

# STUDENT POLICIES & PROCEDURES

## Ochethi Sakowin Equity, Diversity, Inclusion, and Values

Sitting Bull College strives for educational equity, diversity, and inclusion in scholarly activities by cultivating opportunities for collaboration and community to create, model, apply, and practice the Ochethi Sakowin values, or virtues that are culturally identified ideals for being in this world. Rather than abstract and elusive philosophical principles to be strived after, however, these qualities are essential elements of one's everyday life.

As the Ochethi Sakowin author Joseph Marshall points out, they are instilled in us as firmly and as specifically as American courtesies like saying "please" and "thank you" . . . I knew growing up that at some point I was supposed to be the things I learned in the stories: compassionate, honorable, and brave, and so forth . . . The virtues espoused by the stories . . . are the foundation and moral sustenance of Ochethi Sakowin culture. (Marshall, *The Ochethi Sakowin Way* p. xiii).

There are numerous virtues, and while individuals may identify different virtues or order them variously according to significance, the underlying theme is always the same: expectations for individual behavior and character that ensure balance and well-being within society – human and beyond. In Marshall's words, "There is nothing more important."

The following Ochethi Sakowin values have been adopted as a guide for students to follow during their educational journey at Sitting Bull College.

1. Wóohola (Respect): SBC family should be thoughtful and considerate towards property, policies and people including themselves, fellow students, faculty, staff, and visitors.
2. Wówačhantognake (Generosity): SBC family should assist others in need without expecting anything in return.
3. Wówaunšila (Compassion): SBC family should display empathy for those less fortunate.
4. Wóowot#anla (Integrity): SBC family should show honesty and truthfulness for their actions and work.
5. Wówačhınt#anka (Patience): SBC family should show endurance under difficult situations.
6. Wówičak#e (Honesty) SBC family should display integrity, truthfulness and straightforwardness in their educational studies and activities.
7. Wóunšiič'ıye (Humility): SBC family should be modest and respectful to themselves, fellow students, faculty, staff, and visitors.
8. Wóksape (Wisdom): SBC family should strive to gain the understanding to apply perceptions, actions, and judgment in a good way.
9. Wóohitike (Bravery): SBC family may face uncertainty and need to find courage in order to succeed.
10. Wówalıtake (Fortitude): SBC family need to find the mental and emotional strength in difficult times.

Sources for the following list of values/virtues come from Joseph Marshall's book, *The Ochethi Sakowin Way: Stories and Lessons for Living* (New York: Penguin ACCUPLACER 2002). Other useful sources

discussing Ochethi Sakowin values are *Land of the Spotted Eagle* (Lincoln: University of Nebraska Press 1978) by Luther Standing Bear, *Speaking of Indians* by Ella C. Deloria (University of Nebraska Press 1998, and *The Sioux* by Royal B. Hassrick (University of Oklahoma Press 1964). The spelling of the values here follows the *New Ochethi Sakowin Dictionary* (Bloomington, IN: Ochethi Sakowin Language Consortium 2008).

## Code of Conduct

When students fail to maintain a reasonable standard of conduct on campus, at the instructional centers or at any college-sponsored activity, they may be subject to disciplinary action. Disciplinary proceedings shall commence only after the student has been counseled or warned about improper conduct.

SBC forbids the possession and/or use of alcohol and/or drugs on campus. Sitting Bull College will specify those standards of behavior, which it considers essential to its educational mission and its community life. These specific regulations shall be designed to represent reasonable standards of student conduct.

The following misconduct for which students are subject to college discipline applies to all times on campus and any off-campus functions sponsored or supervised by the college.

1. Plagiarism is from a Latin word for kidnapper. The act of kidnapping is the act of stealing. To use someone else's ideas or words as one's own would qualify as having plagiarized or stolen their work. Plagiarism can be applied to written work (i.e., papers, diagrams, statistical tables), to material from the Internet, CD-ROM's or other electrical sources and to examinations and tests. Penalties for plagiarism and cheating may include but are not limited to the following:
  - re-writing the assignment in question
  - receiving an "F" on the assignment or test in question
  - failing the course in which the assignment was submitted
  - academic suspension
2. Dishonesty, such as cheating or knowingly furnishing false information to the college.
3. Forgery, alteration, or misuse of college documents, records, or identification.
4. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other college activities including its public service functions or of other authorized activities.
5. Physical, verbal, and/or cyber (as outlined by the social media network) abuse of any person or conduct, which threatens or endangers the health or safety of any such person.
6. Theft of or damage to property of the college, its Board, employees, students or visitors.
7. Unauthorized entry to or use of college facilities.
8. Intoxication from the use of alcohol or being under the influence of unlawful drugs, or unlawfully distributing, selling, or possessing drugs/alcohol on college property or at events sponsored by the college.
9. Failure to comply with directions of college official acting in performance of their duties.
10. Any act that injures, degrades, or disgraces, any fellow student or person attending the college.
11. Smoking in non-designated areas.

Penalties for items 2-11 may include but are not limited to the following:

- Mandatory counseling
- Failure of a course
- Travel privileges revoked
- Participation in college sponsored activities revoked
- Academic suspension
- Permanent expulsion

## Procedural Standards in Disciplinary Proceedings

In developing responsible student conduct, disciplinary proceedings shall commence only after the student has been counseled or warned about said conduct from the Dean of Academics and/or Dean of Students. The college will establish a method for imposing discipline, which complies with the requirements of due process. In all situations the student will be informed of the nature of the charges against him/her; that he/she be given an opportunity to refute them; that the institution not be arbitrary in its actions; and that there be provisions for appeal of a decision. The college has an obligation to specify those standards of behavior, which it considers essential to its educational mission defined as clearly as possible and interpreted in a manner consistent with principles of relevancy and reasonableness. Disciplinary proceedings will be instituted only for violations of standards of conduct.

## Administration of the Code of Student Conduct

1. The Dean of Academics or Dean of Students will be responsible for administering the Code of Conduct and for the general conduct of students. Any person who has knowledge of any such violations after referred to, as the Code, shall report all violations of law and the Code of Conduct herein immediately to the Dean of Academics and/or Dean of Students.
2. The Dean of Academics and/or Dean of Students will ensure that the best interest of any student charged with an offense is served by making use of appropriate counseling or other professional services deemed necessary. The Dean of Academics and/or the Dean of Students in seeking professional assistance and advice shall consult with a minor student's parent(s) or guardian(s).
3. In cases of violations of the Code, the Dean of Academics and/or Dean of Students will impose those sanctions, which he/she deems appropriate and will inform the student of the decision in writing. He/she will further inform the student charged with misconduct and the disciplinary action. He/she will further inform the student of his/her right of appeal to the Student Appeals Board. The Student Appeals Board shall sustain, modify, or overrule the decision of the Dean of Academics and/or Dean of Students.

## Student Appeals Board Procedure

The request for a hearing in front of a Student Appeals Board must be in writing to the Dean of Students when dealing with student services issues or the Dean of Academics when dealing with faculty or grading issues. It will be the Dean of Academics and/or Dean of Students responsibility to assemble the Student Appeals Board. The request for a hearing before the Student Appeals Board must take place within five

(5) working days from receipt of written notification from the Dean of Academics and/or the Dean of Students. If the student does not appeal within the appropriate time period, the decision of the Dean of Academics and/or the Dean of Students will be final.

The student will be given written notice at least three (3) school days prior to the scheduled hearing.

1. Membership of the Student Appeals Board shall consist of:
  - a. One faculty selected by Dean of Academics and/or the Dean of Students
  - b. Two students - the President of the Student Government and one student at-large (selected by the student)
  - c. One Board of Trustees member
  - d. The Dean of Academics (non-voting member)
  - e. One counselor selected by the Dean of Students
2. All members will have equal votes. The President of the Student Government will serve as Chairperson of the Board.
3. Three out of five voting committee members will make a quorum. In the absence of a Student Government President, the Dean of Academics and/or the Dean of Students will designate an acting person from the Student Government.
4. A majority vote of those present will be required on all decisions of the Board.

## Policy

1. The student appealing before the Student Appeals Board shall have the right to be assisted in his/her defense by an advisor of his/her choice.
2. Burden of proof shall rest upon the college. Each official charging a student of misconduct must be prepared to substantiate the charge.
3. The student shall be given an opportunity to testify and to present evidence and witnesses. He/she shall have an opportunity to hear and question the adverse witnesses. The Appeals Board shall not consider statements against the student unless he/she has been advised of their content and of the names of those who made them. The student must be given an opportunity to rebut unfavorable inference, which might otherwise be drawn.
4. All matters upon which the decision may be based must be introduced as evidence at the Appeals Board meeting. The decision shall be based solely upon the evidence.
5. A qualified secretary will provide an accurate record of all proceedings. A tape recording will be authorized if requested by the accused.
6. Proceedings shall be orderly. If the Chairperson of the Board feels that any person present is disruptive, he/she may be excluded from the hearing. Such disruptive conduct may be the basis for subsequent disciplinary action against such persons, including expulsion from college.
7. After the commencement of the hearing, the chairperson will notify the student that he/she may challenge, for stated causes, the qualification of any member sitting on the case. If the challenge is upheld by a majority vote of the Board members, the challenged member will be disqualified from sitting on the Appeals Board for that particular case.
8. The hearing shall be private if requested by the student charged.

