

Sisseton Wahpeton College
Board of Trustees
Regular Meeting
Agenda

1/21/2025 - 5:00 PM
(via zoom: <https://us06web.zoom.us/j/87359939842>)

OPENING PRAYER

1. Call to Order – Chairman
2. Roll Call
3. Approve Agenda
4. Public Comments
5. Reading of Mission Statement:

Sisseton Wahpeton College provides extensive, relevant and varied educational programs and opportunities for the intellectual, cultural, and personal growth of all its community. The college values its role as an educational leader, embracing change and responding to the complex needs of those it serves.

DISCUSSION ITEMS

6. Board of Trustees Chairman's Report
7. Meeting with SWC Board and Foundation Board
8. High Tunnels Offer to Districts
9. Strategic Planning Reports

CONSENT AGENDA

10. College Reports:
 - President's Report
 - Vice President Academic Affairs
 - Vice President Student Services
 - Vice President Administrative Services
 - Human Resource's Report

ACTION ITEMS

- a. Approve Minutes: December 11, 2024
- b. Approval of Bylaws Change
- c. Policy update: Payroll Policy
- d. Policy update: Nepotism
- e. Policy update: Title IX

DISTRICT CONCERNS

- a. Big Coulee District

- b. Buffalo Lake District
- c. Enemy Swim District
- d. Heipa/Veblen District
- e. Lake Traverse District
- f. Long Hollow District
- g. Old Agency District

CLOSED SESSION

Move to closed session to discuss personnel matters.

ADJOURNMENT



Sisseton Wahpeton College

Quality Education for the Glacial Lakes Since 1979

January 9, 2025

Dear District Leadership:

Hello and Happy New Year. I am pleased to offer an opportunity for collaboration with Sisseton Wahpeton College through our Extension Program. The Extension Program provides educational opportunities for residents of Sisseton Wahpeton College Oyate through various activities, including seminars and workshops. In the role we play in stewarding ecosystems and native plant exploration, our Extension Program has been very active planting native prairie plugs, flower beds, new grasses, and other native plants.

To further extend the growing season and to protect crops for severe weather, the Extension Program is offering high tunnels measuring 20' x 24' to each district. These high tunnels are specifically engineered to enhance agricultural capabilities by creating a controlled environment that extends the growing season and improve crop yields.

Each District can receive two high tunnels to be distributed to residents on the reservation or used by the District. The Districts will decide who receives the high tunnels. If your District is not interested in receiving the high tunnels, please let us know and we will distribute them to other Districts who may have a greater need.

Here's the logistics:

Rimol High Tunnel Greenhouse Features

- 4' bow spacing standard
- 6' extended ground posts standard
- Same proven strength as our Eastpoint, Northpoint, and Nor'Easter greenhouses
- Wind bracing kits included with all greenhouses
- Strong and able to withstand heavy wind and snow loads
- Engineering meets or exceeds International Building Codes (IBC)
- The end walls are double-poly plastic. However, the lumber for the end walls is not included and would need to be purchased to construct the end walls.
- A blower mother is included which will require electricity or purchasing a solar panel to operate.



The high tunnels will be delivered to your designated location. It is important to note that each kit contains crucial building material and some which is enclosed in cardboard. These materials must be stored indoors or protected from the elements. The materials will arrive on large pallets similar to what is shown below.



How to Receive the High Tunnel Greenhouses

Please designate the individual(s) responsible for receiving the high tunnels and return the signed documentation to efisher@swcollege.edu for logistical coordination. SWC is also offering high tunnel workshops.

Looking forward,

Erica C. Holmes, EDD

President's Report

- Welcome Terrell (TJ) Shellman to the President's office.
- Welcome Emily Johnson as the new Student Senate President.
- Travel to Legislative Summit in February 2025.
- Strategic Planning Reports





