

2020

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](http://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](http://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 ext. 8556
- Phil Baird - Provost, Sinte Gleska University (605) 856-8100 ext. 8331
- Debra Bordeaux – VP Student Services, Sinte Gleska University (605) 856-8100 ext. 8552
- Leo McCauley - Security Department, Sinte Gleska University (605) 856-8159
- Chief of Police, Rosebud Sioux Tribe (605) 856-2282
- Sinte Gleska University Campus Security Authorities (605) 856-8100
- SGU Transportation Department (605) 856-8100 ext. 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 605-856-2282 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](http://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](http://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](http://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 605 856-2282. 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 605 856-2282 (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 605 856-2282 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.

## Clery Act Appendix for FSA Handbook

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in memory of a student who was murdered in her dorm room. In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA), which included additional amendments to the Clery Act.

The Clery Act requires that all postsecondary institutions participating in title IV student financial assistance programs disclose campus crime statistics and other security information to students and the public. The VAWA amendments added requirements that institutions disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

Consistent with the statutory and regulatory framework, and interpretive principles, the Department will continue to apply the plain meaning of terms contained within each Clery requirement. The Department will accept an institution’s reasonable interpretation of terms as long as those terms are defined clearly to individuals who review the campus’ Clery Act reports. In the event that the Department believes that more specific definitions are required, it will engage in future negotiated rulemaking to ensure that institutions and the public have an opportunity to comment on those definitions.

The Clery Act requires institutions to develop and implement specific campus safety and crime prevention policies and procedures. Previous versions of the Department’s Clery guidance created additional requirements or expanded the scope beyond what is strictly required by statute or regulation. Despite the fact that guidance does not have the force of law or regulations, institutions felt pressured to satisfy requirements found in the guidance or risk serious financial and reputational consequences. This Appendix provides simple, plain-language explanations of Clery Act requirements found in, and adherent to, relevant statutory and regulatory authority.

<b>Clery Act Requirements – The Basics</b>	
<ul style="list-style-type: none"> <li>• Collect, classify, and count crime reports and statistics</li> </ul>	
<ul style="list-style-type: none"> <li>• Issue campus alerts and warning notices</li> </ul>	<ul style="list-style-type: none"> <li>• Publish an Annual Security Report (Due date: October 1)</li> </ul>
<ul style="list-style-type: none"> <li>• Disclose missing student notification procedures, when applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Submit crime and fire statistics to the Department, when applicable</li> </ul>
<ul style="list-style-type: none"> <li>• Disclose procedures for institutional disciplinary actions</li> </ul>	<ul style="list-style-type: none"> <li>• Provide educational programs and campaigns</li> </ul>
<ul style="list-style-type: none"> <li>• Keep a daily crime log, when applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Disclose fire safety information, when applicable</li> </ul>

The Department is committed to ensuring institutional compliance with the Clery Act and providing guidance to institutions that will enable them to maintain a safe and secure campus environment. This Appendix is intended to assist institutions in satisfying the statutory and regulatory requirements.

Other than the statutory and regulatory requirements included in this document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity

to the public regarding existing requirements under the law or agency policies. As appropriate, this Appendix is effective for the reporting year following publication. The Appendix describes and incorporates the above basic requirements into the following sections: I) Clery Crimes and Reporting; II) Clery Geography; and III) Reporting, Procedures, Policy, and Notification Requirements.

**Part I: Clery Crimes and Reporting –**

Under the Clery Act, a school must report to the Department and disclose in its Annual Security Report statistics for the three most recently completed calendar years. Institutions also must submit their crime statistics to the Department as part of the annual data collection and survey, including the number of each of the following crimes – listed in the box below – that occurred on or within its Clery Geography and that are reported to local police agencies or to another official (as determined by the institution) campus security authority (CSA). As outlined in 34 CFR 668.46(c)(2), Clery Act reporting does not require the institution to initiate an investigation or disclose personally identifiable information (PII) about the victim.

The following chart provides a list of the crimes that must be reported and resources for where definitions for each Clery Crime can be found.

