

2018

SINTE
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SGU CRIME & SAFETY REPORT

MISSION STATEMENT

Sinte Gleska University provides a model for Indian controlled education. It is an institution governed by people rooted to the reservation and culture, concerned about the future, and willing to work to see the institution grow. It provides each Lakota person the opportunity to pursue an education and does so in a way that is relevant to career and personal needs. Sinte Gleska University graduates will help determine the future development and direction of the Tribe and its institutions. The Mission of Sinte Gleska University is to plan, design, implement and assess post-secondary programs and other educational resources uniquely appropriate to the Lakota people in order to facilitate individual development and tribal autonomy.

Vision

In its goal to promote sovereignty and self-determination, Sinte Gleska University has adopted as its vision the seven basic criteria which the United Nations uses to define a sovereign nation.

1. Land-Sinte Gleska University works to teach people about Otiwota, their homeland, the place of their birth, the place where spirits return.
2. Language-Preserving and perpetuating the Lakota language has been a standing goal of the Sicangu Lakota Nation and at Sinte Gleska University.
3. Spirituality-We demonstrate our spirituality through prayer and ceremony, song and dance, and our emphasis on relations, respect and reciprocity.
4. Leadership-The University reflects the cultural heritage of our ancestors and the traditional virtues of woohitika (bravery), wacantognaka (generosity), woksape (wisdom), and wowancintanka (fortitude), which help form our Lakota universe. Within the context of those cultural and traditional values, the University's Board, administration, staff and students are encouraged to provide classroom-based, community-based and regional and national leadership.
5. Social Systems-At its most basic level, the University is a reflection of tribal social structures. It is representative of community based tribal leadership, traditional (tribal) educational systems and family support systems.
6. Economic Systems-Sinte Gleska University has begun to play an increasing role in the development of economic activity on the Reservation. The University works to develop individuals who are mindful of tribal economic systems and who will contribute to the overall improvement of the tribal nations.
7. Governance Systems-The University emphasizes the development of tribal self-governance and self-determination in its academic and community programs and through its support of tribal goals and entities.

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INTRODUCTION

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

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

"In compliance with Code of Federal Regulations 668.46 and the federal Higher Education Act of 1965, as amended by the Higher Education Opportunity Act of 2008 (HEOA), Sinte Gleska University is providing the required disclosures for the 2015-2016 academic year. The following reports contain both general and specific information related to attending Sinte Gleska University as well as drug/alcohol policies, campus crime and Violence Against Women Reauthorization Act of 2013 (VAWA) which contain statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Sinte Gleska University; and on public property within, or immediately adjacent to and accessible from, the campus. Additionally, the reports contain institutional policies concerning campus security, such as policies concerning sexual assault, drug/alcohol violations, conduct, and other matters.

Please find the Consumer Information Guide, College Catalog, Campus Crime Awareness/Security Report and Fire Safety Report, and the Drug and Alcohol Prevention Program at www.sintegleska.edu. For a printed version of each report please visit Sinte Gleska University, Student Services, Antelope Lake Campus, Mission, SD.

This document is designed to be an annual document and a notice will be sent out to inform prospective, new and returning students and employees of the annual publication. However, updates may be necessary due to the changing of State, Tribal and Federal laws, or changes to Sinte Gleska University policy. For the most recent publication of this document, please see the Sinte Gleska University website: www.sintegleska.edu.

PREPARING THE REPORT

The annual disclosure of campus crime statistics is made possible through a partnership between the administration of Sinte Gleska University, Sinte Gleska University Security Department, Sinte Gleska University Clery/VAWA compliance officer and with data provided by the Rosebud Sioux Tribal Police

Department. Each entity provides updated information on their educational efforts and programs to comply with the Jeanne Clery Act and other federal and tribal law. There is no policy for a voluntary confidential reporting system for annual crime statistics; all reports are investigated by law enforcement agencies. The following is a list of titles of each person or organization reports should be made to for the purpose of making timely warnings and the annual statistical disclosure:

- Lionel Bordeaux - President, Sinte Gleska University (605) 856-8100 xt 8556
- Phil Baird - Provost, Sinte Gleska University (605) 856-8100 xt 8331
- Debra Bordeaux – VP Student Services, Sinte Gleska University (605) 856-8100 xt 8552
- Robbie Whipple - Security Department, Sinte Gleska University (605) 856-8100 xt 8537
- Chief of Police, Rosebud Sioux Tribe (605) 747-2266
- Sinte Gleska University Campus Security Authorities (605) 856-8100
- SGU Transportation Department (605) 856-8100 xt 8364

REPORTING CRIMES

Accurate and Prompt Reporting of Crimes

Sinte Gleska University encourages accurate and prompt reporting of all crimes to campus security and appropriate police agencies, when the victim of such crime elects or is unable to make such a report. Victims, witnesses or any other members of the campus community have a duty to report incidents immediately to campus security officers.