JANUARY PROFESSIONAL DEVELOPMENT DAY

Friday, January 10th, 2025 from 9:00am-5:00pm

FACULTY CLASSROOM #2		STAFF CLASSROOM #1	
9:00	Academic Session Presenters: Dr. Erica Holmes & Dr. Julie Buckman	9:00	Title IX Zoom Training Presenter: Dr. Kiara Allison
10:00	Title IX Zoom Training Presenter: Dr. Kiara Allison	10:00	Cleary Training Presenter: Vince Owen
11:00	Cleary Training Presenter: Vince Owen	11:00	Sexual Harassment Training Presenter: Crystal Renville
12:00	Sharing & Caring Meeting in the Auditorium	12:00	Sharing & Caring Meeting in the Auditorium
1:00	Break	1:00	Break
1:30	Sexual Harassment Training Presenter: Crystal Renville	1:30	FERPA Training Presenters: Aaron Keeble & Sylvan Flute
2:30	FERPA Training Presenters: Aaron Keeble & Sylvan Flute	2:30	Business Office Updates Presenter: Lona Miller
3:30	Business Office Updates Presenter: Lona Miller	3:30	Print Services Virtual Training Presenter: Bobbie Lang
4:00	Two Spirit Safe Space Training Presenter: Dr. Neil Soggie	4:00	Two Spirit Safe Space Training Presenter: Dr. Neil Soggie



Name _Julie Buckman__**Department**_VP Academic Affairs

Executive Team Member Reporting Line _Dr. Erica Holmes____

STUDENT SUCCESS

- 245 students pre-drop, 240 students post-drop for fall. Of the 240 students we have, 149 are full time, 91 are part time.
- 172 are SWO members, 34 other tribes, 4 lineal descend and 27 are non-tribal.
- There are 22 students from Big Coulee, 18 from Buffalo Lake, 23 from Enemy Swim, 29 from Lake Traverse, 22 from Long Hollow, 36 from Old Agency, 18 from Veblen/Heipa, and 4 are unknown.

GOOD NEWS

- The number of students enrolled this Spring

STRATEGIC PLANNING

- We are working on Workforce Development. The program consists of 12 credits. It is for students who want to learn basic life skills.
- We advertised the open house in the Newspapers.
- We are working on Casino Management to be approved by the Curriculum Committee.
- Put together the Addiction and Diversity Internship Program forms
- We are having a Human Trafficking seminar (2 hours) via zoom on March 21st at 9:00 a.m. to 11:00 a.m.

DEPARTMENTAL

Completed - What projects/initiatives have wrapped up since your last report?

- Workforce Development was approved by the curriculum committee.

In Progress - What is your team currently working on?

- The Casino Management is what we are still working on.
- The Summer and Fall Schedule.

STAFF

Any staffing updates or concerns to share about your team?

- Instructor for the School of Education for Fall.
- We were able to hire the adjuncts that we needed for Spring.
- Dr. Alessandro Jaker was appointed the interim Director of Dakota Studies.

Staff Recognition - Please include name of staff member and brief description of their outstanding work. Include any recognitions through Motivosity.

- Tia Topoluk for just because of all the extra work she does for me.
- Neil Soggie for working above and beyond his duties.
- Jasmine Eder for stepping up when we needed someone to step up.
- Dante LaFontaine for stepping up when we needed someone to step up.
- Alessandro Jaker for stepping up when we needed someone to step up.

Name Kelsey Stadler **Department** Education Programs Director

Executive Team Member Reporting Line Dr. Julie Buckman

STUDENT SUCCESS

- Student interactions, numbers, or other student-related updates for the month? Include student demographics.
- During our open house days, we had a constant flow of students registering for the Spring 2025 semester.
- There were at least four new students that enrolled into our Early Childhood Education program, one male and three females.

GOOD NEWS

What can we help you celebrate from this past month?

- We have started the new semester, and currently I have two courses at almost full capacity.
- The education program, Bachelors of elementary education and early childhood education program are ready to send to HLC upon final approval.

STRATEGIC PLANNING

Please share any updates on the college's strategic plan that your department is working on.

- We are working on expanding and developing more programs for the college.
- Recruitment and retention of students by advising and encouraging them to the final steps towards graduation.

List your student recruitment activities for the month and the outcome.

- I have spoken to a number of close family members and friends about our offered programs at SWC, and one of those people enrolled to SWC for the Spring semester and is majoring in business administration.

List specific strategies you deployed during the month to market your program.

- I have spoken to our students in my courses about our current offered programs, and the upcoming degrees that will be offered to gain interest. Students have asked and seem eager for the expansion of the Culinary program to a two-year and developing more bachelor's degrees.