<b>Clery Crime Definitions by Source:</b>				
<u>Summary Reporting System User Manual:</u>		<u>National Incident-Based Reporting System:</u>		
Murder	Rape	Fondling	Incest	Statutory Rape
Robbery	Aggravated Assault			
Burglary	Motor Vehicle Theft	<u>Uniform Crime Reporting Hate Crime Data Collection</u>		
Arson	Drug Abuse Violations	<u>Guidelines and Training Manual:</u>		
Liquor Law Violations	Weapons Carrying, Possessing, etc. Law Violations	All Hate Crimes		
<b>Note:</b> The FBI has announced that it will retire the SRS and transition to using only the NIBRS in January 2021.		<u>Violence Against Women Act of 1994:</u>		
		Domestic Violence		Dating Violence
		Stalking		

Note: Per 34 CFR 668.46 (c)(1)(iii)B), institutions must disclose hate crime statistics for all Cleryreportable offenses and the crimes of larceny-theft, simple assault, intimidation, and vandalism/destruction of property that are determined to be hate crimes.

**Campus Security Authorities: 34 CFR 668.46(a) –**

While not defined in statute, regulations provide that CSAs include: campus police or security department personnel; individuals or organizations identified in institutional security policies; and individuals with security-related responsibilities. The definition at § 668.46(a)(iv) states that a CSA also includes an official “who has significant responsibility for student and campus activities.”

The Department will defer to an institution’s designation of CSAs as authoritative and provide any technical assistance necessary to work with institutions to help ensure proper identification and notification of CSAs consistent with the regulations. The regulations do not require that an employee with minimal responsibilities for student and/or campus activities *necessarily* be considered CSAs. On a case by case basis, institutions may apply the regulations to not designate CSA responsibilities for Clery Act reporting purposes to an individual. Individuals determined not to have



significant responsibility for student and campus activities, which may, in some cases, include those individuals who, for example, have irregularly scheduled duties or duties that are not part of an employee’s primary job description. If paragraphs (i)-(iii) of the definition of CSAs are not applicable, institutions should focus on the “significant responsibilities” of an employee when determining whether that employee is a CSA for Clery purposes. Note that a CSA for Clery purposes may or may not include employees who meet the definition of “any official...who has the authority to institute corrective measures” for Title IX purposes under 34 CFR 106.30(a).

**Part II: Clery Geography –**

In the Annual Security Report, institutions are record crimes by location. Explained below, the categories of locations subject to reporting are: 2) noncampus building or property; or 3) public

- 1) “Campus” is defined in 34 CFR 668.46(a) building or property owned or controlled institution within the same contiguous geographic area and used by in direct support of, or in a manner the institution’s educational purposes, including residence halls; building or property that is within reasonably contiguous to the area paragraph (i) of this definition, that is institution but controlled by another is frequently used by supports institutional purposes (such as a retail vendor).”

The Department does not apply any or measurable distance “reasonably contiguous geographic institutions employ an approach that any included on a campus map or designated campus facility is considered to be in the definition of “reasonably geography area.” If an additional branch campus, school within the an administrative location is not within a contiguous area, such location would be separate campus for reporting purposes.

- 2) “Noncampus building or property,” as CFR 668.46(a), means “(i) [a]ny building owned or controlled by a student organization officially recognized

*The Purpose of Clery Geography –*

Clery Geography requirements are intended to inform the campus community of crimes and keep them aware and safe. In the past, institutions have struggled with the complexities of Clery Geography and, as a result, have taken an unnecessarily expansive view to ensure compliance. However, too much information could be detrimental because information overload may prevent a student or parent from identifying the most significant or serious threats. For institutions seeking to avoid findings of underreporting, the result was an overwhelming amount of statistics and information that could often cause students, employees, and their families to tune out, which is especially troubling with certain Clery requirements, such as timely warnings. The Department understands that institutions want to keep their communities safe. For Clery Geography reporting purposes, remember these principles:

- 1) Consistent with the regulatory framework, institutions should determine which buildings, facilities, parking lots, and real estate are included in the definition of the “campus.”
- 2) Too much information can be just as detrimental as too little information.
- 3) When in doubt, apply the plain meaning of regulatory and statutory requirements.

required to three 1) oncampus; property. as “(i) Any by an reasonably the institution related to, and (ii) any or identified in owned by the person, students, and food or other specific definition to area.” Many property by signage as a included contiguous location, institution, or reasonably considered a defined in 34 or property

by the institution; or (ii) [a]ny building or property owned or controlled by an institution that is used in direct

support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.”

Institutions have asked questions about what is meant by the term “officially recognized.” Regulations do not define this term; therefore, institutions should determine how they identify recognized organizations. Some institutions, for example, limit the list of officially recognized organizations to those that receive financial support from the institution.

