio of the hearing.

3.5.9. Generally, the hearing will be conducted in the following order:

3.5.9.1. The Chair will ask each individual present at the hearing to identify him/herself by providing his/her name and role at the hearing (e.g., complainant, respondent, member of the Student Conduct Panel, etc.).

3.5.9.2. The Chair will remind the respondent:

- Of the materials that the Student Conduct Panel received prior to the hearing;
- Of the right to have an advisor present;

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- Of the right to refuse to speak as a witness against him/herself;
 - That the refusal to speak as a witness against him/herself will have no bearing on the question of whether the respondent violated the Student Code;
 - Of the alleged behavior that would be a violation of the Student Code; and
 - Of the section(s) of the Student Code alleged to have been violated.

3.5.9.3. The Chair will provide the complainant with the opportunity to engage in the hearing. If the complainant agrees to engage, then:

3.5.9.3.1. The Chair will provide the complainant the opportunity to provide any additional relevant factual details that were not previously provided. The complainant may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The complainant may decline but still present witnesses.

3.5.9.3.2. The Chair will ask the complainant to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.

3.5.9.3.3. The Student Conduct Panel will then ask questions of the witness.

3.5.9.3.4. The Chair will ask the respondent for any questions for the witness. The Respondent will provide the Chair any questions in writing.

3.5.9.3.5. The Chair will ask the witness any questions provided by the respondent that the Chair determines to be relevant.

3.5.9.3.6. The Chair will ask the complainant to present the next witness. The process described above shall repeat for each witness until the complainant has presented all of its witnesses.

3.5.9.4. The Chair will provide the respondent the opportunity to engage in the hearing. If the respondent agrees to engage, then:

3.5.9.4.1. The Chair will provide the respondent the opportunity to provide any additional relevant factual details that were not previously provided. The respondent may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The respondent may decline but still present witnesses.

3.5.9.4.2. The Chair will ask the respondent to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.

3.5.9.4.3. The Student Conduct Panel will then ask questions of the witness.

3.5.9.4.4. The Chair will ask the complainant for any questions for the witness. The complainant will provide the Chair any questions in writing.

3.5.9.4.5. The Chair will ask the witness any questions provided by the complainant that the Chair determines to be relevant.

3.5.9.4.6. The Chair will ask the respondent to present the next witness. The process described above shall repeat for each witness until the respondent has presented all of its witnesses.

3.5.9.5. The Student Conduct Panel may ask the complainant and/or the Respondent whether s/he agrees to answer questions. The Student Conduct Panel may then ask questions of either or both parties who agree to answer questions.

3.5.9.6. The Student Conduct Panel will meet in a closed session to discuss and make its

recommendation, which closed session shall not be audio recorded.

3.5.10. The Student Conduct Panel shall review all information and materials presented to it and shall decide by majority vote whether the respondent violated the Student Code by a preponderance of the evidence (i.e., more likely than not). Decision-making techniques or approaches that apply sex stereotypes or generalizations should be avoided so that the hearing process proceeds objectively and impartially.

3.5.11. The Student Conduct Panel shall prepare written findings to support its determination. If multiple allegations of misconduct exist, a decision should be reached separately for each allegation. These written findings shall include:

- Concise statements of each factual finding;
- Brief explanations of whether and why the factual findings support a conclusion that the conduct either violated or did not violate the Student Code;
 - These must address each factual element that must be satisfied to establish that conduct has violated the Student Code.
- Any initial, interim, or final decisions by the institution; and
- If a violation is found, recommendations of appropriate conduct sanctions and supporting rationale for the conduct sanctions.

3.5.12. The Student Conduct Panel shall forward its written findings to the Chair. The Chair has sole discretion to adopt or reject any portion of the written findings.

3.5.12.1. If any portion of the written findings are rejected, the Chair shall issue new written findings it determines to be appropriate for such portion(s), and will provide the Student Conduct Panel with an explanation for its decision.

3.5.12.2. The Chair shall determine the effective date of any conduct sanctions imposed, which effective date should be on or after the exhaustion of the appeal as a matter of right. However, interim measures may remain in place, or be instituted, until the effective date of any conduct sanctions.

3.5.13. The Chair's written findings and information about appeal rights, shall be provided to the respondent. When FERPA allows, the complainant will receive the permitted information simultaneously. See Section C.3.5.1 below for more information.

3.5.13.1. In matters involving allegations of Academic Misconduct, the Chair's written findings shall also be provided to the faculty member.