9. A student may elect not to appear at the hearing, but the hearing will continue as scheduled. The Board members will base their decision on the evidence presented.

The decision of the committee is final. The Dean of Academics and/or the Dean of Students will notify the student in writing within five (5) working days of the hearing.

## What Can I Do if I Am Being Treated Unfairly?

It is the policy of the College that all students have at their disposal specific and equitable procedures, which afford due process for resolving grievances.

A grievance is a result of an alleged unfair, inequitable or discriminatory interpretation, application, or implementation of college policy or procedure including the Statement of Non-Discrimination listed on page two of the *College Bulletin*. You may obtain a copy of the grievance procedure from the Dean of Academics and/or the Dean of Students.

### Grievance Procedure

In a relationship of student to instructor and staff member of SBC, misunderstandings can develop. Therefore, it is imperative that a formalization of procedures be developed to disarm any situation that can develop and also give the student an avenue for correction of a problem. It is the intent of this policy to alleviate any feelings of retribution or prejudice that can arise from problem situations. To assist the student, instructor, staff member, and the college in arriving at a fair and unbiased decision, this procedure will strive to assist in resolving disputes and conditions.

1. **Initial Grievance:** The student must discuss the grievance with the instructor or staff member from whom the disagreement stems. If the matter cannot be settled at this point, the student then has the responsibility to confer with the Dean of Academics and/or the Dean of Students. The student may ask one of the Counselors' to attend the meetings with the student.
2. **Submission of Written Grievance:** If the student is not satisfied with the verbal conference with the Dean of Academics and/or the Dean of Students, she/he must submit a written grievance to the Dean of Academics and/or the Dean of Students within five (5) working days and she/he will receive a written response from the Dean of Academics and/or the Dean of Students within five (5) working days.
3. **Grievance Committee:** If the student is not satisfied with the written response, she/he has five (5) working days to request in writing that a grievance committee hear the matter. This request is given to the Dean of Academics and/or the Dean of Students and a hearing will be scheduled within five (5) working days. The committee shall be comprised of the following:
  - a. Dean of Academics and/or the Dean of Students;
  - b. One counselor selected by the Dean of Students;
  - c. One faculty member selected by the Dean of Academics;
  - d. One staff member selected by the Dean of Academics and/or Dean of Students;
  - e. One member of the SBC Student Government selected by the grieving student;
  - f. One Board of Trustees member

The decision of the committee is final. The Dean of Academics and/or the Dean of Students will notify the student in writing within five (5) working days of the hearing.

## Campus Security

The Sitting Bull College Campus Security Department has the primary responsibility for serving the safety and security needs of the campus community. All campus buildings and facilities are patrolled and inspected regularly to ensure a safe and comfortable academic environment where learning is the central focus. Campus Security is available 24 hours a day, 365 days a year.

No community can be completely risk-free in today's society. Safety and security are everyone's responsibility. Therefore, the collective efforts of students and staff in collaboration with Campus Security are necessary. Students, staff and visitors are partners in maintaining an environment that is safe and conducive to the learning process. Everyone is asked to be alert, security conscious, and involved. Students are required to abide by the Students Code of Conduct and all other policies and procedures. The main security office is located on campus in the Entrepreneurial Center.

### Policy for Reporting Criminal Activity or Other Emergencies

Each student and employee of Sitting Bull College is expected to promptly report any criminal activity or other emergencies to the Campus Security Department. Campus Security will respond immediately and take the appropriate action.

The on campus Resident Manager will act as the point of contact for emergencies occurring in the campus dorms/apartments.

Campus Security will act immediately on any report of criminal activity or other emergency; will investigate, categorize, and report on each incident; and will involve outside police (BIA or Sioux County Sheriff) as appropriate.

### Campus Law Enforcement

The Campus Security Department of Sitting Bull College has a uniformed officer, employed by the college to protect SBC personnel and property. Campus Security has the authority to request identification, issue parking citations, monitor campus traffic and sign complaints with Tribal Court and local Law Enforcement on behalf of Sitting Bull College.

### Policy on Dorm/Apartment Security

Apartments are to be kept secured. Safety/Security deficiencies are immediately acted upon by Campus Security and maintenance.

Students are responsible for keeping their rooms locked when unoccupied and for keeping personal valuables and college equipment and furnishings secure at all times. They are also expected to keep all exterior doors and windows to the apartment secured during all non-open access hours and to report anything out of the ordinary to Campus Security.

## Harassment Policy

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

### Bullying

A complex phenomenon of unwanted offensive and malicious behavior which undermines an individual or group through persistently negative

attacks. There is typically an unpredictable and irrational abuse of power or position that can manifest itself in physical, verbal or non-verbal forms. There is usually an element of vindictiveness attached to bullying and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean the recipient.

## Sexual Harassment

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

## Racial Harassment

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

## Religious Harassment

Unwanted behavior based on religious beliefs or practices. This may take many forms including ridiculing items worn for religious reasons, denigrating cultural customs and dismissive treatment of requests for holidays for religious or cultural festivals, or derisory comments against an individual's beliefs. It includes the incitement or persistent pressure through forms of evangelism and religious propaganda that suggests the answer no is unacceptable to the person trying to spread their ideas on religion or recruiting to their particular group.

## Disability Harassment

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

## Sexual Orientation Harassment

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

## Procedure

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

1. The issue must immediately be taken to Sitting Bull College's Vice President of Operations or counselors for informal discussion with both parties.

2. Any further violation will result in written reprimand and possible suspension of employment or disciplinary dismissal until treatment or counseling or both is received.
3. Termination or expulsion will result should behavior continue.

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

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

## Campus Violence Policy

### Purpose of the Policy

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

### Policy Statement

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

### Definitions

Stalking:

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

Physical Assault:

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

### Procedures

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

**Assaults or threats of physical harm that require immediate police attention, should contact BIA Law Enforcement by dialing 911 and Campus Security as soon as possible.**

Campus Security is available to help persons assess the severity of the circumstances and the need for police involvement. Campus Security should be contacted regarding any situation that causes concern about personal safety or well-being.

Reports of any incident will be taken seriously by the Campus Security Department and dealt with appropriately. Information regarding incidents of violent conduct and threats of violence will be investigated, and if

warranted, criminal charges will be levied, or disciplinary action will be taken in accordance with applicable procedures.

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

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

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

## Title IX Policies and Procedures Policy

The Sitting Bull College (SBC) will address all incidents of sex discrimination and sexual harassment reported to the SBC Title IX Coordinator in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972, as amended.

### Purpose

This policy informs all prospective students, current students, and all SBC employees of college policies and procedures regarding sex discrimination and sexual harassment to which all students, members of the faculty, and non-faculty personnel are expected to adhere during their time at SBC. In addition, comprehensive information is provided regarding the reporting of sex discrimination and sexual harassment and avenues to seek immediate assistance.

### Procedure

The Sitting Bull College seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, SBC condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. Notice of a sex discrimination or sexual harassment incident to the SBC Title IX Coordinator charges SBC with actual knowledge and triggers SBC's response obligations as described in the institutional action section.

### Scope of Policy

SBC must respond when sex discrimination and harassment occurs in the school's education program or activity, against a person in the United States. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the discrimination or harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus, including online instruction.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual

harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

Individuals are responsible for immediately reporting any knowledge or information concerning sexual harassment to the SBC Title IX Coordinator identified in this policy which covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where SBC has control over the respondent or the context of the harassment.

SBC encourages victims of sexual harassment to talk with a counselor. Different employees within the scope of SBC's resources have different abilities to maintain a victim's confidentiality.

- **SBC Counselors** are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- **SBC Employees** may talk to a victim in confidence, and generally only report to SBC that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the complainant's wishes.
- **SBC Employees** are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinator. A report to SBC employees (called "responsible employees") constitutes a report to SBC and places SBC on notice to take appropriate steps to address the situation.

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent. This policy also applies to retaliation by SBC or any person against any other person when for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in any manner in a proceeding under Title IX that is prohibited.

## Assistance Following an Incident of Sexual Harassment

- **Immediate Assistance:**  
Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinator (Koreen Ressler) located in the SBC Science & Technology Center, 9299 Highway 24, Fort Yates, ND 58538, phone number 701-854-8001, or email [koreen.ressler@sittingbull.edu](mailto:koreen.ressler@sittingbull.edu)

Victims of sexual violence should get to a place of safety and call Standing Rock BIA Law Enforcement at (701) 854-7241. Obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by North Dakota law, and provide the opportunity for

collection of evidence helpful in prosecution, which cannot be obtained later.