Criminal actions or other emergencies should be immediately reported to Rosebud Sioux Tribal Police by dialing 605-747-2266 or reporting in person to a law enforcement officer. All criminal reports are investigated by the Rosebud Sioux Tribal Police Department. There is no voluntary confidential reporting system available, and no report is held in confidence. To report criminal actions or emergencies to the appropriate Sinte Gleska University administrator call 605 856-8100, or the SGU Security at 605 856-8122 for assistance or information.

Employees shall contact their immediate or nearest ranking supervisor to report any incident and will also report any criminal action to Rosebud Sioux Tribal Police. Employees must also notify Leo McCauley 605 319-1700 or SGU Security 605-856-8122 of the situation; describe the person(s) involved and the location. Leo McCauley or SGU Security will notify the appropriate individuals with respect to necessary action.

Logs kept pursuant to these policies are kept for public inspection in Leo McCauley's office (SGU Administration Building; Antelope Lake Campus; Mission, South Dakota). A printed copy will be made available upon oral or written request. New information about an entry into a log that becomes available to security shall be recorded in the log not later than two (2) business days after the information becomes available. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a

suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that, in the judgment of law enforcement or the college, constitutes an ongoing or continuing threat and/or a Clery Act reportable crime, a campus wide “timely warning” will be issued. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The warning will be issued through the student information system to students, faculty, and staff emails; “knock and talk” notification to classrooms.

Printed copies of the notice may also be posted at conspicuous locations through the campus as the situation permits. This process will be used for notifying the campus community of both Clery Act reportable crimes and other emergencies as described in the “Emergency Notification” section of this Annual Report.

SAFETY OF AND ACCESS TO CAMPUS FACILITIES

During business hours, the University will be open to students, parents, employees, and the general public. During non-business hours, the campus is closed and access is restricted to all University facilities. In the case of periods of extended closing, the University will admit only those with prior approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. All rear and side access doors leading to the campus are closed and locked during evening hours starting at 5:00pm. When the school closes for the night, Sinte Gleska University Security will inspect the building to see that it is empty and then set the alarms and then lock down the campus. Other individuals present on institutional property at any time without the express permission of the appropriate administrator shall be viewed as trespassing and may as such be subject to a fine and/or arrest.

CONFIDENTIAL REPORTING OF CRIMES TO COUNSELORS

Sinte Gleska University does have mental health counselors on its campus. There are no procedures that encourage professional mental health counselors to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics, as each report is investigated by law enforcement officials. Additionally, Sinte Gleska University does not have procedures that encourage pastoral counselors and professional counselors to inform persons they are counseling about procedures for confidential crime reporting.

ENFORCEMENT AUTHORITY OF ROSEBUD SIOUX TRIBAL POLICE AND CAMPUS PERSONNEL

Sinte Gleska University has their own campus security department to enforce campus policies, protect University students, staff, faculty and facilities, and inform law enforcement of criminal violations. Sinte Gleska University security officers are not armed and not certified. They are vested with the authority to investigate, detain and apprehend persons believed to be in violation of the law. Sinte Gleska University security officers have no authority to arrest however; security may apprehend and detain individuals while conducting an investigation of any violation on campus.

Sinte Gleska University utilizes the Rosebud Sioux Tribal Police as its law enforcement agency, which has authority to arrest perpetrators and investigate criminal activity. Each Tribal police officer is duly sworn and commissioned in accordance with the Rosebud Sioux Tribe Law Enforcement Code and peace officer training standards and may enforce The Rosebud Sioux Tribe Law and Order Code, criminal laws and the rules and regulations of Sinte Gleska University. Additionally, all Tribal police officers have powers of arrest over Rosebud Sioux tribal members throughout all of Todd County and any other place in which the College owns, leases, controls or otherwise holds property.

Sinte Gleska University administrators are required in the event of a crime or emergency to call Rosebud Sioux Tribe Police 605 747-2266. The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.

INFORMATION AND PROGRAMS AT SINTE GLESKA UNIVERSITY

Sinte Gleska University does sponsor crime awareness and prevention information throughout the academic year with scheduled events to students and staff. Students are encouraged to exercise proper care in seeing to their personal safety and the safety of others. The following are some crime prevention tips for each individual to protect themselves and others:

- Do not leave personal property in classrooms.
- Report to your instructor or security, any suspicious persons.
- Always try to walk in groups outside the school premises.
- If you are waiting for a ride, wait within sight of other people.
- Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room.
- Be aware of the security of the Sinte Gleska University Campus by reading the “Crime Awareness and Campus Security Report” which is available upon request to students, employees (staff and faculty) and prospective students and is published on the SGU Website at: sintegleska.edu

- Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, the safety of an individual, cause a suspect to flee/evade detection, or result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request. Incidents shall be recorded with Leo McCauley at 605 319-1700.

To file an incident report contact Sinte Gleska University Campus Security at 605 856-8122 or Leo McCauley at 605 319-1700. Incident reports will include the date, time, location, incident reported, and disposition of incident and the name of the person who took the report. Incident Report forms are available from the Security Department on the Main Campus, the Personnel Office and from Leo McCauley on the Antelope Lake Campus or may be obtained and completed on the SGU Website at: sintegleska.edu.