Examples of noncampus buildings or property that satisfy the first part of the definition include, but are not limited to, officially recognized fraternity and sorority-owned chapter houses, institution-owned campus bookstores that are located off-campus, apartment buildings that are owned and controlled by the university, or campus-owned event facilities that support activities that include students who work in or utilize the facility.

To satisfy the second part of the definition, the property must: 1) be owned or controlled by the institution (e.g., leased by the institution); 2) be used in direct support or in relation to the institution’s educational purposes; 3) be frequently used by students; and 4) not within a reasonably contiguous geographic area of the institution. Examples of this type of property would include, but not be limited to, institution-owned, off-campus apartment units that are rented to students, ancillary research or athletic facilities utilized by students and faculty, and event facilities located off-campus and utilized for campus activities.

- 3) “Public Property” is defined in statute as “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.” The regulatory definition of “public property” in 34 CFR 668.46(a) includes “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.”

In order for this definition to apply, the property in question must satisfy all three conditions: 1) public (e.g., publicly-owned); 2) within or adjacent to campus; and 3) accessible from campus. This definition excludes any private property, and may in some cases exclude areas such as property divided by a fence or wall, or property with clearly posted signs indicating that it is not part of the campus or that trespassing is prohibited. Private property where students have established regular usage – whether legal, illegal, open, or inconspicuous – that is not otherwise campus or noncampus property, is not public property for Clery reporting purposes. The Department applies no specific measurable distance definition into adjacent public property. When the campus is adjacent to a public park, that does not otherwise meet the definition of a public property, some institutions have employed the practice of clearly designating campus boundaries through posted signage, such as warnings that individuals are entering a “non-campus area” or through “no trespassing” signs, where applicable.

### ***Clery Geography and Title IX –***

Under Title IX, an institution’s obligations to address sexual harassment in a recipient’s “education program or activity” is a separate inquiry from an institution of higher education’s obligations with respect to Clery Geography. While the two concepts may overlap, they are not coterminous and the two laws (Clery Act and Title IX) serve separate purposes and have separate obligations for entities covered by both laws.

When an institution has officially recognized a student organization, and sexual harassment occurs in an off-

campus location *not* owned or controlled by the student organization but involving members of the officially recognized student organization, the recipient's Title IX obligations depend upon whether the recipient exercised substantial control over the respondent and the context of the harassment, or whether the circumstances may otherwise be determined to have been part of the "operations of" the institution. Sexual harassment, under Title IX and as defined in 34 CFR 106.30(a), covers a wider range of misconduct than the sex offenses covered under the Clery Act.

At 34 CFR 106.44(a), the Title IX regulations cover incidents in an institution's "education program or activity," which includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. The 2020 Title IX regulations do not impose a geographical limit on an institution's responsibilities, with the exception of the limitation of Title IX's scope to incidents that occur "against a person in the United States."

### **Part III: Reporting, Procedures, Policy, and Notification Requirements –**

Institutions must publish and disseminate an Annual Security Report by October 1<sup>st</sup> of each year. Institutions that have on-campus residential facilities must also publish, by that same date, a Fire Safety Report. The required contents of those reports, along with related notification, procedures, and policy requirements, are discussed in this section. Each year, the Department sends a letter to presidents or chief executive officers of institutions with information on accessing the Campus Safety and Security Survey website (*See:* <https://surveys.ope.ed.gov/security>), where schools submit Clery Act crime statistics for the three most recent calendar years for which there is available data. The website explains how to tabulate these statistics. The letter explains any changes to the survey, the collection dates for the survey, the name of the person who completed the reporting at the school the previous year, and a new ID and password for completing the survey.

Schools with on-campus student housing facilities must also submit an annual Fire Safety Report to the Department. The report must include statistics on the number of fires and causes of each fire, as well as fire-related injuries, deaths, and/or fire-related property damage for each on-campus student housing facility. The Fire Safety Report is due at the same time as the Annual Security Report.