**Complainant or Witness: Call Standing Rock BIA law enforcement (701) 854-7241 for immediate assistance.**

• **Ongoing Assistance:**

In order to ensure the safety and well-being of the complainant, SBC may take interim measures such as changing living arrangements, work schedules, academic schedules, addressing transportation issues, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring), leaves of absence, campus escort services, or similar measures. In addition, while an investigation is pending SBC may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

SBC has limited internal counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through the following resources:

- The Support Circle (9am-5pm Mon-Fri Jessica Brockel) - (605) 845-2058
- Three Rivers- 1-800-658-3900
- McLaughlin- (605) 823-4212 Eagle Butte (605) 964-4210

Several service organizations in North and South Dakota have provided telephone numbers and made for students, faculty, staff and campus community members. SBC Campus Security and Counselors will assist any interested person in contacting these agencies.

• **Additional Support Services:**

- National Domestic Violence Hotline - 1-800-799-7233 (SAFE)
- Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)
- Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)
- Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)
- North Dakota Coalition Against Assault - 701-255-7796
- CAWS North Dakota - 701-255-6240 Toll Free: (888) 255.6240
- Mobridge Ministerial Association - Mobridge, SD (605) 845-7855 (Helps with food boxes, clothing and when funding is available, they can help with deposits or utilities -usually an app that can be filled out and reviewed at the beginning of the month)

• **Area Shelters:**

- Bridges Against Domestic Violence- Mobridge, SD (605) 845-2110 (Shelter house for DV/SA Victims only)
- The Welcome House- Bismarck ND (701) 751-0142 (Only accepts families)
- Safe Harbor- Aberdeen, SD (605) 226-1212 or 1-888-290-2935 (Shelter House for DV/SA Victims only)
- Sacred Heart- Eagle Butte, SD (605) 964-6062 or 1-800-390-9298
- Pretty Bird Woman House- McLaughlin, SD (605) 823-7233 (Shelter house for DV/SA Victims only)
- Missouri Shores- Pierre, SD (605) 224-0256 (Shelter for DV/SA Only)
- Sacred Plume Shelter- Ft Yates, ND (701) 854-4515 (Referral office only)
- Abused Adult Resource Center- Bismarck, ND (701) 222-8370 (Staff will do over the phone intake - they will then be referred to either DV/SA specific places or homeless resources)

• **Homeless Shelter Directory:**

- SD Homeless Coordinated Entry System - 1-800-664-1349
- Warrior's Lodge- McLaughlin, SD (605) 823-2030(Veteran's Home)
- CRST Homeless Shelter- Eagle Butte, SD (605) 964-8673
- Pathways Homeless Shelter- Yankton, SD (605) 665-8994
- Sicangu Oyate Tipi- Rosebud, SD (605) 747-2096
- Bishop Dudley Hospitality House- Sioux Falls, SD (605) 809-8424
- St Francis House- Sioux Falls, SD (605) 334-3879
- War Cloud Drop in Center- Sisseton, SD (605) 698-9081
- Corner Stone Rescue Mission- Rapid City, SD (605) 341-2741
- The Journey Home Shelter- Aberdeen, SD (605) 725-7031
- Welcome House- Mandan, ND (701) 751-0142 (Accepts families DV/Homeless)
- United Way Homeless Shelter- Bismarck, ND (701) 255-3601
- Edwinton Place- Bismarck, ND Contact Burleigh County Housing for application and referral (701) 255-2540

• **Cheyenne River Homeless Shelter Directory:**

- New Hope Homeless Shelter & Garden (605) 964-8670 or (605) 964-8673 (8 am – 9 pm Singles, Women& Men - Drug & Alcohol Free)
- The Mustard Seed (605) 218-0845 or (605) 218-0338 (8 am – 5 pm: Singles, Women & Men)
- CRST Old Agency Emergency Shelter (605) 964-3601 (Open 24 Hours: Singles, Women & Men - CRST Members Only)
- CRST Family Emergency Shelter (605) 964-4673 (8 am to 5 pm Singles with children, Couples with children)
- CRST Family Violence Shelter (605) 964-2472 (8 am to 5 pm - Singles, Women & Men and Families)
- Sacred Heart Women's Shelter (605) 964-7233 \*Crisis Line\* (8 am to 5 pm - Singles, Women & Men, Accepts those effected by Domestic Violence, Abuse & Human Trafficking)

## Title IX Coordinator and Staff

- Title IX Coordinator has primary responsibility for overseeing the process of coordinating SBC's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Koreen Ressler) located in the SBC Science & Technology Center 9299 Highway 24, Fort Yates, ND 58538, phone number 701-854-8001, or email koreen.ressler@sittingbull.edu
- Deputy Title IX Officers have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include the Human Resources Director (Elisabeth Hertel) located in the SBC Finance Center, 9299 Highway 24, Fort Yates, ND 58538, phone: (701) 854-8004, and the Dean of Academics (Shawn Holz) located in the SBC Science & Technology Center, 9299 Highway 24, Fort Yates, ND 58538, phone: (701) 854-8002. Both can be contacted by email at firstname.lastname@sittingbull.edu.
- Title IX Investigators may include but not be limited to SBC security officers and staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Officer may include an SBC administrator or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations

of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.

- Title IX Hearing Member may include SBC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each hearing member will evaluate the information being provided by both parties to make a decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

## Definitions

SBC defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Offenses prohibited under SBC's policy include but are not limited to sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), sexual harassment, sexual violence to include non#consensual sexual contact, non#consensual sexual intercourse, sexual coercion, domestic/dating violence, stalking, and sexual exploitation.

1. Sex Discrimination: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, and gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.
2. Sexual Harassment: is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any SBC employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any SBC employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.
  - a. Hostile Environment: Sexual Harassment includes conduct that is sufficiently severe, pervasive, or persistent, objectively and subjectively offensive that it alters the conditions of education or employment or institutional benefits of a reasonable person with the same characteristics of the victim of the harassing conduct. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:
    - The frequency of the conduct;
    - The nature and severity of the conduct;
    - Whether the conduct was physically threatening;
    - Whether the conduct was deliberate, repeated humiliation based upon sex;
    - The effect of the conduct on the alleged victim's mental or emotional state from the perspective of a reasonable person;
    - Whether the conduct was directed at more than one person;
    - Whether the conduct arose in the context of other discriminatory conduct;
    - Continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes; and
    - Whether the speech or conduct deserves constitutional protections.
3. Sexual Violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.
  - a. Non-Consensual Sexual Contact is any intentional touching, however slight, whether clothed or unclothed, of the victim's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim's body using the perpetrator's genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.
  - b. Non-Consensual Sexual Intercourse is defined as any sexual intercourse or penetration of the anal, oral, vaginal, genital opening of the victim, including sexual intercourse or penetration by any part of a person's body or by the use of an object, however slight, by one person to another without consent or against the victim's will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

- b. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:
  - Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

- An instructor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student agrees to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he or she created, even when asked to stop, causing one recipient to avoid the sender on campus and in the dorms in which they both live.
- The instructor probes for explicit details, and demands that students respond to him or her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to his clear discomfort.

- i. Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration 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. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
- c. Sexual Coercion is the act of using pressure (including physical pressure, verbal pressure or emotional pressure), alcohol, medications, drugs, or force to have sexual contact against someone's will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.
- d. Dating violence is violence between individuals in the following circumstances:  
The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - The existence of such a relationship shall be determined based on a consideration of the following factors:
  - Length of the relationship
  - Type of relationship
  - Frequency of interaction between the persons involved in the relationship
- e. Domestic Violence under SBC policy means violence committed by a current or former spouse of the victim;
  - A person with whom the victim shares a child in common;
  - A person who is cohabitating with or has cohabitated with the victim as a spouse;
  - A person similarly situated to a spouse of the victim under North Dakota domestic or family violence laws;
  - Any other person against an adult or youth victim who is protected from that person's acts under North Dakota domestic or family violence laws.
4. Advisor: A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a SBC faculty or staff member, a friend or an attorney.
5. Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
6. Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.
7. Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.
8. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

9. Supportive measures - individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

## Consent

Consent is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and the absence of "No" may not mean "Yes".

1. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.
2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
3. Previous relationships or consent does not imply consent to future sexual acts.
4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
5. In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

- The amount of alcohol, medication or drugs consumed,
  - Imbalance or stumbling,
  - Slurred speech,
  - Lack of consciousness or inability to control bodily functions or movements, or vomiting, or
  - Mental disability or incapacity.
6. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

## Reporting

1. Mandatory Reporting  
All SBC employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All SBC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.
2. Confidential Reporting  
Resources are available through MCN Family Violence Prevention. Family Violence Prevention staff, counselors, victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be



reported, no matter the severity. In addition, SBC should be made aware of possible threats to the campus community in order to issue timely warnings.

### 3. Reporting to the Police

SBC strongly encourages anyone to report sexual violence and any other criminal offenses to the police. This does not commit a person to prosecution but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, College disciplinary actions and/or civil actions against the respondent.