Except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, reports are open to public inspection within two business days of the initial report being made to a campus security authority.

STUDENT ORGANIZATIONS OFF-CAMPUS

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

ALCOHOL AND DRUG POLICY

Sinte Gleska University does not permit alcohol on campus, and no alcohol is permitted on the grounds or at any activity sponsored or recognized by the University. All laws related to the sale, possession, and consumption of alcoholic beverages by minors are strictly enforced and aggressively prosecuted for the safety of our students. Sinte Gleska University is a drug-free campus, and no illegal substances are permitted on the grounds or at any activity sponsored or recognized by the University. All laws related to the sale, possession, and consumption of illegal drugs or associated paraphernalia are strictly enforced and aggressively prosecuted for the safety of our students.

ALCOHOL AND DRUGS

Sinte Gleska University is concerned about the academic success of students, the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

Alcohol/Drug Free Campus Policy

Sinte Gleska University Policy on Alcohol and Illegal Drugs

All persons entering SGU grounds must comply with the Alcohol/Drug Free Campus Policy. No student or employee may bring, possess, sell or drink alcoholic beverages on college premises or at college functions, which includes student field trips or other off campus events. Sinte Gleska University also strictly prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, sale, or use of illegal controlled substances on campus, in classes, and

at off campus college-sponsored events including field trips. Illegal controlled substances include stimulants, depressants, narcotics or hallucinogenic drugs, including marijuana in any form, LSD, speed, methamphetamine, cocaine, heroin, opiates, and other mind- altering drugs that have not been lawfully prescribed by a medical doctor. Drugs prescribed by a physician must be in the original container in which they were received from the pharmacist.

Consequences for violating the SGU Alcohol and Drug free Policy

Any person found to be in possession, using, selling or distributing such drugs or alcohol will be subject to disciplinary action, which could include prosecution for violation of tribal or federal law. A student or employee found to be under the influence of or in possession of any alcoholic beverage or any illegal drug while on SGU's campus is subject to immediate appropriate discipline up to dismissal. The matter shall be investigated by SGU personnel and may be referred to law enforcement. SGU encourages employees and students to voluntarily seek help with alcohol and/or drug problems. Separate publications regarding drug or alcohol use/abuse are available through the Office of Student Services.

Referral to Law Enforcement for Alcohol and Controlled Substance Violations

In South Dakota and on the Rosebud Indian Reservation, it is illegal for anyone under the age of 21 to consume or be in possession of alcohol and also for anyone to sell, furnish or provide alcohol to a person under the age of 21. Anyone in violation of these laws is subject to criminal prosecution. Any student found to be under the influence of an alcoholic beverage or any other intoxicating substance, which is a threat to him or herself or others, shall be reported to the Rosebud Sioux Tribal Police Department for appropriate intervention and legal action. Any guest of a student using an intoxicating substance, or is under the influence of any illegal drug, or in possession of any alcoholic beverage or any illegal drug while on campus, may be immediately escorted off campus, and may be reported to the appropriate legal authority.

Members of U.S. federally recognized Indian Tribes who commit misdemeanor alcohol offenses within the exterior boundaries of the Rosebud Sioux Tribe, including the SGU campus, will be prosecuted in the Rosebud Sioux Tribal Court. Federal Offenses committed by members of U.S. federally recognized Indian Tribes will be prosecuted in the U.S. District Court.

Non-natives who commit misdemeanor alcohol offenses within the exterior boundaries of the Rosebud Sioux Tribe, including the SGU campus, will be prosecuted in South Dakota State Court. Any Federal offenses committed by Non-natives within the exterior boundaries of the Rosebud Sioux Tribe, will be prosecuted in the U.S. District Court.

Federal Drug Laws

21 U.S.C. §841(a) makes it "unlawful for any person knowingly or intentionally-(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance. The penalties are listed in 21 U.S.C. §841(b) with the type and quantity of the substance determining the appropriate sentence. **The Federal statutes provide for greatly enhanced penalties if distribution, possession or manufacturing of controlled substances occurs on or within close proximity of schools or colleges (21 U.S.C. §860) and/or if distribution is made to a person under 21 years of age (21 U.S.C. §859).**

21 U.S.C. §844 makes it "unlawful for any person knowingly or intentionally to possess a controlled

substance unless such substance was obtained directly, or pursuant to a valid prescription or order...knowingly or intentionally to possess any list I chemical...knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base..." The first offense has a maximum sentence of 1 year imprisonment and a minimum \$1,000 fine. Also, persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all Federal programs including student grants and loans, except some long-term drug treatment programs. (21 U.S.C Section 862). There are enhanced penalties for subsequent violations. Such penalties may include confiscation of property.

DRUG OR ALCOHOL-ABUSE EDUCATION PROGRAMS

Sinte Gleska University Human Services Department hosts alcohol abuse education programs at the beginning of each semester to inform students about the dangers related to alcohol consumption/abuse. Additionally, there are ongoing workshops every week during the school year which may include alcohol and/or drug abuse education and prevention strategies sponsored by the SGU Allied Health Department.