List your activities for the month to increase alumni engagement across four key areas: communication, events, philanthropy, and/or volunteering.

- The FUN Committee has hosted various events in December to build relationships, community involvement, and sharing amongst our staff and community. Some of those events included: The Angel Tree, Christmas Party, cookie-decorating just to name a few. For the month of January, the FUN committee putting together a MLK celebration of a quote poster contest and cupcakes for guests to share their thoughts and enjoy a delicious treat.

Continuous Improvement or Agility Team Updates - Share anything to share related to how your team has been employing continuous improvement strategies? These are likely process, not project, oriented.)

- Always looking for ways to improve and learn to become a better instructor, advisor, and team-member of SWC.

DEPARTMENTAL

What projects/initiatives have wrapped up since your last report?

- The curriculum committee has approved both the Bachelor's Degrees in Elementary Education and Early Childhood Education.

In Progress - What is your team currently working on?

- Sending the final paperwork to HLC after final signatures and approval.

List your community outreach (with tribal, county, state, and private businesses) for the month and the impact/outcomes.

- Sharing our offered programs and future visions of SWC to community businesses and people in our community.

STAFF

Any staffing updates or concerns to share about your team?

- No concerns to date.

STAFF RECOGNITION

Please include name of staff member and brief description of their outstanding work. Include any recognitions through Motivosity.

- Sam Crandall- the dedication and perseverance she has shown in the front office and learning the new role of registrar. She is always a friendly and helpful face to have to greet

our students and will go out of her way to help.

- Tia Topoluk- is always willing to help anyone, offers her help, when possible, to ease the workload of someone else. She is dedicated to help her students and is always a supportive person with an open ear to listen.

Name Tatiana Topoluk **Department** Education Specialist
Executive Team Member Reporting Line Dr. Julie Buckman

STUDENT SUCCESS

Student interactions, numbers, or other student-related updates for the month?

- Through December...
 - 22 students have taken their Accuplacer placement tests.
 - 5 students have taken their GED test(s) at SWC.
- Since January 15th...
 - 4 students have asked to schedule weekly tutoring sessions.
 - 3 students have requested reasonable accommodations.
 - 8 students have signed into the Learning Lab.
 - 7 students have signed into the Education Specialist office.

GOOD NEWS

What can we help you celebrate from this past month?

- Happy to see students back and begin this new year!
- Instructing Math 040 has been full of fun and excitement!

STRATEGIC PLANNING

Please share any updates on the college's strategic plan that your department is working on.

- Send an email the week of January 27th to students enrolled in remedial classes about tutoring services to ensure students successfully complete their courses.
- Instructing remedial Math 040 course with an emphasis on specialized instruction to mitigate the need for repeated remedial classes.
- Offer tutoring opportunities that were not available in the Summer or Fall 2024 terms to help strengthen tutoring services (i.e. remote tutoring, group tutoring).

List your student recruitment activities for the month and the outcome.

- Orientation in GEN101 week of January 20th
 - Speak to students enrolled in the GEN 101 about tutoring, reasonable accommodations, and the learning lab. The intended outcome is for students to be informed about support services available at SWC.

Identify avenues you deployed during the month for attracting distance education students and the outcomes.

- Flexible hybrid/remote learning opportunities for students enrolled in Math 040.
- Working to create remote tutoring opportunities for students.

- Converted ACT, GED, and SAT scores into GPAs and Accuplacer scores which helped distance education students enroll, register for appropriate classes, and apply for scholarships.

List specific strategies you deployed during the month to market your program.

- Monthly Wellness Wednesday Flyer
 - The January flyer was sent to students at the start of the spring semester, January 15th.

List your activities for the month to increase alumni engagement across four key areas: communication, events, philanthropy, and/or volunteering.

- Creating a list of alumni willing to volunteer their time to help tutor or speak about mathematics and/or literacy.

Continuous Improvement or Agility Team Updates - Share anything to share related to how your team has been employing continuous improvement strategies? These are likely process, not project, oriented.)

- Performance measuring tutoring services and the learning lab (i.e. sending out surveys, collecting data, analyzing data, proposing changes).

DEPARTMENTAL

Completed - What projects/initiatives have wrapped up since your last report?