- If the incident happened on campus, it can be reported to the Standing Rock BIA Law Enforcement at (701) 854-7241. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the information you report can be helpful in supporting other reports and/or preventing further incidents.
- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, SBC also strongly encourages reporting any instances to the police.
- Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.

### 4. Reporting of Student Instances

Students shall report any instances of sex discrimination or sexual harassment to any SBC employee and/or the Title IX Coordinator. A complaint should be filed as soon as possible. If either the complainant or the respondent is a student, the incident will be addressed through the Title IX process. The report can be made in person, by phone, mail, or email using the contact information listed for the Title IX Coordinator or by any other means that results in the Coordinator receiving the report. The report can be made any time, even during non-business hours.

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially 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. A complainant's wishes with respect to whether the SBC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

SBC will promptly take necessary steps to protect the complainant and ensure safety as necessary, including taking interim steps before the final outcome of any investigation once a report or knowledge of sex discrimination or sexual harassment has occurred. Periodic updates on the status of the investigation will be provided to the complainant. If the school determines that the sexual violence occurred, SBC will continue to take these steps to protect the complainant and ensure his or her safety, as necessary. SBC will provide the complainant with any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, and assistance in reporting a crime to local law enforcement.

## Written Notice of Complaint

Upon receipt of a formal complaint, SBC will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. Written notice includes:

1. Notice of the grievance process, including any informal resolution process;
2. Notice of the allegations, including sufficient detail (i.e., names of known parties, the conduct alleged to be sexual harassment, and the date and location of the conduct, if known) to allow the respondent to prepare a response;
3. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
4. Notice of the parties' right to have an advisor (who may be, but is not required to be, an attorney) and to inspect and review evidence; and
5. Notice that knowingly making false statements or providing false information in the grievance process is a violation of the code of conduct and subject to disciplinary action.

## Investigation

The Title IX Coordinator will make a determination to begin a formal investigation of sex discrimination or a sexual harassment incident which will lead to an institutional action. The coordinator will be available to explain to both parties the process and to notify in writing of the receipt of a complaint and the actions SBC will take. The burden of gathering evidence and burden of proof must remain on SBC, not on the parties.

An investigation will be conducted by a SBC Title IX official. This investigation will include:

- Meeting personally with the complainant, (unless extraordinary circumstances prevent a personal meeting),
- Meeting personally with the respondent, (unless extraordinary circumstances prevent a personal meeting),
- Presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made,
- Collecting any physical evidence,
- Meeting personally with any witnesses, (unless extraordinary circumstances prevent a personal meeting with one or more witnesses), and
- Reviewing any documentary evidence.

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, SBC must:

1. ensure that the burden of proof and of gathering evidence rests on SBC rather than the parties;
2. provide an equal opportunity for the parties to present witnesses and evidence;
3. not restrict either party's ability to discuss the allegations or gather and present evidence;
4. provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor;
5. provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate;

6. provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and
7. prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility.

SBC will determine if a Title IX hearing is necessary.

If it is determined that SBC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

### **Mandatory or Permissive Dismissal**

Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint:

1. did not occur in SBC's program or activity;
2. did not constitute sexual harassment as defined; or
3. did not occur against a person within the US.

Both parties must receive written notice of a mandatory dismissal and reasons.

Permissive dismissal may occur at any time during the investigation or hearing when:

1. a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or
2. the respondent is no longer enrolled or employed by SBC; or
3. specific circumstances prevent SBC from gathering evidence sufficient to reach a determination.

Both parties must receive written notice of a permissive dismissal and reasons.

SBC may still address allegations of misconduct under the Student Code of Conduct.

### **Institutional Action**

1. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory but will only take place with the consent of both parties involved. Mediation may only be used:
  - a. Prior to a Notice of hearing being issued;
  - b. When a trained Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
  - c. When the complaint does not involve sexual violence as defined in the Title IX Policy.
  - d. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.
  - e. Mediation is not available when the complaint alleges a SBC employee harassed a student.

Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an

appeal of the process and its result is not permitted. However, either the Complainant or the Respondent may terminate mediation at any time prior to the entry of a voluntary resolution and proceed with the Title IX hearing. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Coordinator to a Title IX Hearing. No offers to resolve the conflict that were made or discussed during the informal voluntary resolution process may be introduced during the Title IX Hearing.

#### 2. Title IX Hearing

The Title IX Coordinator will determine if a hearing is necessary; mediation is never appropriate in sexual violence cases. If it is determined that SBC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

The hearing members shall include at least one trauma trained individual in sex discrimination or sexual harassment adjudication to include a trained Title IX Officer as the hearing officer and three members of faculty and staff as hearing members. The selection of the hearing members will be made by the Title IX Coordinator. Criteria for the hearing committee will include: 1) have received all appropriate training, 2) not a current instructor of either party involved, 3) have no previous substantive or direct knowledge of the incident, and 4) have no other perceived conflict of interest as determined by interview process with the Title IX Coordinator.

Description of the duties of the Title IX Hearing Members will include but not limited to the following:

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the SBC Title IX Policy.
- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

#### **Complainant's Rights:**

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case or make statements during the proceedings. Students must provide SBC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the

hearing (if the advisor is an attorney, SBC's attorney will also be present for the hearing);

- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

#### **Respondent's Rights:**

- Be given written notice of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide SBC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, SBC's attorney will also be present for the hearing);
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available;
- Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal.

The hearing will include opening statements, each party's evidence and witnesses, and closing statements. Students are permitted to be present during the disciplinary hearing (except during deliberations of the panel). Students are permitted to make statements, present witnesses and present evidence during the hearing which has been previously collected and approved during the investigation process. Witnesses and evidence need to be directly related to the incident. The standard of proof used in SBC Title IX Hearings is the preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution. In-person hearings are preferred, but videoconference hearings may be conducted if the hearing officer determines that the health, safety and welfare of all participants is better served by the alternate hearing mode.

## **Outcome**

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is not responsible for a Sex Discrimination or Sexual Harassment policy violation the complaint will be dismissed.

If it is determined under the preponderance of evidence standard (more likely than not to have occurred) that the respondent is responsible for a Sexual Harassment policy violation the following sanctions will be considered. The listing of sanctions below is not intended to be exclusive; in addition, sanctions may be imposed singularly or in combination when a violation of this policy is found.

Sexual Discrimination (includes gender discrimination) may include the following sanctions of the student(s) found responsible.

- **Restriction** – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent SBC, or denial of participation in extracurricular activities.
- **Service Project** – Community service or an education class or project beneficial to the individual and campus or community.
- **Probation Level I** – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with SBC and that further violations of regulations will subject him/her to suspension or expulsion from the SBC.
- **Housing Suspension** – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- **Suspension** – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from SBC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President of Operations. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SBC's normal withdrawal policy.
- **Expulsion** – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SBC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible.

- **Restriction** – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the

use of facilities or access to parts of campus, denial of the right to represent SBC.

- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from SBC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President of Operations. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SBC's normal withdrawal policy.
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Sexual Violence may include the following sanction on the student(s) found responsible.

- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SBC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Both parties will be notified of the outcome in writing by certified mail or other agreed upon form of notice within five business days after the hearing at the same time. Both parties have the right to appeal the decision reached through the hearing proceedings within five days after the hearing.

## Appeal Procedures

An appeal is not a new hearing but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from SBC to the student(s) found responsible for the policy violation. The student must show one or more of the listed grounds for an appeal.

1. Appeals must be submitted in writing to the President within five (5) Sitting Bull College working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
2. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
  - a. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
  - b. The evidence presented at the previous hearing was not "sufficient" to justify a decision against the student or group.
  - c. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
  - d. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with SBC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
3. The President will review the record of the original hearing, including documentary evidence. It is the President's discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was "insufficient" to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee's decision to the President and the procedures set out above shall control the appeal.
4. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.
5. The decision of the President on appeal shall be final.

## SBC Officers and Designees

The designation of an SBC official responsible for prescribed actions shall automatically include the official's designee in instances where an official is unable, unavailable or has concluded that the official may have a conflict of interest that causes the official to recuse from involvement in the matter. The official's designee shall have the same authority as the official in matters involving this policy.

## Recordkeeping Protocol

SBC will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. SBC Title IX

Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of SBC's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to SBC Security for the preparation of the Annual Crimes Report.

## Prevention and Education

### 1. Education

SBC requires all employees to take the following educational-training courses on an annual basis. Employees may be required to be recertified on demand. Failure to have a certification of this required training may result in appropriate disciplinary action. Additional in-person trainings are also offered periodically and on request.

### 2. Bystander Intervention

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

- Divert the intended victim (e.g. "help me out of here; I don't feel well")
- Distract the perpetrator (e.g. "looks like your car is being towed")
- Delegate to a person of authority (e.g. if at a nightclub let the bartender/bouncer know of the situation)
- Direct, confront the perpetrator (e.g. "don't speak to him/her in that manner; you are going to get yourself into trouble")

### 3. Risk Reduction Tips

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

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

### 4. Potential Aggressor

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

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **Don't make assumptions** about consent; about someone's sexual availability; about whether they are attracted to

you; about how far you can go; or about whether they are physically and/or mentally able to consent.