### **The Annual Security Report 34 CFR 668.46(b) and Crime Statistics 34 CFR 668.46(c) –**

Each institution's Annual Security Report must include a list of titles of each person or organization to whom students and employees should report Clery Act crimes for the purpose of making both timely warning reports and the annual statistical disclosure. The Annual Security Report must also include institutional policies and procedures for victims or

witnesses to report Clery Act crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Additionally, institutions must include current policies concerning the security of, and access to, campus facilities and residencies, as well as security considerations in the maintenance of campus facilities. An institution is not required to include (or may remove) a reported crime from its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a formal determination that the crime report is false or baseless and, therefore, “unfounded.” Institutions must report to the Department and disclose in their Annual Security Report statistics that include the total number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recently completed calendar years.

The following are the required contents of the Annual Security Report. Note that this chart is not intended to be all-inclusive and institutions must review the statute and regulations to identify all the information that must be included in their Annual Security Report.

- 1) Policies regarding alcoholic beverages and underage drinking laws
- 2) Policies regarding illegal drugs and applicable federal and state drug laws
- 3) Programs on substance abuse
- 4) Programs to prevent dating violence, domestic violence, sexual assault and stalking, and the procedures institutions will follow when such crimes are reported
- 5) Information regarding sex offenders
- 6) Descriptions of emergency response and evacuation procedures
- 7) Policies regarding missing student notifications

- 8) Campus crime statistics
- 9) Policies regarding procedures for reporting criminal actions or other emergencies on campus
- 10) Policies on security of and access to campus facilities
- 11) Policies on enforcement authority of security personnel; working relationship of campus security personnel with State and local police agencies; accurate and prompt reporting of crimes; pastoral and professional counselors
- 12) Programs on campus security procedures and practices

13) Programs on the prevention of crimes

**Policies Regarding Campus Law Enforcement 34 CFR 668.46(b) and Statements Regarding Disciplinary Proceedings 34 CFR 668.46(k)(2)(v) –**

The HEA and the Department’s regulations require that institutions include, in the Annual Security Report, several statements of policy. These policies cover a range of campus safety and crime prevention topics, including the law enforcement authority and jurisdiction of security personnel, including their working relationship with state and local law enforcement agencies. Institutions must also publish their current institutional policies that encourage accurate and prompt reporting of all crimes to the campus police or safety offices, other campus security authorities and local law enforcement officials. Schools must also provide a description of any procedures that exist that encourage pastoral and professional counselors, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The Annual Security Report must include a description of programs designed to inform students and employees about the prevention of crimes, the types and frequency of programs designed to inform the campus community of security procedures as well as practices to encourage students and employees to be responsible for their own security and the security of others.

Policies concerning the monitoring and recording, through local police agencies, of criminal activity by students at noncampus locations of officially recognized student organizations must also be included in the Annual Security Report. Institutions must include policies regarding the possession, use, and sale of alcoholic beverages and illegal drugs, as well as policies regarding the enforcement of State underage drinking laws and Federal and State drug laws. Such policies must provide a description of any drug or alcohol abuse education programs required by § 120(a) – (d) of the HEA and the Department’s regulations at 34 CFR Part 86.

The institution must provide a statement that it will simultaneously provide in writing to both the accused and accuser: the results of any disciplinary proceeding conducted by such institution against a student accused of dating violence, domestic violence, sexual assault, or stalking. The institution must also provide the institution’s procedures for the accused and accuser to appeal the result of the institutional disciplinary hearing, if such procedures are available; any changes to the result; and when the results become final.

### **The Daily Crime Log: 34 CFR 668.46(f) –**

Any institution that has a campus police or security department must create, maintain, and make available an easily understood daily crime log. The daily crime log must include the nature, date, time, general location of each crime that occurs within the institution’s Clery Geography, and the disposition of the complaint, if known. Entries must be made within two business days of the report of the information, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. An institution may withhold this information if there is clear and convincing evidence that releasing it would jeopardize an ongoing criminal investigation or safety of the individual, cause the suspect to flee or evade detection, or result in the destruction of evidence. The school must disclose any withheld information once the adverse effect is no longer likely to occur. An institution is required to make the crime log for the most recent 60-day period open to public inspection during normal business hours. The school must make any portion of the log older than sixty days available within two business days of a request for public inspection.

### **Statement of Policy and Procedures for Specific Offenses: 34 CFR 668.46(b)(11) –**

Each institution’s Annual Security Report must include a statement of policy that addresses institutional programs to prevent dating violence, domestic violence, sexual assault, and stalking, as well as the procedures the institution will follow when one of these crimes is reported.