3.5.13.2. In matters involving allegations of Human Rights violations, the complainant must also be provided information about appeal rights.

3.5.14. The audio record of the hearing shall be the property of the institution and shall be maintained by the Student Conduct Officer. No other person may record the hearing.

3.5.14.1. The audio record and its contents shall be confidential and may only be used for purposes of any appeals. Any person who discloses the contents of the audio record to parties not involved in the appeal shall be subject to conduct sanction.

3.5.14.2. In the event of an appeal, the respondent shall be given access to the audio record for purposes of preparing an appeal. When the alleged misconduct involves allegations of Human Rights violations, the complainant shall be given access to the audio record for purposes of preparing an appeal. Access shall be provided at such places and times as the Senior Student Affairs Officer may direct

3.5.14.3. Except as required by law, the institution shall not be required to change the form in which the record is maintained.

3.6. Sanctions

3.6.1. Individual Conduct Sanctions

3.6.1.1. In each case in which the Chair determines that a respondent has violated the Student Code, the Chair shall determine and impose appropriate conduct sanction(s). Where a violation of Board Policy is established, and where a conduct sanction is mandated under Board Policy, that conduct sanction shall be imposed.

3.6.1.1.1. Conduct sanction decisions must be made for the purpose of deciding how best to enforce the Student Code and should reflect a proportionate response to the violation.

3.6.1.1.2. In matters involving Human Rights Violations, the Chair should consider whether the sanctions are equitable and will end the misconduct, prevent its recurrence, and address its effects.

3.6.1.1.3. In matters involving Human Rights violations, the Chair should consider the impact of separating the respondent from his/her education before imposing a conduct sanction of suspension or expulsion.

3.6.1.2. In matters involving allegations of Academic Misconduct that are informally resolved pursuant to Board Policy 2:33, the Student Conduct Officer will receive the information from the faculty member and shall determine and impose appropriate conduct sanction(s).

3.6.1.3. Complainants shall be informed in writing and at the same time as the respondent of any outcome and conduct sanctions imposed in the following circumstances:

3.6.1.3.1. When the conduct sanction involves remedial action that directly relates to the complainant (e.g., a directive requiring the respondent to not have contact with the complainant)

3.6.1.3.2. Where the allegations against the respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA; or

3.6.1.3.3. Where the allegations against the respondent would also constitute Human Rights violations. In this circumstance, the rationale for the result must also be included.

3.6.1.3.4. Where the institution finds that a hostile environment exists, the Institution shall also inform the complainant of other steps the institution has taken to eliminate the hostile environment.

3.6.1.4. FERPA allows institutions to disclose the final results of a conduct proceeding when the Chair determines that the respondent violated the Student Code and that violation falls within the definition of a crime of violence or a non-forcible sex offense as defined by FERPA. For purposes of this subsection, “final results” means the name of the respondent, the violation committed, and any conduct sanction(s) imposed by the institution.

3.6.1.5. FERPA allows institutions to inform the parents or legal guardians of a respondent younger than twenty-one (21) years of age that the respondent has violated Institutional Policies concerning the use or possession of alcohol or controlled substances.

3.6.1.6. The following conduct sanctions may be imposed upon any respondent found to have violated the Student Code. More than one of the conduct sanctions listed below may be imposed for any single violation. Imposition of a conduct sanction may be delayed or suspended on such conditions as the Student Conduct Officer may prescribe.

- Warning – A statement to the respondent that the respondent has violated the Student Code of Conduct.
- Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the respondent is later found to have engaged in any additional violation(s) the Student Code during the probationary period.
- Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities, access to Institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the student’s expense.
- Fines – Monetary payments.
- Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
- Educational Sanction – work assignments, essays, service to the Institution, community service, workshops, or other related educational activities.
- Residence Suspension – Separation of the respondent from the Institution’s residence facilities for a definite period of time, after which the respondent is eligible to return. Conditions for return to the residence facilities may be specified.
- Residence Expulsion – Permanent separation of the respondent from the institution’s residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.
- Suspension – Separation of the respondent from the institution for a definite period of time, after which the respondent is eligible to return. Conditions for return may be specified. A respondent who has been suspended from one Institution may not enroll at another institution until the period of suspension has ended.
- Expulsion – Permanent separation of the respondent from the Institution. A respondent who has been expelled from one institution may not enroll at another institution. A sanction of expulsion will take the form of suspension pending completion of the appeals process.
- Withholding Degree – the institution may withhold awarding a degree otherwise earned until the completion of the student conduct process or the completion of all conduct sanctions imposed.
- Revoking Admission and/or Degree – the institution may revoke admission to, or a degree awarded from, the institution for violation of Institutional standards for obtaining admission or the degree, or for other serious violations of the Student Code committed by the respondent prior to graduation.