- Created forms and procedures for reasonable accommodation requests.
- Created paper version of "Student Satisfaction of Tutoring" survey.

In Progress - What is your team currently working on?

- Creating new tutoring opportunities (i.e. remote tutoring, group tutoring).
- Helping students successfully complete their Spring 2025 semester at SWC.
 - Tutoring
 - Reasonable Accommodations
 - Remedial Instruction
- New student-worker.

List your community outreach (with tribal, county, state, and private businesses) for the month and the impact/outcomes.

- Completing a research project with the SWO about the impacts of mindfulness activities on students' wellness and academic achievement.
- Communicating with the small business Native Teaching Aids about creating Dakota language learning materials.

STAFF

Any staffing updates or concerns to share about your team?

- Harvey Crawford was our peer tutor (student-worker) in the learning lab for the Fall 2024 semester. Unfortunately, I do not believe Harvey is enrolled for the Spring 2025 term as he is not registered in any classes and has not reported to the learning lab. I have tried contacting Harvey; however, I have received no response, and his phone is disconnected. We are in need of another peer tutor and/or learning lab assistant.

Staff Recognition - Please include the name of staff member and a brief description of their outstanding work. Include any recognitions through Motivosity.

- Motivosity Recognitions
 - In December, thanked faculty for their collaboration during the Fall '24 semester.
 - Leila Mejdoubi
 - Braden Thue
 - Matthew O'Neill
 - Garrett Gilliland
 - Richard Lee

Name Nola Ragan **Department** Nursing Director

Executive Team Member Reporting Line Dr. Julie Buckman

STUDENT SUCCESS

Student interactions, numbers, or other student-related updates for the month?

- Over the last couple of weeks I did registrar position during registration and interacted with all the students.

GOOD NEWS

What can we help you celebrate from this past month?

- We have 22 students that declared nursing as their major during the spring registration. Of these 3 are currently in the nursing program and 19 are taking pre nursing courses.
- I have a upcoming meeting the the SDBON on January 23rd from 2-4pm. I attached the agenda with my report.

STRATEGIC PLANNING

Please share any updates on the college's strategic plan that your department is working on.

- In the last couple of weeks the majority of my time has been spent on registering students.

List your student recruitment activities for the month and the outcome.

- We have not completed and recruitment activities for January. However Missy and I have recruited a couple of times at TZ and Sisseton over the fall semester. Since these students are still in high school we do not know the outcome as of yet. I did get a couple of seniors at TZ state they will be coming to SWC after graduation.

Identify avenues you deployed during the month for attracting distance education students and the outcomes.

- Offering the didactic portion of the CAN via zoom.

List specific strategies you deployed during the month to market your program.

- Since we have only been back on campus a couple of weeks and I have been focusing on registering students, sending transcripts, and preparing for class.

List your activities for the month to increase alumni engagement across four key areas: communication, events, philanthropy, and/or volunteering.

- During last week I spent a couple of days working with our new records keeper. I have been teaching her how to utilize Jenzabar for registering students.

Continuous Improvement or Agility Team Updates - Share anything to share related to how your team has been employing continuous improvement strategies.

- I am working on ways to make our CAN program available to more than just our current students.

DEPARTMENTAL

Completed - What projects/initiatives have wrapped up since your last report?

- None since my last report

In Progress - What is your team currently working on?

- I requested from the South Dakota Board of Nursing (SDBON) to try and figure out a way the CNA can be modified to fit some of the area's needs. The surrounding nursing homes are no longer able to train their own CNAs due to short staffing. Also there is some interest accommodate the high schools to join the class via zoom. We are still working on the best way to teach the 27 skills required for this class. I am working on modifying our policy requiring our students to complete before they are able to take their nursing boards.

List your community outreach (with tribal, county, state, and private businesses) for the month and the impact/outcomes.

- None since my last report.

STAFF

Any staffing updates or concerns to share about your team?

- We hired and adjunct instructor to teach NUR 132 Maternal Child and NUR 133 Maternal Child clinical for the fall semester.

Staff Recognition - Please include name of staff member and brief description of their outstanding work. Include any recognitions through Motivosity.