- If there are any questions or ambiguity, then you **do not** have consent.

Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size.
- Don't abuse that power. Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent.
- Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## Training

Training on sexual misconduct: discrimination, harassment, and violence is included in SBC's education program.

In-person training for student groups and students will be conducted through a variety of presentations, student orientation, and other meetings. In-person training for Active Bystander Intervention skills may include: On-going campus campaigns and information at a variety of events concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating students will be presented at prevention workshops. When in-person training is neither practical nor safe, alternative modes of training shall be utilized.

Mandatory training for employees will be provided through in-person training on sexual misconduct: discrimination, harassment, and violence and mandatory reporting through new employee orientations and other periodic training opportunities and upon request. In-person training for Active Bystander Intervention skills may include: ongoing campus campaigns and information at a variety of events, concerning the policy and appropriate behaviors, including Bystander Intervention. Informational website and brochures devoted to educating employees.

## Available Resources to All of the SBC Community

- Standing Rock Sioux Tribe Sacred Plume Domestic Violence Program - 701-854-4515
- National Domestic Violence Hotline - 1-800-799-7233 (SAFE)
- Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE)
- Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY)
- Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice)
- North Dakota Coalition Against Assault - 701-255-7796
- CAWS North Dakota - 701-255-6240 Toll Free: (888) 255.6240
- Sacred Plume Women's Shelter -

- Pretty Bird Woman House, McLaughlin, SD - 605-823-7233
- Bridges Against Domestic Violence, Mobridge, SD - 605-845-2110

## Retaliation

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual harassment or filing a sexual harassment complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school's investigation or proceeding. Therefore, if a student, parent, teacher, sponsor coach, or other individual complains formally or informally about sexual harassment or participates in an OCR or school's investigation or proceedings related to sexual harassment, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual's complaint or participation. Individuals who, apart from official associations with SBC, engage in retaliatory activities will also be subject to SBC's policies insofar as they are applicable to third party actions.

SBC will take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses. Complaints of retaliation will follow the same process of investigation, hearing, and appeal.

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed.

**Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met.** Students who are suspended from SBC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President of Operations. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SBC's normal withdrawal policy.

## Free Speech and Academic Freedom

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

## Availability of Other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the SBC community may also file complaints with the

following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline: (800) 421-3481  
Email: OCR@ed.gov

Office of Civil Rights:

Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;  
Washington D.C.: OCR@ed.gov 1-800-421-3481

North Dakota Department of Labor and Human Rights  
600 East Boulevard Ave Dept 406  
Bismarck, ND 58505-0340  
(701) 328-2660 or 1-800-582-8032  
In-state toll-free 1-800-366-6888 or 1-800-366-6889 TTY (Relay ND)  
Fax: (701) 328-2031

## Registered Sex Offender Policy

To increase the safety and welfare of the students, faculty, and staff of Sitting Bull College, no convicted or registered sex offenders will be allowed to enroll in any SBC courses or allowed on any SBC property or at any SBC sponsored event.

A hard copy of the Registered Sex Offenders located on the Standing Rock Sioux Reservation will be kept at the receptionist desk of each SBC building to be used as a reference guide and identification.

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

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

<http://www.ndsexoffender.com/> for North Dakota information  
<http://www.sexcriminals.com/megans-law/us/south-dakota/> for South Dakota information  
<http://www.nsopw.gov/Core/PublicRegistrySites.aspx>

## Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

For more information and statistics about SBC contact the office of the Vice President of Operations or visit web site: <http://ope.ed.gov/security> (<http://ope.ed.gov/security/>).

## Weapons/Firearms Policy

### Purpose

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

1. During orientation, students will receive information regarding maintaining a safe learning environment.

2. Campus crime statistics will be disclosed to the federal government at <http://ope.ed.gov/security> (<http://ope.ed.gov/security/>).
3. Workshops and information sessions on personal safety and self-defense will be offered every academic year.
4. Counseling and referral services will be provided, as deemed appropriate or as provided in this Policy.

4. A kitchen knife with a blade over 3.5 inches in length which is kept in campus apartments or campus housing homes for the purpose of food preparation.
5. A student, employee or invitee of Sitting Bull College who has a legitimate educational or employment related purpose for the possession of the weapon on the SBC campus. An example of this exception would be the possession of a Bow and Arrow for the purpose of Archery class.

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

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

## Policy

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

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

## Exemptions

This policy shall not apply to:

1. A law enforcement officer, agent or employee of the United States, when lawfully carrying a weapon in conformance with the policy of his/her employing agency.
2. A member of the Armed Forces of the United States or North Dakota or South Dakota National Guard while acting in his/her official capacity and in conformance with general or specific military orders.
3. A weapon that remains inside a locked motor vehicle while on the Sitting Bull College campus, provided that the weapon is unloaded and is used for the sole purpose of hunting wild game in accordance with hunting regulations. This exception shall not apply to explosive or incendiary devices or explosive substances.

## Procedure

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

1. A violation of this Policy by a student is considered a violation of the SBC Code of Conduct, paragraph #9, which states: "Failure to comply with directions of college official acting in performance of their duties." Any student in possession of a weapon or firearm or any incident involving a student in possession of a weapon or firearm in violation of this Policy will be handled by Campus Security until the situation can be neutralized.
2. If Campus Security deems the possession of the weapon is without justification, Campus Security will immediately call the BIA Tribal Police or Sioux County Sheriff's office. Campus Security will prepare an incident report and submit the report to the Vice President of Operations or Dean of Academics.
3. The Vice President of Operations or Dean of Academics will then handle the violation as a violation of the Code of Conduct.
4. If the situation occurs a second time with the same individual during the same academic year, the above procedure will be repeated. However, at this point, the student will be placed on disciplinary dismissal until counseling is received. Upon applying for reentry into the College, the individual must provide verification of counseling and an understanding of the SBC Weapons Policy to the Vice President of Operations or Dean of Academics.

## Exception

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

## Contagious Disease Policy

SBC will make decisions regarding contagious diseases based on the best available information and professional judgment on a case-by-case basis. The college remains open to re-examination of the issues as new or/and additional information becomes available.

## Definition

Contagious disease (Communicable disease) - A disease whose causative agents may pass or be carried from one person to another directly or indirectly. Modes of transmission include:

1. direct contact with body excretions or discharges from an ulcer, open sore, or respiratory tract;
2. indirect contact with inanimate objects such as drinking glasses, toys, computer keyboards; and

3. vectors such as flies, mosquitoes, or other insects capable of spreading the disease.

## Procedure

1. A student who is aware of being infected with a contagious disease is required to report the disease to the Vice President of Operations.
2. A team of college personnel, directed by the Vice President of Operations shall be responsible for institutional decisions relative to any person with a contagious disease who is known to us and is part of, or has applied to become part of, the college community. This group shall rely heavily on advice and information from the Center for Disease Control (CDC). If the contagious disease is found to be serious in nature, which could lead to an epidemic, the Emergency Task Force will be assembled, and the EOP (emergency operation plan) will be activated.
3. As a general rule, a student with a contagious disease who does not pose a health risk to others should not be segregated from their normal involvement in the college community.
4. A student with a contagious disease may be required to submit to regular monitoring and medical attention to maintain an up-to-date record of their condition.
5. Such persons' names shall not be disclosed to the public unless it is the desire of the person to have such information known.
6. The college may require, in certain circumstances, that such persons disclose his or her medical condition to others with whom he or she might have especially close contact (e.g. instructors and Indian Health Service personnel or other hospital personnel).
7. The college shall provide to the college community up-to-date information and educational programming with regards to contagious disease.
8. In those instances where the student may create health concerns to others or may risk infecting others by their mere physical presence on campus, the student will not be allowed to attend classes or be on the college campus.
9. A doctor's statement indicating that the student is no longer contagious will be required before the student is allowed back into classes or on the college campus.

## Smoking Policy

Smoking on the Fort Yates campus and at the Mobridge and McLaughlin sites is permitted only in designated areas or personal vehicle. These designated areas are clearly marked by appropriate signage and cigarette butt receptacles. Cleaning up the trash from cigarette butts costs the college dollars, therefore, use of the receptacles is both steward and common courtesy. Students, faculty, staff, and visitors are not allowed to smoke while walking on the sidewalks or other areas of campus. Enforcement of this policy is up to Campus Security and members of the Sitting Bull College community (all students, faculty, and staff). For the common good, please encourage one another to respect and abide by this policy.

## Drug and Alcohol Policy

Sitting Bull College agrees with the concepts of a drug free workplace as defined by the Drug-Free Schools and Communities Act Amendments

of 1989, Public Law 101-226. In compliance with federal regulations, the institution will adhere to the following:

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

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

## Random Drug Searches

All people on SBC properties are liable to be searched at random which may or may not include drug dogs. If drugs are found, the accused will be subject to Tribal Law.