3.6.1.7. Conduct sanctions shall not be made part of the respondent’s permanent academic record, but shall become part of the respondent’s conduct record. The respondent’s conduct record containing conduct sanctions other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the

Student Code. The respondent's conduct record containing any of the four conduct sanctions above shall be maintained permanently. Where restitution is required of a respondent, the institution reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.

3.6.1.8. Students enrolled in one institution shall be held accountable for their conduct while visiting all other institutions. Students may be required, as a condition of continued enrollment, to appear at the institution where the alleged misconduct took place, at their own expense, for a conduct hearing and to answer allegations based on their conduct while at that institution.

3.6.1.8.1. Any conduct sanction imposed by one institution shall be effective at all other institutions. A respondent suspended at one institution shall not be able to enroll at another institution until the period of suspension has ended. A respondent who has been expelled from one Institution may not enroll at another institution.

3.6.1.8.2. When a respondent is brought forward on allegations of misconduct by another institution, any conduct sanction issued after a finding of a violation shall be determined by the institution that brought forward the allegations of misconduct. Suspension or expulsion may only be imposed after first consulting with the Senior Student Affairs Officer from the institution where the respondent is enrolled.

3.6.2. Organizational Conduct Sanctions

3.6.2.1. The following conduct sanctions may be imposed upon organizations:

- Those conduct sanctions listed above in Section C.5.5.1.

3.7. Appeals

3.7.1. Appeal as a Matter of Right

3.7.1.1. The respondent may appeal a decision reached by the Chair. In matters involving allegations of Human Rights violations, the complainant may also appeal a decision reached by the Chair. The appeal must be in writing and must be submitted to the Senior Student Affairs Officer no later than five (5) days after notice of the Chair's decision is deemed received.

3.7.1.2. The written appeal must cite at least one (1) of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.

3.7.1.2.1. The original hearing was conducted unfairly to the point that it substantially and materially affected the outcome;

3.7.1.2.2. Using the facts found by the Chair, the conclusion regarding whether there was a violation(s) of the Student Code was incorrect;

3.7.1.2.3. The conduct sanction(s) imposed were not appropriate for the violation of the student Code that the respondent was found to have committed; and/or

3.7.1.2.4. New information that was unavailable at the time of the hearing has been discovered and could substantially and materially affect the outcome.

3.7.1.3. An appeal shall be limited to a review of:

- The verbatim record of the initial hearing;
- Supporting documents submitted as part of the initial hearing; and

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- Supporting documents submitted in support of the appeal reason(s)

3.7.1.4. The Senior Student Affairs Officer will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.

3.7.1.5. The Senior Student Affairs Officer will provide the Appellate Board with the materials submitted. The Appellate Board will review the materials submitted and provide a written recommendation to the Senior Student Affairs Officer as soon as practicable. The Senior Student Affairs Officer has sole discretion to adopt or reject the recommendation.

3.7.1.5.1. In instances where the respondent appeals a decision reached by the Chair, sanctions or conditions may not be increased, introduced for the first time, or extended.

3.7.1.5.2. If the recommendation is rejected, the Senior Student Affairs Officer will provide the Appellate Board with a written explanation for his/her decision.

3.7.1.5.3. The Senior Student Affairs Officer shall determine the effective date of any conduct sanctions imposed. The effective date of any conduct sanctions shall not be delayed pending any further appeals.

3.7.1.6. The Senior Student Affairs Officer's written decision shall be provided to the parties, along with the Appellate Board's recommendation and, if rejected, the Senior Student Affairs Officer's written explanation.

3.7.1.6.1. The Senior Student Affairs Officer may return the matter to the hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

3.7.2. Appeal to the President of the Institution

3.7.2.1. The respondent may appeal a decision reached by the Senior Student Affairs Officer. In matters involving allegations of Human Rights violations, the complainant may also appeal a decision reached by the Senior Student Affairs Officer.

3.7.2.2. The appeal must be in writing and must be submitted to the President's Office no later than five (5) days after notice of the Senior Student Affairs Officer's decision is deemed received.