Definition of a Controlled Substance:

Any drugs in conflict with the Indian Religious Freedom Act are exempt from this policy.

A drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription is exempt if the student/staff has a valid prescription. The basis for control and regulation is the danger of addiction, abuse, physical and mental harm (including death), the trafficking by illegal means, and the dangers from actions of those who have used the substances. www.legaldictionary.com

REGISTERED SEX OFFENDER POLICY

SGU Security Department will maintain all pertinent information, including pictures and legal descriptions of all registered violent and sexual offenders who are employed fulltime, part-time, and emergency hires, along with fulltime and part-time students. Information about registered sex offenders residing on the Rosebud Reservation can be viewed at the Rosebud Tribal Police Department or contacted at (605) 747-2266.

SEXUAL MISCONDUCT: DISCRIMINATION, HARASSMENT, AND ASSAULT POLICY

Introduction

Sinte Gleska University 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 sexual misconduct with jurisdiction over Title IX complaints. To that end Sinte Gleska University condemns discrimination in its education programs and activities based on sex or gender, sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, and sexual misconduct. Sinte Gleska University will address any sexual misconduct as defined throughout this policy committed by a member of the University community which may include Sinte Gleska University sanctions as well as civil and criminal penalties to prevent domestic violence, dating violence, sexual assault, and stalking.

Scope of the Policy

Title IX Compliance Officer Leo McCauley 605 319-1700

This policy is applicable to all students, administrators, faculty, staff and visitors of Sinte Gleska University both male and female students regardless of national origin, immigration status, or citizenship status are protected from sexual harassment engaged in by a school's employees, other students, or third parties. Third parties, who are not themselves employees or students at the school (e.g., a visiting speaker or members of a visiting athletic team) are included in this policy and Sinte Gleska University will take necessary action to prevent further instances and remediate the situation.

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

The University encourages victims of sexual violence to talk to somebody about what happened so victims can get the support they need, and so the University can respond appropriately. Different employees within the scope of Sinte Gleska University's resources have different abilities to maintain a victim's confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called "responsible employees") constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation. Privileged and Confidential Communications
- Professional and Pastoral Counselors. Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.
- Non-professional Counselors and Advocates. Individuals who work or volunteer at a sexual assault center, victim advocacy office, women's center, health center including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the University.

A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report which includes no information that would directly or indirectly identify the victim will keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus in order to track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. 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 offense and any sanction that is imposed against the accused. A student found guilty of violating the sexual misconduct policy will be criminally prosecuted in the tribal/federal courts and will be suspended or expelled from Sinte Gleska University.

ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

1. Immediate Assistance: Persons who have complaints alleging discrimination based upon sex or gender, which may include sexual harassment, sexual assault, sexual orientation discrimination, discrimination based on gender identity or gender expression, and sexual misconduct may file their complaints in writing with the Title IX Officer or the VP of Student Service located in the Administration Building (VP student services) Antelope Lake Campus, Antelope SD.

Victims of a sexual assault at this institution must first get to a place of safety and call the RST Police Department at 605 747-2266. Next, obtain necessary medical treatment and report the incident in a timely manner. 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 facilitate this process. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim to the extent provided for by local health care providers, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. When a sexual assault victim contacts a law enforcement officer, investigators from the agency having jurisdiction will be notified. A representative for the University will also be notified and guide the victim through the available options and support the victim in his or her decision.

IF YOU ARE A VICTIM OR WITNESS: CALL 605 747-2266 (RST Police Department) IMMEDIATELY AFTER A SEX OFFENSE OCCURS.

2. Ongoing Assistance: Sinte Gleska University offers limited counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through the RST Police Department at 605 747-2266 or the VP of Student Services at 605 856-8217. Several service organizations in Todd County and the State have provided telephone numbers and made available other services for students, faculty, staff and campus community members. Sinte Gleska University Campus Security Department will assist any interested person in contacting these agencies.

Additional Support Services: White Buffalo Calf Women's Society, (605)856-2317; (SAFE) National Domestic Violence Hotline - 1-800-799-7233; Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE); Communication Services for the Deaf (TTY) - 1-800-252-1017; Communication Services for the Deaf (Voice) - 1-866-845-7445.

In order to ensure the safety and well-being of the victim Sinte Gleska University may take interim measures, such as changing work schedules, alter academic schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). In addition, while an investigation is

Pending Sinte Gleska University may initiate a “no contact order” between the parties that carries a sanction of expulsion if violated.

Title IX Compliance Officer: The Title IX Compliance Officer has primary responsibility for investigations, education and training associated with this Policy. For complaints concerning actions governed by this Policy contact Leo McCauley at 605 319-1700.

Definitions Offenses prohibited under Sinte Gleska Universities policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, and sexual exploitation, and any attempts to commit the same.