- None

Name Sylvan Flute **Department** Financial Aid Office

Executive Team Member Reporting Line Vince Owen

STUDENT SUCCESS

Student interactions, numbers, or other student-related updates for the month?
Include student. Demographics

- American Indian College Fund 2nd award – 55 students funded total funds \$27,331.00
- American Indian College Fund 3rd award - 57 students funded total funds \$32,075.00
- 55 years and older tuition Waiver – 3 student's total waivers \$7,470.00
- Other Tribal Higher Education Grant 2nd payment – 10 students funded and total funds \$24,425.00.
- Sisseton Wahpeton Oyate Higher Education Grant 2nd awards – 83 students funded and total funds \$56,500.00.
- Scholarships outside – these are scholarships that students went out and found for themselves 7 students funded and total funds \$8,000.00.

GOOD NEWS

What can we help you celebrate from this past month?

- Both Aaron and I stayed late December 17th until 6:30 pm to assist student with FAFSA and SWO Higher and other scholarships, we had two students come in and we notified students for two weeks prior.

STRATEGIC PLANNING

Please share any updates on the college's strategic plan that your department is working on.

- We are working on updating policies to help students attend school and update our software to reflect updated policies.

List your student recruitment activities for the month and the outcome.

- Reaching out to students as they apply to them for Financial Aid for 2025 Academic Year.

Reports completed and submitted.

- FISAP: Report is all Title IV Funding for 2025 Academic Year.
- AIKIS AIMS Financial Aid: Registrars annual report for BIE funding Indian Headcount for financial aid.
- SWC Eligibility Certification Report: This report is to keep SWC Title IV eligible

List specific strategies you deployed during the month to market financial aid programs.

List the scholarships available and the amount.

- American Indian College Fund Tribe College/University: Fall 2024 \$90,237.00 Spring 2025 \$90,237.00
- SWO Higher Education Grant Program: \$947,000.00
- Synod Lakes scholarship: \$1000.00
- Crazyhorse Memorial scholarship: \$1000.00
- South Dakota Education Access Grant: \$3,500.00

Continuous Improvement or Agility Team Updates - Share anything to share related to how your team has been employing continuous improvement strategies? These are likely process, not project, oriented.)

DEPARTMENTAL

Completed - What projects/initiatives and policy updates have wrapped up since your last report?

- South Dakota Education Access Grant report.
- American Indian College Fund Summer Funding report.

In Progress - What is your team currently working on?

- Continuously working with students on all financial aid.

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List the types of aid and total awards for each. Application volume, approved/eligible or ineligible.

STAFF

Any staffing updates or concerns to share about your team?

- Nothing to report

Staff Recognition - Please include name of staff member and brief description of their outstanding work. Include any recognitions through Motivosity.

Interim Vice President of Administrative Services
Monthly Report for December 2024
Gretta Lavergne

BUSINESS OFFICE

Staff: Lona Miller, Jay Renville, Melonie Seaboy

Objective 1:

Setup on a process for Purchase orders, Credit Card request, and Check Request.

Objective 2:

Identify what areas of the Business Office need to be changed in order to operate efficiently.

For staff:

- Work on training for requisitions in Jenzabar.
- Training for Staff and Faculty on the process for PO's , Credit Card requests, and Check Requests. This will take place at the January Professional Development Day January 10, 2025
- Continue training in the Budget module in Jenzabar.

Business Office staff:

- Setup training for payroll in Jenzabar.

Café Department

Staff: Robbie Keoke, Alex Wanna, Alyssa Owen,

Objective 1:

To arrangement training for new Café menu

Objective 2:

To provide training in ordering for the new Café menu.

For staff:

- Training on how to prepare the Diabetic friendly menu.
- Training on the Salad bar and soup bar.

Human Resources Department

Staff: Interim Human Resources Manager Crystal Renville

As of December 31, 2024

Employee Count	Total	Tribal Members	Non-Tribal
Full-Time Staff	43	31	12
Full-Time Faculty	13	4	9
Part-Time Staff	10	9	1
Part-Time Faculty	4	2	2
Part-Time Temp	2	2	0
Student Workers	4	4	0
Total Employees	76	52	24

New Positions Filled	Start Dates
Interim VP of Administrative Services Gretta Laver	11/25/2024
Interim Human Resources Manager Crystal Renville	11/25/2024
Internal Auditor – Lisa Jackson	12/09/2024

Current Vacancies
Vice President of Administrative Services
Director of Student Success
Plumbing Instructor

Employee Handbook & Policies and Procedures Changes

Approved:

1. Employee Complaints form
2. Board Conflict of Interest Policy
3. Probationary Period Policy
4. Weapons on Campus Policy
5. Overtime Policy
6. Nepotism Policy
- 7.