The statement of policy must include the following components:

- 1) A description of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking. The statement must describe the institution’s primary prevention and awareness programs for all incoming students and new employees. Primary prevention and awareness programs must define said crimes, state that the institution prohibits such crimes, provide a definition of “consent” in reference to sexual activity, in the applicable jurisdiction, describe safe and positive options for bystander intervention, and information on risk reduction.
- 2) The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:
  - a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
  - b. How and to whom the alleged offense should be reported
  - c. Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to:
    - i. Notify proper law enforcement authorities, including on-campus and local police;

- ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - iii. Decline to notify such authorities
- d. Rights of victims and institutional responsibilities for orders of protections or similar lawful orders

The statement must also include information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will complete publicly available recordkeeping, while maintaining the confidentiality of any accommodations or protective measures provided. Written notification about existing counseling, health, advocacy, and other services available for victims, both on- and off-campus must be provided. Institutions must include that they will notify victims about options for requests for changes to academic, living, transportation, and working situations or protective measures.

An institution must include a clear policy statement that addresses procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including: 1) descriptions of types of proceedings (and how determined), the steps, timelines, decisionmaking processes, and how to file a complaint; 2) the standard of evidence; 3) the list of possible sanctions; 4) the range of protective measures; 5) a requirement that the proceedings – conducted by trained officials – will include a prompt, fair, and impartial process; 6) assurance that the accuser and accused will have the same opportunities to have others present, including an advisor of the individual’s choosing, in any disciplinary-related meeting; and 7) the requirement of simultaneous written notification to both parties of the result of the proceedings, process for appeal, and when such findings become final.

**Annual Fire Safety Report: 34 CFR 668.49(b) –**

As stated above, if an institution maintains an on-campus student housing facility, it must also publish an Annual Fire Safety Report. The report must contain the following:

<ul style="list-style-type: none"> <li>1) Fire statistics submitted to the Department</li> <li>2) Description of on-campus housing facilities fire safety systems</li> <li>3) Number of fire drills during the calendar year</li> <li>4) Policies on portable electrical smoking, and open flames in housing facilities</li> </ul>	<ul style="list-style-type: none"> <li>5) Procedures for evacuation due to fires in student housing</li> <li>6) Policies on fire safety education and training programs</li> <li>7) List of titles of persons to report fires on campus, for purposes of inclusion in statistics</li> <li>8) Plans for future improvement in fire safety, if necessary</li> </ul>
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**The Fire Log: 34 CFR 668.49(d) –**

Any institution that maintains on-campus housing facilities must maintain a fire log. The fire log must be a written and easily understood record of any fire that occurred in an on-campus student housing facility. The log must include the nature, date, time, and general location of each fire. Fires must be recorded in the log within two business days. Institutions must make the fire log for the most recent 60-day period open to public inspection, and any portion of the log older than 60 days available within two business days of a request for public inspection.

**Notice and Distribution of Reports –**

Institutions must provide notice of the availability of the Annual Security Report and the Annual Fire Safety Report (if applicable) to all current and prospective students and employees. This notice must include: 1) a statement of the

report's availability; 2) a statement that a paper copy will be provided upon request and how to obtain one; 3) a brief description of the contents; and 4) the exact electronic address of the report. The two reports may be published together or separately. If separate, each report must contain information on how to directly access the other report. Appropriate publications and mailings of the Annual Security Report and the Annual Fire Safety Report include:

- Direct mail to each individual through the post office, campus mail, or e-mail
- Publications provided directly to individuals
- Posting on an Internet or intranet website (subject to specifications in 34 CFR 668.41(e)(2) and (3))

**Missing Persons Policies and Procedures: 34 CFR 668.46(h) –**

If an institution maintains on-campus housing, the institution must establish a missing student notification policy and include a description of the policy in its Annual Security Report.

In short, the policy must include the following:

- |   |
|---|
| <ol style="list-style-type: none"><li>1) List of titles of persons to which individuals should report that a student has been missing for 24 hours</li><li>2) Require that any missing student report be referred immediately to campus security or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area</li><li>3) Include an option for each student to identify a contact person, whom the institution will notify within 24 hours upon a determination that the student is missing</li></ol> |
|---|

Each student must be advised that: their contact information will be kept confidential (except to authorized campus officials and law enforcement); if they are under 18 years of age and not emancipated, the institution must notify, within 24 hours, a custodian, parent, or guardian that the student is missing; and the institution will notify law enforcement within 24 hours that the student is missing.