A. 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.

B. Sexual Harassment: Sexual harassment is a form of sex discrimination. 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, employees, and visitors who are subject to or who witnesses unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Officer or any Sinte Gleska University employee.

1. 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.

2. 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:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes 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 residence hall in which they both live.
- The professor probes for explicit details, and demands that students respond to 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.

C. Retaliation is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

D. 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.

1. 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. a) 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.

2. 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.

3. 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.

E. 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

F. Domestic Violence under Sinte Gleska University's 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 tribal/state/federal domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under RST and South Dakota domestic or family violence laws.

G. Sexual Exploitation occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

H. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;

I. Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

J. Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);

K. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family members of the community. 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".

A. 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.

B. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.

C. Previous relationships or consent does not imply consent to future sexual acts.

D. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

E. 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 (e.g. to understand the “who, what, when, where, why or how” of their sexual interaction).

Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli and exhibit incapacity in different ways.

Note, that 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, or
- Imbalance or stumbling, or
- slurred speech, or
- Lack of consciousness or inability to control bodily functions or movements, or vomiting. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

REPORTING AN INCIDENT

A. Mandatory Reporting: Supervisors, managers and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and must promptly report it to the Title IX Officer. Failure to do so may result in disciplinary action up to and including termination. All Sinte Gleska University employees are considered responsible employees with a duty to report any incident to the Title IX Officer.

B. Confidential reporting resources are available through Leo McCauley at 605 319-1700 or the VP of Student Services at 605 856-8217: With limited exceptions, every employee must report conduct that could constitute sexual harassment/sex discrimination/sexual misconduct under this policy. Where potential complainants wish to remain anonymous, the report may be made in a John/Jane Doe format. Additionally, attorneys, clergy members, licensed counselors or physicians who are engaged in such capacity may keep such reports confidential. All forms of gender discrimination, sexual harassment or sexual misconduct should be reported, no matter the severity.

C. Reporting to the Police. Sinte Gleska University strongly encourages you to report sexual violence and any other criminal offenses to the police. This does not commit you to prosecute but will allow the gathering of information and evidence. The information and evidence preserve future options regarding criminal prosecution, University disciplinary actions and/or civil actions against the perpetrator.

- If the incident happened on campus, it can be reported to the Rosebud Sioux Tribe Police. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Please know that the information you report can be helpful in supporting other reports and/or preventing further incidents.

- Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual misconduct by another faculty or staff member to Leo McCauley who is the designated Title IX Officer. As stated above, Sinte Gleska University also strongly encourages that you report 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 misconduct shall immediately report such instance to the Title IX Officer, including the name of the perpetrator.

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

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

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

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

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

INSTITUTIONAL ACTION

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

1. Prior to a Notice of Hearing being issued;
2. When the Title IX Officer determines this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use the process;
3. When the complaint does not involve sexual violence as defined in the Sexual Misconduct Policy. Because the outcomes of voluntary resolution conversations are mutually developed and agreed upon by parties involved, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Title IX Officer to the Vice President of Student Services. The procedures outlined in the Student Handbook No statements made during the voluntary resolution process may be introduced before the Hearing. Confidentiality may still be maintained throughout the mediation process.

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

SEXUAL ASSAULT PREVENTION AND RESPONSE

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

ALL COMPLAINTS REPORTED TO VICE PRESIDENT, STUDENT SERVICES

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

1. Notify the Vice President, Student Services as soon as possible. This notification of misconduct must be in writing as quickly as prudently possible.
2. It is expected that any emergency or criminal misconduct will be reported to the SGU Security and Rosebud Sioux Tribal Law Enforcement Department. Student code and offenses affects students/staff status only.
3. Upon receiving a complaint or notice that a student has violated this Code, the Student Services Vice President shall notify the student within five days, in writing, of:
 - The alleged Code violation
 - The opportunity for the student to meet with the Student Services Vice

President for purposes of discussing options for disposition of the case.

- The student's right to representation.
 - The student shall be informed that he/she may be responsible for bearing the cost of representation
4. Students or student organizations charged with a violation of this Code may have his/her case heard in an informal procedure headed by the Vice President of Academic Affairs.
 5. The Academic Vice President will meet with the student or student organization and inform the student(s) of their various rights and options. The Vice President of Academic Affairs is empowered to:
 - Make findings of facts and determine whether or not the student(s) violated the Code.
 - Dismiss the case.
 - Refer the student(s) to counseling.
 - Refer the case to the Student Standards, Scholarship and Conduct Committee for a formal hearing.
 - Impose any sanction listed in this Code except expulsion, suspension, or negative notation on transcripts.
 6. Formal Hearing by the Student Standards, Scholarship, and Conduct Committee. The Committee is empowered to:
 - Make findings of facts.
 - Determine whether or not the student(s) have violated the Code.
 - Impose any sanction listed within this Code.

No appeal shall be allowed unless the student appealing cited specifically to the hearing record (tape and minutes) and states with specificity the grounds under which the appeal shall be allowed.