In process:

1. Payroll
2. Nepotism
3. Title IX Policy

Professional Development Initiative

College:

- A. Sexual Harassment
- B. Title IX Training
- C. Clery Training
- D. FERPA Training
- E. Business Office Process updates
- F. Two Spirit Safe Space Training

Completed:

- Will complete at our Professional Development Day on January 10, 2025

Book Store Department

Staff: Christy Max

Objective 1:

To upgrade computers in the library

Objective 2:

To get all the merchandise online to purchase.

For staff:

- Personnel were getting ready for next semester book orders.
- Will look into putting merchandise online

Action Item

Item: Approve December Minutes Board Meeting

Date: January 21, 2025

Area: Human Resources

Presenter: Janell Williams

Recommended Action: Approve upon discussion.

Background: This policy will supersede any related policy within the College.

Sisseton Wahpeton College
Regular Meeting
Conference Room
Board of Trustees Minutes
12/11/2024

Meeting called to order at 5:15 PM.

Roll Call:

Big Coulee	Marijo Keeble	Present
Buffalo Lake	Heather Larsen	Present
Enemy Swim	Janel Williams	Present
Lake Traverse	Jessica Redthunder	Absent
Long Hollow	Izola Flyinghorse	Present
Old Agency	Rhoda Kampeska	Present
Heipa	Marie Renville	Present
Tribal Council Ex. Officio	Gypsy Wanna	Absent
Student Council	Shelby Leaf	Absent

Others Present: President Dr. Erica C. Holmes

Chairwoman Williams called the meeting to order at 5:15 PM. Roll call was taken and a quorum was established.

DISCUSSION ITEMS:

Board of Trustees Chairwoman William's Reported:

Chairwoman requested trustee members to decide if this meeting would be used in lieu of having another meeting later in December. It was agreed to only have this one meeting for December.

ACTION ITEMS:

No motions or actions were made at this meeting.

DISTRICT CONCERNS:

Big Coulee District:

→ None.

Buffalo Lake District:

→ None.

Enemy Swim District:

→ None.

Old Agency District:

→ None

Long Hollow District:

→ None

Lake Traverse District:

→ None

Heipa District:

→ None

The meeting adjourned at 6:15 p.m.

Action Item

Item: Board Bylaws Updates

Date: January 21, 2025

Area: Governance

Presenter: Janell Williams

Recommended Action: Approve upon discussion.

Background: These bylaws will supersede any previous bylaws.

Sisseton Wahpeton College Board of Trustees Bylaws

Article VII of the Charter that establishes the Sisseton Wahpeton College (SWC) requires that the Board of Trustees (Board) adopt bylaws that "shall not be inconsistent with the provisions of this Charter.,,

Article I — Composition, Terms and Qualifications

Composition: The S WC Board of Trustees is comprised of nine (9) members.

The Sisseton Wahpeton Tribal Charter, Article V states that "The Board of Trustees shall be comprised of seven (Z) members each Q[which shall be elected bp the respective seven (7) Districts of the Sisseton- Wahpeton Ovate to manage the business property and affairs of the SWC, including but not limited to, the determination of policy, the acquisition and improvement of real and personal property and any interest therein, the borrowing of money and acceptance of grants from such public and private agencies or other persons as the Board of Trustees may determine, and the issuance of notes, bonds, debentures, or other obligations, all for the purpose for which the SWC is organized as set for in Article 11 (of the Charter).,,

Two Ex officio members authorized by the Board serve on the Board of Trustees - I from the Sisseton Wahpeton Tribal Council and I elected from the SWC student body. Ex officio members follow the Bylaws of the Board of Trustees but are non-voting members.

Terms: Board members shall serve a 4-year term with the exception of the 2 Ex officio members who may serve 2-year terms due to turn over from elections or status as a college student. In those events, the Tribal Council and the Student Senate shall determine replacements.