3.7.2.3. The written appeal must cite at least one (1) of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.

3.7.2.3.1. The original hearing was conducted unfairly to the point that it substantially and materially affected the outcome;

3.7.2.3.2. Using the facts found by the Chair, the conclusion regarding whether there was a violation(s) of the Student Code was incorrect;

3.7.2.3.3. The conduct sanction(s) imposed were not appropriate for the violation of the student Code that the respondent was found to have committed; and/or

3.7.2.3.4. New information that was unavailable at the time of the hearing has been discovered and could substantially and materially affect the outcome.

3.7.2.4. The President has sole and complete discretion as to whether to agree to review an appeal, including what materials to consider. However, the President will not consider any reasons for review that were not previously raised in the appeal to the Appellate Board.

3.7.2.5. If the President agrees to review an appeal, the President will provide the other party/parties a copy of the appeal and a reasonable amount of time to submit any materials to be considered.

3.7.2.6. The President will provide a written decision to the parties, and to the Senior Student Affairs Officer. The decision may be a substantive one, or may merely indicate that the President has declined to review the appeal.

3.7.2.6.1. The President may return the matter to the Senior Student Affairs Officer or hearing panel for reconsideration, or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

3.7.3. Appeal to the Board of Regents

3.7.3.1. After exercising and exhausting all appeals available at the institutional level, the respondent may appeal a decision reached by the President. In matters involving allegations of Human Rights violations, the complainant may also appeal a decision reached by the President after exercising and exhausting all appeals available at the Institutional level.

3.7.3.2. The appeal must be in writing and must be submitted to the Executive Director of the Board of Regents no later than thirty (30) days after notice of the President's decision is deemed received. The appeal must include the following:

- Supporting arguments and documentation;
- All documentation provided by the institution, including, at a minimum, the President's decision, the Senior Student Affairs Officer's decision, and the Chair's decision.

3.7.3.3. Written appeals that fail to include supporting arguments and documents, and the documentation provided by the institution will be rejected.

3.7.3.4. An appeal submitted to the Executive Director that is not covered by subsection e) below may be considered by the Executive Director. In these instances, the Executive Director has sole and complete discretion as to whether to agree to review an appeal, including what materials to consider.

3.7.3.4.1. If the Executive Director agrees to review an appeal, the Executive Director will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.

3.7.3.4.2. The Executive Director will provide a written decision to the parties, and to the President.

3.7.3.4.3. The Executive Director may return the matter to the President, Senior Student Affairs Officer, or hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

3.7.3.5. An appeal submitted to the Executive Director must be considered by the Board of Regents where a student has been expelled or suspended based upon alleged violations of Board Policy 3:4; or a disciplinary action allegedly deprived the student of a right or privilege protected by a specific term or provision of Board Policy or state or federal constitution, law, or regulation.

3.7.3.5.1. The Executive Director will have fifteen (15) working days within which to attempt, at his or her discretion, a resolution through informal means.

3.7.3.5.2. If no informal resolution has been effected within the fifteen (15) working

days, the Executive Director will refer the matter to a hearing examiner for reconsideration pursuant to SDCL § 1-26 using the contested case proceedings. At the conclusion of the contested case proceedings, the hearing examiner will provide a recommendation to the Executive Director for the disposition of the matter by the Board.

3.7.3.5.2.1. Contested case proceedings may be conducted under protective orders entered pursuant to SDCL §§ 1-26-19 and 15- 6-26(c).

3.7.3.5.2.2. The Board may return the matter to the President, Senior Student Affairs Officer, or hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

SOURCE: BOR February 1969; RR, 12:06, 1977; BOR 1980; BOR April 1987; BOR June 1990; BOR December 1994; BOR October 1996; BOR December 1999; BOR March 2006; BOR December 2006; BOR August 2009; BOR August 2011; BOR December 2013; BOR June 2014; BOR August 2015; BOR May 2016; BOR August 2016; BOR December 2017; BOR December 2018; September 2019 (Clerical); BOR August 2020.

SOUTH DAKOTA BOARD OF REGENTS POLICY MANUAL 3:17

SUBJECT: Entry, Search and Seizure

The rights of students to be secure in their person, living quarters, papers and possessions against unreasonable entry, searches and seizures shall be assured. Entry, search and seizure by civil officers upon warrant shall be governed by civil law. Institutions are delegated authority and responsibility to establish and publish reasonable administrative entry, search and seizure procedures necessary for the enforcement of institutional regulations, to protect and to maintain institutional property, and to aid in the basic responsibility of the university regarding discipline and maintenance of an educational atmosphere.