7. Contempt. A determination of contempt shall be made by the Vice President of Academic Affairs, the Chairperson of the Student Standards, Scholarship and Conduct Committee, or the Chairperson of the SGU Board of Regents alone or summarily. In case involving a determination of contempt, a written notification of such determination shall be sent the Student Services Vice President describing the facts that constituted the contempt and the sanction imposed therefore. Individuals so charged with contempt shall have the same right to appeal as is afforded in any other case.

SANCTIONS

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

1. No action charges are dismissed.
2. Expulsion
3. Suspension
4. Negative Notation on Transcript
5. Revocation of Degree
6. Disciplinary Probation
7. Restitution
8. Community Service

- 9. Loss of Privilege
- 10. Conduct Reprimand
- 11. Suspended Sanction

INTERIM RESTRICTIONS

The Vice President or designee may impose interim sanctions on a student pending a hearing if there is reason to believe that the student's conduct poses an imminent and substantial threat of injury or interference with persons or property.

The Vice President will meet with the student and inform them of the basis of the interim sanction and offer the student an opportunity to explain. The Vice President may modify or delete the sanctions or may allow them to stand.

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

VICTIM'S RIGHTS

- Be given a written explanation of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing (The advisor is limited to advising the student and may not present the case, or make statements during the proceedings.);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing.

The past sexual history of the victim with persons other than the alleged perpetrator shall be presumed irrelevant. If the accused is found responsible for violating the Sexual Misconduct Policy, the victim may submit an impact statement.

- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the victim; additional remedies for the school community;
- Written notification of counseling services;

- Written notification of options for changing academic, living, transportation, and work site situations if reasonable;

ACCUSED STUDENT'S RIGHTS

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

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

The standard of proof used in all Sinte Gleska University disciplinary cases is preponderance of the evidence, which means the determination to be made, is whether it is more likely than not a violation occurred. This is significantly different than proof beyond a reasonable doubt, which is required for a criminal prosecution.

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

Students have the right to appeal the decision reached through the hearing proceedings within two days after receiving the hearing determination. Possible sanctions Sinte Gleska University may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking. Sinte Gleska University will implement protective measures following an allegation of dating violence, domestic violence, sexual assault, or stalking;

Appeal Procedures: An appeal is not a new hearing, but is a review of the record of the original hearing. It serves as a procedural safeguard for the student. The burden of proof shifts from the University to the

Student or group charged with the offense. The student or group must show that one or more of the listed grounds for an appeal.

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

PREVENTION MEASURES

A. Bystander Intervention

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

- Divert the intended victim (e.g. “help me out of here; I don’t feel well”)
- Distract the perpetrator (e.g. “looks like your car is being towed”)

- Confront the perpetrator (e.g. “don’t speak to him/her in that manner; you are going to get yourself into trouble”)

B. Risk Reduction Tips

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

C. Potential Aggressor

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

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

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

TRAINING

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

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

Informational website and brochures devoted to educating employees are available. In person training prevention workshops may be conducted with respect to cases of sexual harassment and sexual misconduct. Sinte Gleska University will offer services to the victim and may engage in a discussion concerning appropriate interim measures, e.g. scheduling adjustments, no contact orders, blocking emails, referral to counseling services, etc. Available Resources to all of the Sinte Gleska University community: White Buffalo Calf Women's Society (605)856-2317) provides confidential resources off campus.

RETALIATION

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

Sinte Gleska University 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. Sinte Gleska University acknowledges that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her

Associates. Sinte Gleska University will take necessary measures to ensure the safety of complainants and witnesses of any form of retaliation, and will also take strong responsive action if it occurs.

FREE SPEECH AND ACADEMIC FREEDOM

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

AVAILABILITY OF OTHER COMPLAINT PROCEDURES

In addition to seeking criminal charges through local law enforcement, members of the University community may also file complaints with the following entities irrespective of whether they choose to file a complaint under this procedure: Office of Civil Rights: South Dakota (605)773-4771; OCR Regional Office: (816)268-0550DC; OCR-DC: 1-800-421-3481. Equal Employment Opportunity Commission-South Dakota: (605)773-3101.

EMERGENCY PROCEDURES

Sinte Gleska University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus through the same measures outlined in the “Timely Warning” section of this Annual Report.

The institution will, without delay, and taking into account the safety of the community will determine the content of this notification and initiate the notification system, unless the notification will, in the professional judgment of the responsible authority compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The process used by Sinte Gleska University will defer to the assessment of the emergency situation based on information and intelligence provided to the college and/or the observation of hazards or conditions that pose an imminent risk or immediate threat to life, safety, or environment. Notification will be made to all persons who may be affected by the emergency and will contain information about the hazard and immediate action steps that should be undertaken and will be initiated on the orders of the responsible authorities. The process will be managed by:

- Sinte Gleska University President

- VP of Student Services
- Sinte Gleska University President's Council
- Rosebud Sioux Tribe Chief of Police
- Campus Security
- Or other such designee as assigned Emergency information will be disseminated to the larger community through the dispatch operator at the Rosebud Sioux Tribe Police Office, following the standard operating procedures of that agency.