SBC forbids the possession and/or use of alcohol and/or drugs on campus, sites or at any SBC sponsored activity. Sitting Bull College will specify those standards of behavior, which it considers essential to its educational mission and its community life. These specific regulations shall be designed to represent reasonable standards of student conduct.

The following misconduct for which students are subject to college discipline applies to all times on campus and any off-campus functions sponsored or supervised by the college.



In the event that drugs are found, or a student is suspected of having them, Campus Security will be notified immediately.

**Federal Trafficking Penalties are as Follows**

Drug Trafficking Penalties, source: <http://www.deadiversion.usdoj.gov/21cfr/21usc/841.htm>

Possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. Penalties increase significantly where use of the illicit drugs results in death or serious bodily injury. The following information, although not complete, is an overview of federal penalties for first convictions.

**Federal Drug Possession Penalties (21 USC §844)**

[www.deadiversion.usdoj.gov/21cfr/21usc/844.htm](http://www.deadiversion.usdoj.gov/21cfr/21usc/844.htm) (<http://www.deadiversion.usdoj.gov/21cfr/21usc/844.htm>)

Persons convicted of illegally possessing any controlled substance face penalties of up to 1 year in prison and a minimum fine of \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

Special sentencing provisions for possession of Flunitrazepam (Rohypnol, "roofies" or "roaches") impose a prison term of up to 3 years, a fine, or both.

Civil penalties of up to \$10,000 may also be imposed for possession of controlled substances, whether or not criminal prosecution is pursued. Persons convicted of possession may also be fined for the reasonable costs of the investigation and prosecution of the offense. Penalties for possession with intent to distribute are potentially even more severe.

**Drug Paraphernalia (21 USC §863)**

[www.deadiversion.usdoj.gov/21cfr/21usc/863.htm](http://www.deadiversion.usdoj.gov/21cfr/21usc/863.htm) (<http://www.deadiversion.usdoj.gov/21cfr/21usc/863.htm>)

Persons convicted on federal charges of the sale, import, export, or shipping of drug paraphernalia face penalties of up to 3 years in prison and a monetary fine.

**Forfeiture of Personal Property, Real Estate (21 USC §853)**

[www.deadiversion.usdoj.gov/21cfr/21usc/853.htm](http://www.deadiversion.usdoj.gov/21cfr/21usc/853.htm) (<http://www.deadiversion.usdoj.gov/21cfr/21usc/853.htm>)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. Property may be seized upon arrest on charges that may result in forfeiture.

**Denial of Federal Benefits (21 USC §862)**

[www.deadiversion.usdoj.gov/21cfr/21usc/862.htm](http://www.deadiversion.usdoj.gov/21cfr/21usc/862.htm) (<http://www.deadiversion.usdoj.gov/21cfr/21usc/862.htm>)

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of federal benefits for a third conviction. Federal

drug convictions for possession may result in denial of federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

**Drug Trafficking (21 USC §841)**

<http://www.deadiversion.usdoj.gov/21cfr/21usc/841.htm>

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substances involved in the transaction. The tables below summarize penalty information for several types of controlled substances. Persons who violate federal drug trafficking laws within 1,000 feet of a university may face penalties or prison terms and fines up to twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year (21 USC §860).

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (Except Marijuana)**

| Schedule | Substance/Quantity             | Penalty   |
|----------|--------------------------------|---|
| II       | Cocaine 500-4999 grams mixture | <b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. |

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| <p>II</p> | <p>Cocaine 5 kilograms or more mixture</p> | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> | <p>II</p> | <p>Cocaine Base 280 grams or more mixture</p> | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> |
| <p>II</p> | <p>Cocaine Base 28-279 grams mixture</p>   | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  | <p>II</p> | <p>Fentanyl 40-399 grams mixture</p>          | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  |

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| II | Fentanyl 400 grams or more mixture    | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> | I | Fentanyl Analogue 100 grams or more mixture | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> |
| I  | Fentanyl Analogue 10-99 grams mixture | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  | I | Heroin 100-999 grams mixture                | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  |

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| I | Heroin 1 kilogram or more mixture | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> | I  | LSD 10 grams or more mixture                            | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> |
| I | LSD 1-9 grams mixture             | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  | II | Methamphetamine 5-49 grams pure or 50-499 grams mixture | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  |

|           |   |   |   |  |   |
|-----------|---|---|---|--|---|
| <p>II</p> | <p>Methamphetamine 50 grams or more pure or 500 grams or more mixture</p> | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> | <p>II</p>   | <p>PCP 100 grams or more pure or 1 kilogram or more mixture</p>  | <p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> |
| <p>II</p> | <p>PCP 10-99 grams pure or 100-999 grams mixture</p>                      | <p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>  | <p>Any Amount of Other Schedule I &amp; II Substances</p> | <p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p> |   |
|           |   |   |   | <p>Any Drug Product Containing Gamma Hydroxybutyric Acid</p>   | <p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>  |

Flunitrazepam (Schedule IV) 1 Gram or less  
**First Offense:** Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. **Second Offense:** Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.

Any Amount of Other Schedule III Drugs  
**First Offense:** Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. **Second Offense:** Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.

Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)  
**First Offense:** Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. **Second Offense:** Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.

Any Amount of All Schedule V Drugs  
**First Offense:** Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. **Second Offense:** Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

### Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances

| Schedule | Substance/Quantity  | Penalty   |
|----------|---|---|
|          | Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants | <b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
|          | Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants       | <b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.   |
|          | Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants             | <b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.   |

Hashish More than 10 kilograms  
**First Offense:** Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. **Second Offense:** Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.

Hashish Oil More than 1 kilogram  
**First Offense:** Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. **Second Offense:** Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.

Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  
**First Offense:** Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. **Second Offense:** Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

1 to 49 marijuana plants  
**First Offense:** Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. **Second Offense:** Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

Hashish 10 kilograms or less  
**First Offense:** Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. **Second Offense:** Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

Hashish Oil 1 kilogram or less  
**First Offense:** Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. **Second Offense:** Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

## Dress Code Policy

Although the college does not have a formal dress code, each student is expected to dress appropriately for attendance at class. Appropriate dress would include garments, shoes, jewelry, accessories and hairstyles that:

- are appropriate and modest in length and coverage
- reflect a positive image of the school and contribute to a distraction-free learning environment and
- lead teachers and/or staff to reasonably believe that the issue does not interfere with, disturb, or distract from the classroom and/or learning environment.

*Students who are also employees should adhere to the employee handbook.*

## Housing Policy

On Campus Living is an important part of college experience. It is a way to make new friends and join a variety of educational, cultural, social and recreational activities. As part of the SBC new campus, on campus family housing is available on a first come first served basis by applying to the Campus Housing Office. Applications are online at our website or calling 701-854-8000 for an application. Sitting Bull College currently offers eighteen low income, single family 2 and 3 bedroom homes for rent on a six month lease basis.

### Eligibility

Head of Household that is 18 years of age or older, must be a full time student, not on or going on suspension, qualify as a family, meet income guidelines and provide all required information for complete application. If a full time household of students must meet one of the 6 exemptions as defined by Section 42 of Internal Revenue Code:

1. A student has been previously under the custody of a foster care system;
2. A student is single parent when neither the parent-student nor their children can be claimed as a dependent on the tax return of someone else;
3. All adults in the household are married and filing a joint tax return;
4. A student is a veteran, honorably discharged;
5. A student is receiving welfare benefits (TANF or AFDC);
6. A student is enrolled in a job training program which receives assistance under the Workforce Invest Act (WIA).

### Ineligibility

Income is more than 60% of median Sioux County area income, incomplete application, do not meet one of the 6 student exemptions if a household of full time students, has an outstanding debt with SBC with no repayment agreement, currently on suspension, not currently or previously been charged/convicted with a felony or drug related crime,

on or off Standing Rock, and or been evicted from any housing authority within the last 5 years.

## Selection

Selection of applicants is completed by the SBC Director of Housing and is based on Eligibility/Priority requirements, ability to pay rent, academic standing, enrolled member of SRST or enrolled member of any federally recognized tribe.

## Rental Rates

Rental rates are approximately \$400 - \$500 per month dependent upon the unit set aside. A security deposit equivalent to first month rent along with first month rent is due at the time of lease signing. Deposit may be returned to the applicant upon move out if unit shows no damages beyond normal wear and tear and or no outstanding debt to SBC.

## Efficiency Apartment Policy

Sitting Bull College Housing Program encourages students to live on campus for the convenience of access to the college resources and classes. SBC provides a safe and comfortable efficiency apartment for students and their roommates while attending classes at SBC.

## Eligibility

Must be a current student at Sitting Bull College. No current or past debt to SBC, not currently on or going on suspension at SBC. Ability to pay rent, not currently or previously been charged/convicted with a felony or drug related crime, on or off Standing Rock.

## Selection

Selection of applicants is completed by SBC Director of Housing and is on a first come first served basis dependent on eligibility requirements. Orientation will take place once a student has been approved to move in. SBC encourages students to apply early for potential move in prior to the start of classes.