**Emergency Response, Evacuation Notifications, and Timely Warnings: 34 CFR 668.46(g) –**

Each institution must develop emergency response and evacuation procedures, and include a description of its procedures in its Annual Security Report. The statement must include the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. At a minimum, an institution must have procedures to: (1) confirm significant emergencies or dangerous situations; (2) determine the appropriate community to notify and the content of the notification; and (3) initiate the notification system. The institution must also compile a list of persons or organizations responsible for these activities. In addition, the institution must have procedures for disseminating emergency information to the larger community and must test emergency and evacuation procedures on at least an annual basis.

In an emergency or a dangerous situation, an institution must, without delay and accounting for the safety of the community, determine the content of the notification and initiate the notification system, unless such notification will compromise efforts to assist a victim or contain, respond to, or mitigate the emergency.

An institution must develop procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

Institutions are required to provide emergency notifications or timely warnings based upon the circumstances.

Emergency notifications are required to provide immediate notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or

safety of students or employees. Timely warnings are required for all Clery Act crimes that occur on Clery Geography that are reported to CSAs or local police agencies and are considered by the institution to represent a serious or continuing threat to students and employees.

The following chart identifies the differences between emergency notifications and timely warnings:

	<b>Emergency Notifications</b>	<b>Timely Warnings</b>
Scope	Significant emergency or dangerous situation	Clery crimes, reported to CSAs
Triggered by?	Event that is currently occurring on or imminently threatening campus	Crimes that occurred and represent an ongoing threat
Where event occurs?	Only on campus	Anywhere on Clery Geography
How soon to issue?	Immediately upon confirmation of situation	As soon as information is available

**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

<b>Criminal Offense - On Campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>					
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	2	0	0					
Burglary	12	0	3					
Motor vehicle theft	0	0	1					
Arson	0	0	0					
<b>Criminal Offense – Non-campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>					
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	1	0					
Aggravated assault	0	0	0					
Burglary	0	1	0					
Motor vehicle theft	0	0	0					
Arson	0	0	0					
<b>Criminal Offense - Public Property</b>	<b>2017</b>	<b>2018</b>						
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						
<b>Hate Crimes</b>	<b>2019</b>			<b>Sexual</b>		<b>Gender</b>			
<b>Criminal offense - On campus</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>Hate Crimes</b>	<b>2018</b>			<b>Sexual</b>		<b>Gender</b>			
<b>Criminal offense - On campus</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>Hate Crimes</b>	<b>2017</b>			<b>Sexual</b>		<b>Gender</b>			
<b>Criminal offense - On campus</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>Hate Crimes</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>			<b>Sexual</b>		<b>Gender</b>	
<b>Criminal offense – Non-campus</b>	<b>Total</b>	<b>Total</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Ethnic</b>
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
<b>Hate Crimes</b>	<b>2019</b>			<b>Sexual</b>		<b>Gender</b>			



<b>Criminal offense -Public Property</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>Hate Crimes</b>	<b>2018</b>			<b>Sexual</b>		<b>Gender</b>			
<b>Criminal offense -Public Property</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>Hate Crimes</b>	<b>2017</b>			<b>Sexual</b>		<b>Gender</b>			
<b>Criminal offense - Public Property</b>	<b>Total</b>	<b>Race</b>	<b>Religion</b>	<b>orientation</b>	<b>Gender</b>	<b>Identity</b>	<b>Disability</b>	<b>Ethnicity</b>	
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	
<b>VAWA Offenses - On Campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Domestic violence	0	0	0						
Dating violence	2	0	0						
Stalking	0	0	0						
<b>VAWA Offenses – Non-campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Domestic violence	0	0	0						
Dating violence	0	0	0						
Stalking	0	0	0						
<b>VAWA Offenses - Public Property</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Domestic violence	0	0	0						
Dating violence	0	0	0						
Stalking	0	0	0						
<b>Arrests - On campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Arrests – Non-campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Arrests - Public Property</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying,	0	0	0						

Possessing, etc....									
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Disciplinary Action - On Campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Disciplinary Action – Non-campus</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying, Possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Disciplinary Action - Public Property</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
Weapons: carrying, possessing, etc....	0	0	0						
Drug abuse violations	0	0	0						
Liquor law violations	0	0	0						
<b>Unfounded Crimes</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>						
	0	1	1						