Each year, Sinte Gleska University will test these procedures through a Full-scale exercise in conjunction with local, state, tribal and federal law enforcement agencies. The results of this exercise will be published and documented with the description of the exercise and whether it was announced or unannounced.

EMERGENCY EVACUATION PLAN

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

- School Reach will be activated and notices will be relayed within 15 minutes. All students, staff and faculty are urged to contact Tom Cox and register your telephone number for emergency messages.
- Campus email – in the event of an emergency, vital information may be communicated through email. Make sure to stay connected to get the most up-to-date information.
- Local Media – local media – radio, television, newspapers – will help announce and update campus closures or emergency situations.
- Security vehicle announcements – Sinte Gleska University Security vehicles are equipped with PA systems that allow officers to communicate during emergencies.
- The Sinte Gleska University Emergency Management Team and the Sinte Gleska University President are typically the ones who deliver emergency information to college administration. Upon considering this information, administration develops the messages and activates appropriate communications.
- In emergency situations where immediate action is required, Sinte Gleska University Security may activate vehicle sirens and employ other tools. Evacuation of Buildings Upon hearing/seeing the audible/visual fire alarm or notification from the President or Designee the need to evacuate the building all faculty and staff should immediately instruct students to move towards the closet exit. Everyone should exit the building as quickly as possible without stopping for personal items.

Assigned Sinte Gleska University personnel will assist with the evacuation. The President or Designee will ensure the building is clear of all persons.

Everyone will assemble in their designated location. On the Antelope Lake Campus the designated area is the Multi-Purpose Building. On the Main Campus the designated area is the Library. Those in the uptown buildings are to remain in their building at the lowest level. Faculty and staff will verify through class roster or work schedules that all students and staff are accounted for. Faculty and staff will report their headcounts to their immediate supervisor or department head in order to communicate the information to the President or Designee.

ITEMS TO REMEMBER IN EMERGENCY SITUATIONS

- Evacuate the building in a safe and orderly manner by using the designated evacuation routes, which are posted in prominent locations in each building.
- Obey the instruction of the President or Designee, Safety Coordinator, Security and Rosebud Tribal Police.
- Avoid crowding together.
- Be calm, do not panic.
- Do not stop or search for personal items. Evacuation route for the Sinte Gleska University Administration/Education Building should be to the nearest exit.

Primary Location for students to assemble on the Antelope Lake campus is the multipurpose building. On the main campus the assembly point will be the Student Lounge.

EVACUATION OF PERSONS WITH LIMITED MOBILITY/SPECIAL NEEDS

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

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

3. Pre-planning is essential to a safe evacuation.
4. If you are a person who has special needs, know your needs and consider what you would do in an emergency.
5. If you need to be evacuated, help yourself and rescuers by providing them with information about your needs and the best ways to assist you, since people may not be aware of your circumstances or how to help.

Logs kept pursuant to Clery Act reporting requirements are kept for public inspection at the Sinte Gleska University VP of Student Service Office. A printed copy will be made available upon oral or written request. It should be noted that the Department of Education requires that summons/citations for marijuana are listed as arrests, even when the subject was not arrested, for purposes of Clery Act reporting. Sinte Gleska University may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar no campus official. Clery Act reporting does not require initiating an investigation or disclosing identifying information about the victim.

FBI UNIFORM CRIME REPORTING DEFINITIONS

- Clery Geography: the areas that meet the definitions of “campus,” “non-campus building or property,” or “public property.” For the purposes of maintaining a daily crime log as required under § 668.46(f), Clery Geography would be defined to also include areas within the patrol jurisdiction of the campus police or security department.
- Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program (FBI’s UCR program): a nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.
- Murder and Non negligent Manslaughter: As a general rule, any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime.
- Negligent Manslaughter: The killing of another person through gross negligence. This offense does not include “Vehicular Manslaughter” which is reportable as “All Other Offenses”.
- Sex Offenses (from NIBRS): Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape (from SRS): The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. • Fondling (from NIBRS): The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/ her temporary or permanent mental incapacity.

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

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

Domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of Violence against Women Act. Sinte Gleska University will record reports of stalking by complainant reports. Stalking activities in more than one calendar year or in more than one location within the institution's Clery Act-reportable areas will be recorded as separate occurrences.

The Chief of security will determine when to report a new crime of stalking involving the same victim and perpetrator. Situations in which an individual is a victim of a sex offense and a murder during the same incident will be included in both categories under Sinte Gleska University policy.