## Rental Rates

Rental rates are approximately \$250 per month. A security deposit equivalent to first month rent along with first month rent is due at the time of lease signing. Deposit may be returned to the applicant upon move out if unit shows no damages beyond normal wear and tear and or no outstanding debt to SBC. Students who move out during summer months and wish to return in the following semester have the option to reserve their deposit and apply it to the returning semester deposit.

## Housing and Apartments

Orientation for housing and apartments is required at time of signing of lease and prior to move in. Handbooks, violations and other policies are provided to the tenant once orientation concludes and are included in lease.

All tenants must comply with Campus Security and SBC Housing personnel. Entry must be given upon request and for scheduled inspections, maintenance repairs. Campus Security may enter a unit to conduct a welfare check and or for any suspected lease violations that warrant entry.

## Computer and Communications Technology Acceptable Use Policy

Sitting Bull College (SBC) owns and operates a network system, computer system, and other electronic communications and information systems

and devices, including voice mail, electronic mail and access to the ID Internet. These computing and technology systems are provided for the use of SBC students, faculty, and staff in support of the programs of the College and are to be used for education, research, academic development, and public service only. In general, SBC technology is not to be used by employees, students, or guests for their personal commercial or profit making enterprises. Some minimal use for personal purposes is allowed, but only to the extent that its use does not violate this policy. All students, faculty, and staff are responsible for seeing that these computing facilities are used in an effective, efficient, ethical, and lawful manner.

Sitting Bull College provides a user and e-mail address to every student and employee of the College. A valid user ID and password is needed for using the computers, personal storage space on the server, as well as accessing e-mail, both on campus and off. You should not give your user ID or password to anyone else. **You** are responsible for everything that happens with your user ID. If someone else is caught using your user ID your account will be immediately locked, and you will need to contact the IT Manager to have it unlocked.

Access to the technology owned and operated by Sitting Bull College is a privilege, not a right, and imposes certain responsibilities for appropriate use, in accordance with College policy. Users should recognize that the primary intention of providing computer, network, telephone, and e-mail service is to support the educational mission of the College. In general, appropriate use means respecting the rights of other computer users; the integrity of the physical facilities; all pertinent licenses, copyright and contractual agreements; as well as local, state and federal laws.

Employees, students, and guests should understand that their use of Sitting Bull College's network and computer equipment is not private. Although employees have passwords that restrict access to their voice mail, computers and websites, Sitting Bull College reserves the right to access any person's files, voice mail, or e-mail messages which are stored on (and even deleted from) Sitting Bull College's network or computer equipment. Sitting Bull College also reserves the right to monitor on-line activities.

Employees, students, or guests may not use Sitting Bull College's network or equipment to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, or other non-education-related activities. Examples of profit-making enterprises include using the fax machine, telephone, or e-mail system to communicate with customers or potential customers of a personal business or for another employer.

E-mail messages are official internal employer communications, subject to summons in legal proceedings. If any SBC-owned phone/PDA/tablet/computer is used to send or receive messages, such messages are not private and are the property of Sitting Bull College.

Employees, students, or guests may not use Sitting Bull College's network or equipment in ways that may be disruptive, offensive to others, or harmful to morale. Sitting Bull College prohibits the display or transmission of sexually explicit images, messages, or cartoons, or any transmission or use of communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, gender identity, age, disability, marital or domestic partner status, religion or political beliefs. To this end, access to certain websites may be prohibited and will be blocked. Any attempt to circumvent these site blocks will be considered a violation of these policies.



Users must adhere to all of Sitting Bull College's Policies & Procedures when using Sitting Bull College's equipment. This includes but is not limited to the Technology Usage Policies and Procedures and Sitting Bull College's Discrimination and Harassment Policies. Users may not use Sitting Bull College's computers or other equipment in a manner that violates another's rights under FERPA, HIPAA or any other applicable law pertaining to privacy or confidentiality.

Anyone accessing online services such as email or MySBC will need to set up multi-factor authentication. MFA is an online security system to help protect your personal and sensitive information. The goal of MFA is to create a layered defense so that an unauthorized person who has access to your login information will also need access to this second layer of authentication. When you set up your account you will need to register for MFA. MFA requires a physical device such as a phone, tablet or security token. Sitting Bull College IT Department, will provide a security token, in cases in which someone does not have a start phone or tablet. When logging in to online services you will need access to this physical device along with your username and password.

All users of SBC computing systems must read, understand, and comply with the policies outlined in this document, as well as any additional guidelines established by the administrators of each system. ***By using any of these systems, users agree that they will comply with these policies.***

## Public Access Computers

The only public access computers are located in the Sitting Bull College Library and are administered by the Information Technology Manager in consultation with the Librarian. Although the Library is open for reference and reading use by the general public, public access computers are prioritized for students of the College.

## Non-Public Computers

Sitting Bull College has computer labs at the Fort Yates, McLaughlin, and Mobridge sites. These labs are usually open during the regular college hours for that location. Students may use the computers in these labs provided the lab isn't already reserved for classes or other uses. A valid user ID and password is required to use these computers. You must use your own user ID; using someone else's user ID and/or letting other people use your user ID is a violation of this policy.

Students are forbidden from using any staff or faculty computer without prior permission from the Vice President of Operations or Dean of Academics.

Users of Sitting Bull College computers are prohibited from installing software or hardware or changing the configuration of any software or hardware on College computers. Unauthorized software is defined as **any** software that is not already on the particular computer. The Information Technology Manager is responsible for all software and hardware installation and changes for all College computers. Any unauthorized software may be immediately removed if found.

No one should deliberately attempt to degrade the performance of a computer system or to deprive authorized personnel of resources or access to any college computer system. Loopholes in computer security systems or knowledge of a special password should not be used to damage computer system, obtain extra resources, take resources from another user, gain access to systems or use systems for which proper authorization has not been given. Using proxy servers or other means to bypass restrictions or policies is strictly forbidden.

Network activity is logged, and the logs may be periodically reviewed for possible policy violations. Lab computers are periodically monitored for policy violations.

Food and drink are strictly prohibited in the computer labs and near the Library computers. If you bring any food or drink into these areas, you may be asked to leave. You will be responsible for the cost of any repairs or equipment replacement due to damage caused by spilled food or drink.

## Violations

Deliberate abuse attempt to circumvent security measures, or other attempts to degrade the performance of a computer system or to deprive authorized personnel of resources or access to any college computer system may result in the immediate loss of computer access.

An individual's computer use privileges may be suspended immediately upon the discovery of a possible violation of these policies. Repeated suspensions may result in the permanent suspension of computer use privileges.

This policy may be changed at any time without prior notice. A current copy of the policy is posted in all computer labs and will be distributed via email to all students and employees of the college annually.

## Laptop Check Out Policy

Sitting Bull College has several laptop computers available for students to check out on a temporary basis. This policy has been created to ensure that this privilege is not abused, and college property is sufficiently protected from abuse or theft.

## Notes Regarding These Laptops

There are various models and configurations of laptops. All laptops will have the latest version of Microsoft Office as well as other necessary software. The laptops will have internet access available on campus. The student will be responsible for providing their own internet access off campus.

Any student caught attempting to install any other software or use the laptop in any way that violates the acceptable use policy will have their check-out privileges permanently revoked.

## Procedures for Checking Out Laptops

Laptops are available on a first come – first served basis. To request a laptop the student will contact either the IT Specialist. If a laptop is available it can be checked out immediately, otherwise they will be placed on the waiting list.

Students will be notified via email when their laptop is available to be picked up if they are on a waiting list. Once the student has been notified, they will have until 4pm of the next day to pick it up.

College laptops can only be checked out for one week at a time. Laptops due on a holiday or other college closing must be returned the first day the college is open. Laptops must be returned before 4pm. A student may request to re-check out a laptop for another week as long as there is not a waiting list.

When a student checks out a laptop, they will be required to sign a copy of this policy. By signing this policy, the student is acknowledging that they received the laptop in good, working condition. The student will be responsible for removing any documents off the laptop before it

is returned. Make sure to remove all personal belongings as well, the College is not responsible for anything left behind.

If you cannot return your laptop when it is due, you must contact the IT Manager or Inst. Data Coordinator immediately. **You** will be responsible for making sure that the laptop is returned on time. There will be no reminder phone calls or emails. No excuses. By not returning a laptop on time you are inconveniencing other students. Continuing to turn in laptops past the due date will lose this privilege.

Students not returning the laptop when it is due may lose their privileges temporarily. The first time a laptop is not returned by the due date, the student will not be able to check out another laptop for two weeks. The second offense will be for a month, and the third offense for the rest of the semester. Once a laptop is overdue, the student's account may be locked until the laptop is returned. Financial aid disbursement checks, grades, or transcripts may also be held until the laptop is returned.