1. These procedures shall provide for entry into university-owned student residences when:

- A. Maintenance requested by the occupant(s) is being performed;
- B. Routine inspection of rooms for safety, health and general upkeep purposes of maintenance performed upon institutional initiative is preceded by at least twenty-four (24) hours written or posted notice to the occupant(s);
- C. There is imminent danger to safety, health or property of occupant(s) or to institutional property;
- D. Conduct or conditions in the residence immediately and seriously disrupt the discipline and educational atmosphere of the residence facility; or
- E. The entry is conducted by institution officials pursuant to an administrative entry/ search permit signed by a designee of the president. Such a permit shall be issued when there is reasonable cause to believe that a student is using his or her residence in a way that is illegal or a violation of the institution's regulations. The permit must state:
 - 1. the room(s) to be searched;
 - 2. the regulation(s) allegedly being violated;
 - 3. the basis for the belief that the regulation(s) is (are) being violated;

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4. the item(s) being sought (if applicable);
 5. the names of those authorized to enter.

The entry/search permit does not authorize a search by institution officials that is conducted as part of a joint investigation with law enforcement agencies or at the request or under the supervision of law enforcement personnel. Entry, search and seizure in those circumstances are governed by warrant requirements generally applicable to law enforcement agencies.

2. These procedures shall provide for a search of an institution locker, carrel or similar furnishing when:

- A. Routine inspection of lockers for safety, health and general upkeep purposes is necessary;
- B. There is imminent danger to the safety, health or property of the student user or other individuals, or to institutional property;
- C. The search is conducted by institution officials with reasonable cause to believe that a student is using his or her locker in a way that is illegal or violates the institution's regulations.

3. Entry, search and seizure of student vehicles shall be governed by warrant requirements generally applicable to law enforcement agencies.

4. Unless institution policies regarding items in student residences or institution lockers apply, search and seizure of student personal effects shall also be governed by warrant requirements generally applicable to law enforcement agencies.

5. To achieve efficient and proper operation of the institution, the university reserves the right to enter and search a student employee's workplace when the university has reasonable grounds for suspecting that a search is necessary for a legitimate, non-investigatory purpose, such as retrieval of work-related materials, or that the search shall turn up evidence of the employee's violation of workplace rules. The scope of the search shall be reasonably related to the necessity of the work-related purpose or the nature of the suspected employee misconduct.

SOURCE: BOR, March 1993

SOUTH DAKOTA BOARD OF REGENTS POLICY MANUAL 3:21

SUBJECT: Notification of Law Enforcement and Appropriate Persons that a Student is Missing

1. Reporting a Student as Missing

A. Any person may report a university student as missing by filing a report with the university's chief student affairs officer or at the university's campus security office. It is not necessary to wait until the student has been missing for twenty-four hours before making a report.

B. For purposes of this policy, a student is missing when the student's whereabouts are unknown and unexplained for a period of time that would be regarded as highly unusual or suspicious by persons familiar with the student's plans, habits or routines.

2. Institutional Response

A. Upon receipt of a missing student report, student affairs or campus security 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 campus security officers, 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 twentyfour 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 unemancipated students under the age of 18, the university will notify the students' custodial parents or legal guardians.

D. The university will determine whether circumstances suggest that others living, working or participating in activities at the university may be in danger, and if it determines that such a danger may exist, it will warn the campus.

3. Publication of this Policy

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

4. Students' Option to Identify Persons to Be Informed.

A. At the time that a student is accepted as a resident in university controlled housing, the student will be given an opportunity to designate an individual to be notified pursuant to this policy in the event that the student becomes missing.

1. Students will be provided confidential means to designate such individuals and to update their designations.

2. Such contact information will be held as a confidential student record.

B. Unemancipated students under the age of eighteen will be informed that, in the event that they become missing, the university will notify a custodial parent or legal guardian pursuant to this policy.

Source: BOR, August 2009.

STUDENT HANDBOOK DISCLAIMER

The Student Handbook is published to acquaint you with the history and objectives of NSU, admission information and academic standards, student activities and services, and academic offerings. Rules, regulations, procedures, courses, programs and costs referenced or stated on the date of the Handbook's publication are subject to change as needs and reason may dictate.

Information contained in the Student Handbook is intended to be the most accurate available at the time of publication, but changes may become effective before the next catalog is published. It is ultimately the student's responsibility to stay current with regulations, procedures, courses, programs and costs. While reasonable efforts will be made to publicize such changes, a student is encouraged to seek current information from appropriate offices.



2021-22 NSU STUDENT HANDBOOK

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