Board members may not be an employee of SWC. Should a Board member become an employee they must resign their role on the Board. Should a Board member be elected to the Tribal Council they must resign their seat on the Board.

Qualifications:

1. Be an adult, tribal citizen of the Sisseton Wahpeton Oyate.
2. Live on the Sisseton Wahpeton Lake Traverse reservation in one of the 7 district communities.
3. Have some college/higher education experience, including college credit toward a degree, preferably have a bachelor's degree.
4. Understanding of college board dynamics and ability to be a team player.
5. Be a servant leader in the Dakota traditional sense.
6. Be trustworthy and a person of integrity.
7. **Not have been an employee of Sisseton Wahpeton College within the past two years preceding the election.**

II Responsibilities

Board responsibilities include:

- To attend all meetings and to be prepared for each meeting.
- To develop and adopt, in concert with the S WC leadership team, personnel and fiscal policies and to schedule regular reviews of those policies.
- Following, supporting, and enforcing personnel and fiscal policies toward legal, ethical integrity, and accountability.
- To understand and support the maintaining accreditation standards and practices.
- Exercising fiduciary responsibility and oversight for the College's annual budget and the budgeting process (fiduciary is acting for the benefit of the College and its constituents – students, faculty, staff, and community/Tribe this requires subordinating the Board members' interests if there is a conflict). The Board approves the annual budget and conducts regular reviews.
- Assuring that the budget supports the strategic plan.
- To understand and to be engaged in organizational planning that is reviewed annually and updated on a regular basis.
- To review and approve the annual audit and ensure public disclosure of the Form 990.
- To establish effective information, assessment and reporting systems.
- To serve as the channel of communication from the community they represent to the college and vice-versa (to be the voice and advocate of SWC).
- To know and support the mission, vision, and values but to also conduct periodic review and updating of those statements.
- To hire and support the President/CEO who is the only employee under the direct supervision of the Board.

- To conduct an annual evaluation of the President/CEO using an agreed-upon method and tool that is aligned with SWC personnel policies. (Agreed upon between the President/CEO and the Board)
- Assuring that official Board minutes are recorded, filed, and made public in a timely manner.
- Conduct an annual Board self-assessment.
- Participate in appropriate higher education training, such as Title IX, as scheduled by the College.

Article III — Code of Conduct

Duty of Care to act in the best interest of the College by making informed decisions, exercising prudent judgment, and promoting transparency. To be respectful and to respect confidentiality.

Duty of Loyalty — to act in the best interest of the College and avoid personal or professional gains by enforcing conflict of interest and whistleblowing policies, and preserving confidentiality. To support and maintain confidence in the administration.

Duty of Obedience — entails compliance with federal, state, and tribal laws, as well as College policies.

IV Conflict of Interest

If there is an issue of conflict of interest on a topic, the member must disclose, refrain from discussion, and abstain from voting on that topic. The Board adheres to the College personnel policies that outline the conflict of interest policy.

Article V — Meetings

Regular meetings are scheduled once a month and currently set for the third Tuesday of the month at a time and place determined by the Board. Regular Board meetings are public.

Special meetings may be called at the direction of the President/CEO or Board Chair by providing a 48-hour email notice to the Board prior to the meeting that includes time and location. Special meetings are public meetings.

Certain circumstances may necessitate an Executive Session wherein the meeting is closed to the public. The Board may go into Executive Session via a motion during a regular or special meeting. Only Board members and the President/CEO participate in an Executive Session but others may be invited depending on the issue for the executive session.

All meetings are conducted in person unless authorized by the Board prior to said meeting, that it will be conducted via online or call-in. In using online or call-in format, no member will record said meeting.

All meetings will have minutes taken that will be approved at the next Board meeting and that will be signed by the Board Chair which then makes them an official document. Official Board minutes shall be retained by SWC via electronic means and public documents.

Article VI — Quorum

The presence of a majority of the voting members of the Board, 4 of 7 members, constitutes a quorum for a meeting to transact any business.

Article VII — Votes/Voting

Per the Charter and these Bylaws, the 7 District members each have a vote and will exercise that privilege for conducting the business of the College.