When the laptop is returned, before it will be accepted the student must turn on the laptop to show that it is in working condition. Laptops and its accessories must be returned in the same condition they were checked out. Students will be responsible for any damages or replacement of the laptop or accessories and will not be allowed to check out laptops until any costs are paid in full. The cost to replace a laptop, accessories and software is approximately \$1,000. If a laptop or any accessory is returned dirty the student will be responsible to clean the dirty pieces before the laptop will be accepted.

Laptops are only to be used by the person signing the check-out agreement, **not** other students, family members or other people. The laptop remains college property at all times.

## Travel Policy

To be eligible to participate or represent the College, a student must meet the following criteria:

1. Must be currently enrolled at SBC.
2. Must not be on Academic Probation.
3. Must not have received an "F" in the last term of attendance at SBC or any other college.
4. Must have completed 75% of classes initially enrolled in during the last term of attendance at SBC.
5. Must maintain a minimum 2.50 cumulative grade point average (GPA).
6. Must have and maintain greater than 75% attendance from beginning of semester of travel to actual travel date in each course.
7. Must be maintaining a 2.50 Grade Point Average in the current term.
8. Must have written approval of satisfactory academic progress as certified on form SBC-001, available through the Retention Coordinator's office. A student must complete the initial approval before travel arrangements are made, and again complete final approval before travel is allowed.<sup>1</sup> To remain eligible for travel, a student must not drop a course or courses after the initial approval has been made.
9. Must follow travel policies and procedures as outlined in the Financial Management Policies and Procedures of SBC and the signed student travel agreement.
10. If required for activity, student must have been an active participant in fundraising.

11. Students with greater than or equal to \$2,000 total debt to Sitting Bull College, excluding current semester enrolled, as of the date the initial travel request is signed, will not be allowed to travel.

Students with less than \$2,000 total debt to Sitting Bull College, excluding current semester enrolled, as of the date the initial travel request is signed, will be allowed to travel provided:

- a. Student has completed debt repayment agreement for tuition, books and fees prior to the start of the current term and has not missed any scheduled payments and has made at least one payment.
  - b. Student must not have any other outstanding debt to the college. Outstanding debt is calculated as the balance at the end of the prior month, minus any payments received since and anticipated assistance from outside sources (not financial aid). Students who do not fulfill terms of the debt repayment agreement after travel will be assessed a service charge of 20% of the travel costs and will not be allowed to travel until debt is paid in full.
12. During travel students must comply with Sitting Bull College's Student Code of Conduct. Failure to do so shall result in disciplinary action.

The policy does not apply to field trips that involve the entire class.

<sup>1</sup> If travel costs are incurred for the student and the student is unable to fulfill the travel obligation, the student will be required to pay back all expenditures to the College (plane tickets, registration costs, hotel deposits, etc.).

## College Facilities

### Library

Sitting Bull College provides a broad array of resources for students, staff and the local community at the main library location, campus sites in McLaughlin and Mobridge, as well as around Standing Rock. Online access to the library catalog, as well as access to other library resources is available through the library webpage at the following link: [www.sittingbull.edu/community/library](http://www.sittingbull.edu/community/library) (<http://www.sittingbull.edu/community/library/>)

Sitting Bull College Library serves as a library for the College in addition to serving as a public library for the local community. The services of the library are available equally to students and community members living on the Standing Rock Reservation.

In addition, the library has several computers that allow access to the Internet, research databases and other resources. The library also offers a broad array of peripheral devices such as scanners, a printer/copier, microfilm reader and other tools to help users.

Currently, there are over 16,000 volumes in the SBC Library. There are a broad range of print newspapers, magazines and journals available. The library also provides access to several online subscription resources that allow access to online journals, newspapers, auto repair, genealogy, eBooks and much more. These are also available to both students and the general public.

Additional library materials can be secured through Interlibrary-Loan by speaking to a staff member.

## Student Lounge

There is a lounge area available at each campus site. At the Fort Yates campus it is located in the Student Center. The Fort Yates campus lounge has tables and chairs, appliances, television, and lounge furniture for student use. The Mobridge and McLaughlin sites have appliances, tables and chairs, coffee maker, and television. All are made available to SBC students.

**\*Rules and regulations for use and cleanup are posted in the Student Lounge\***

## Bookstore

Sitting Bull College Bookstore and Gifts supplies all of the course textbooks, materials and supplies for college students. The bookstore offers a variety of handpicked gift items, greeting cards and ever-changing promotional items. The gift shop also sells Native American arts and crafts including jewelry, star quilts, music and other authentic items.

## Handicap Parking

Parking facilities for the handicapped are located on the Fort Yates, McLaughlin and Mobridge College sites. SBC's buildings also are handicapped accessible.

## Student Transportation System

In 1989, Sitting Bull College established the Standing Rock Public Transportation system for the Standing Rock Reservation. The Program provides transit services for Sitting Bull College students and the public to and from each of the eight tribal communities, Mobridge, South Dakota and Mandan and Bismarck, North Dakota. The transportation schedule is posted at [www.sittingbull.edu/aboutus/transportation](http://www.sittingbull.edu/aboutus/transportation) (<http://www.sittingbull.edu/aboutus/transportation/>). More information can be found at <http://sittingbull.edu/community/transport/index.asp> (<http://sittingbull.edu/community/transport/>) or to schedule a ride call 701-854-8090.

## Facilities/Equipment

Computers, printers, equipment, etc. are accessible to college students, staff, and faculty only. The college has had to take this position because college computers have experienced problems after non-college personnel have used them.

In addition, the only area open for public usage is the library. The community may use the College's facilities to hold events approved by SBC administration such as meetings and workshops, but they must be scheduled in advance with the receptionist of the respective building in which the event is being planned. Such events cannot displace current SBC classes. Event organizers must ensure that the facility is cleaned in an acceptable manner after use. Failure to comply with this will result in denial in use of facilities and may include charges to the organization for appropriate costs for clean-up.

## Clubs/Activities

### Student Government Organization

The primary functions of the Student Government Organization are the allocation of student activity funds and to provide for programs, which meet the needs of the students in the area of education, culture, social activity, and student welfare. In addition, the organization provides for student involvement in the college decision-making process and communication between college administration and students.

Election for new officers to serve as a representative in the SBC Student Government is held in fall of each year.

### American Indian Business Leaders (AIBL)

The American Indian Business Leaders (AIBL) Chapter is part of a national organization designed to promote and support the American Indian business student and/or entrepreneur. AIBL's primary focus is to use its student foundation to assist tribal economic growth and stability through an emphasis in maintaining culturally appropriate American Indian business development. AIBL student chapters are designed to provide peer support, leadership/mentoring opportunities, career guidance, business networking connections, and internship placement opportunities.

### Aises/Ecology Club

The purpose of our AISES/Ecology Club is to increase education awareness with club members own knowledge of ecology by adding our values and principles of not only what we have learned in classes, but by our tradition and heritage. We, as members can raise outreach throughout our college and community to educate our students, to educate our students as well as community members on the ecological practices and create an environment that has been enhanced with the knowledge of what we have been taught.

### AIHEC (American Indian Higher Education Consortium)

Students are offered opportunities each year to compete with students from other tribally controlled colleges in areas of math, science, office simulations, computers, speech, athletics, cultural activities, art, and the "Knowledge Bowl" (similar to Jeopardy game). Students have the opportunity to participate in activities of the AIHEC Student Congress as well as serve as officers of the Student Congress.

### Anime Club

The Anime Club meets to discuss, show, and promote anime, and manga to students and to broaden the Japanese cultural understanding.

### Culture Club

The purpose of the Culture Club is to promote and renew interest in the cultural heritage of Native Americans.

### DIY Art Club

DIY Art Club members participate in individual, school-wide, and community based art projects, and partnerships which will increase each student's confidence as well as help develop a sense of school and community pride. Students will be building leadership, teamwork, social skills, building self-esteem, and critical thinking skills, which will help students not only in the art club but when they continue their education in post education atmosphere. By creating a DIY Art Club on campus we are able to give back in more ways than one. Living on campus and in a rural area our students are limited to options when it comes to activities and home/holiday décor. When students join the club they will have the opportunity to create their own art/décor and have the option of taking it home or offering it for club fundraising.

### Fitness Club

The purpose of the Fitness Club is to promote and generate interest in health, fitness, and well-being.

### **Geek Club**

Geek Oyate is a technology club focused on building leadership skills, exploring innovative ideas, and providing students with the opportunity to learn about various technology fields.

### **Rodeo Club**

The SBC Rodeo Club is organized to assist and develop extracurricular activities and opportunities for SBC students, faculty, staff and the general public.

### **Teacher Club**

Members promote participation in college activities, gain an understanding of cooperation through fund raising activities, provide community service to area school systems and establish positive ties with professional educational organizations.

### **Two Spirit Club**

Two Spirit Club is to provide opportunities for LGBTQ+ students and allies to meet, to serve as members of a campus community; to encourage intellectual enrichment and professional growth through forums and presentations; and to elevate the stature of our communities through club programming.

### **Veterans Club**

Serves as an advocate for student veterans, in any respect, that attend Sitting Bull College by providing essential information and guidance that aids in success and personal growth.