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

1. The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

2. The term "campus" means: (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

3. The term "non-campus building or property" means: (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

4. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

5. The term "sexual assault" means an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Contact Telephone Numbers

Leo McCauley, Title IX Officer, Clery/VAWA Coordinator	605-856-8159
SGU Security	605-856-8122
Rosebud Tribal Police	605-856-2282

Campus Crime & Safety Survey

Criminal Offense - On Campus	2016	2017	2018						
Murder/Non-negligent manslaughter	0	0	0						
Negligent manslaughter	0	0	0						
Sex offenses - Forcible	0	0	0						
Rape	0	0	0						
Fondling	0	0	0						
Sex offenses - Non-forcible	0	0	0						
Incest	0	0	0						
Statutory rape	0	0	0						
Robbery	0	0	0						
Aggravated assault	1	2	0						
Burglary	15	12	0						
Motor vehicle theft	0	0	0						
Arson	0	0	0						
Criminal Offense – Non-campus	2016	2017	2018						
Murder/Non-negligent manslaughter	0	0	0						
Negligent manslaughter	0	0	0						
Sex offenses - Forcible	0	0	0						
Rape	0	0	0						
Fondling	0	0	0						
Sex offenses - Non-forcible	0	0	0						
Incest	0	0	0						
Statutory rape	0	0	0						
Robbery	0	0	1						
Aggravated assault	0	0	0						
Burglary	0	0	1						
Motor vehicle theft	0	0	0						
Arson	0	0	0						
Criminal Offense - Public Property	2016	2017	2018						
Murder/Non-negligent manslaughter	0	0	0						
Negligent manslaughter	0	0	0						
Sex offenses - Forcible	0	0	0						

Rape	0	0	0					
Fondling	0	0	0					
Sex offenses - Non-forcible	0	0	0					
Incest	0	0	0					
Statutory rape	0	0	0					
Robbery	0	0	0					
Aggravated assault	0	0	0					
Burglary	0	0	0					
Motor vehicle theft	0	0	0					
Arson	0	0	0					
Hate Crimes	2018			Sexual		Gender		
Criminal offense - On campus	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0
Larceny - theft	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0
Hate Crimes	2017			Sexual		Gender		
Criminal offense - On campus	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity
Murder/Non-negligent manslaughter		0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0

Simple assault	0	0	0	0	0	0	0	0	
Larceny - theft	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	
Hate Crimes	2016			Sexual		Gender			
Criminal offense - On campus	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity	
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	
Rape	0	0	0	0	0	0	0	0	
Fondling	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	
Statutory Rape	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	
Aggravated assault	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	
Motor vehicle theft	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	
Simple assault	0	0	0	0	0	0	0	0	
Larceny - theft	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	
Hate Crimes	2016	2017	2018			Sexual		Gender	
Criminal offense – Non-campus	Total	Total	Total	Race	Religion	orientation	Gender	Identity	Ethnic
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny - theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0
Hate Crimes	2018			Sexual		Gender			

Criminal offense -Public Property	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity	
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	
Rape	0	0	0	0	0	0	0	0	
Fondling	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	
Statutory Rape	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	
Aggravated assault	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	
Motor vehicle theft	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	
Simple assault	0	0	0	0	0	0	0	0	
Larceny - theft	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	
Hate Crimes	2017			Sexual		Gender			
Criminal offense -Public Property	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity	
Murder/Non-negligent manslaughter		0	0	0	0	0	0	0	
Rape	0	0	0	0	0	0	0	0	
Fondling	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	
Statutory Rape	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	
Aggravated assault	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	
Motor vehicle theft	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	
Simple assault	0	0	0	0	0	0	0	0	
Larceny - theft	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	
Hate Crimes	2016			Sexual		Gender			
Criminal offense - Public Property	Total	Race	Religion	orientation	Gender	Identity	Disability	Ethnicity	
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	
Rape	0	0	0	0	0	0	0	0	
Fondling	0	0	0	0	0	0	0	0	
Incest	0	0	0	0	0	0	0	0	

Statutory Rape	0	0	0	0	0	0	0	0	
Robbery	0	0	0	0	0	0	0	0	
Aggravated assault	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	
Motor vehicle theft	0	0	0	0	0	0	0	0	
Arson	0	0	0	0	0	0	0	0	
Simple assault	0	0	0	0	0	0	0	0	
Larceny - theft	0	0	0	0	0	0	0	0	
Intimidation	0	0	0	0	0	0	0	0	
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	
VAWA Offenses - On Campus	2016	2017	2018						
Domestic violence	0	0	0						
Dating violence	3	2	0						
Stalking	0	0	0						
VAWA Offenses – Non-campus	2016	2017	2018						
Domestic violence	0	0	0						
Dating violence	0	0	0						
Stalking	0	0	0						
VAWA Offenses - Public Property	2016	2017	2018						
Domestic violence	0	0	0						
Dating violence	0	0	0						
Stalking	0	0	0						
Arrests - On campus	2016	2017	2018						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Arrests – Non-campus	2016	2017	2018						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Arrests - Public Property	2016	2017	2018						
Weapons: carrying,	0	0	0						

Possessing, etc....									
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Disciplinary Action - On Campus	2016	2017	2018						
Weapons: carrying, Possessing, etc....	0	0	1						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Disciplinary Action – Non-campus	2016	2017	2018						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Disciplinary Action - Public Property	2016	2017	2018						
Weapons: carrying, possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
Unfounded Crimes	2016	2017	2018						
	0	0	1						