Article VIII - Officers

The Board shall determine officer roles and currently there is Chair and Vice Chair and Secretary. Officers serve a 4-year term. The Chair presides at all Board meetings and works with the President/CEO to set the meeting agendas and to provide direction for the matters of the Board of Trustees. The Vice Chair assumes Chair responsibilities when the Chair is unavailable.

IX Compensation

The Board may set a stipend payment for participation at regular or special meetings on an annual basis and within the budget cycle. Board members may also authorize travel reimbursement that is consistent with SWC fiscal policies for travel. Travel will be related to higher education or tribal college training or conferences, including anything related to accreditation, Title IX, or board governance.

Article X — Removal

The Board may remove a member by majority vote for inappropriate conduct or behavior. Examples of inappropriate behavior include:

1. Has been convicted of a felony.
2. Becomes substance dependent.
3. Tries to influence day to day operations of the College.
4. Absent from 3 consecutive meetings without notice.
5. Takes College issues to Tribal Council.
6. Refusal to recuse when there is a conflict of interest.

The Board of Trustees and/or District may remove a Board member for improper conduct or gross neglect, as defined in the Tribe's By-laws, after providing the accused Board member with five days prior written notice and a hearing by the Board of Trustees. A Board member shall be removed when found guilty of gross neglect and/or improper conduct. Gross neglect also includes a Board member's failure to attend three consecutive Board of Trustees' meetings, excluding excused absences. If a Board member is removed by a District, the removal shall comply with the District constitution/policy/or ordinance's removal procedures.

ARTICLE XI - Miscellaneous

Section 1. Fiscal year. Unless otherwise fixed by the Board of Trustees, the fiscal year of the College shall be the fiscal year, beginning July 1 and ending June 30.

Section 2. Corporate seal. The College may have a seal selected by the Board of Trustees.

Section 3. Amendments. The Board of Trustees may amend these Bylaws at a meeting of the Board by 2/3 vote.

Section 4. Execution of Instruments. All deeds, mortgages, bonds, checks, contracts and other instruments pertaining to the business and affairs of the College shall be signed on behalf of the College by the President/CEO or in their absence another person or persons as may be designated by the Board of Trustees.

Section 5. Deposit of funds. All funds of the College shall be deposited to the credit of the College in such banks, trust companies or other depositories as the Board of Trustees may approve or designate, and all such funds shall be withdrawn only as authorized by the Board of Trustees.

CERTIFICATION

I, the undersigned duly elected Chairman of the Sisseton Wahpeton College Board of Trustees hereby certify that the above Bylaws were duly adopted by the Board of Trustees which is composed of 7 members of whom constituting a quorum, were present at a meeting of the Board of Trustees, duly noticed, called, convened and held at the Sisseton Wahpeton College, Agency Village, South Dakota _____ by a vote of __; opposed __; abstained __; not voting __; absent __

Janell Williams, Chairman
Sisseton Wahpeton College
Board of Trustees

Action Item

Item: Payroll Policy Updates

Date: January 21, 2025

Area: Human Resources

Presenter: Crystal Renville

Recommended Action: Approve upon discussion.

Background: This policy will supersede any related policy within the College.



Policy No		Effective Date	11/15/2015
Policy Title	Payroll	Revisions Date(s)	
Policy Owner	Human Resources	Classification	200 – Human Resources

PURPOSE

It is the College's policy to pay all employees for time worked in an accurate and timely manner, in accordance with applicable laws, and to maintain the required supporting documents and records.

POLICY STATEMENT

Employees are paid bi-weekly on the specified day of the week designated for disbursement as outlined in the payroll calendar. If the normal payday falls on a recognized holiday, paychecks

will be distributed on the next workday after the regular disbursement date. ~~Employee paychecks will only be given personally to the employee. Any other arrangement for mailing or pick-up must be made in advance and in writing in the Business Office.~~

Nonexempt employees are paid based on the hours worked and entered into the online timeclock. Exempt employees are paid based on their assigned salary.

All payroll is paid through direct deposit. Employees may update their direct deposit through the Business Office.

Employees who leave employment must return all college property and keys before receiving their final paycheck. The final paycheck will be mailed to the address on file.

POLICY DEFINITIONS

Payroll calendar - The Business Office publishes an annual Payroll Calendar containing the schedule of payroll dates and deadlines.

Exempt Employees – Exempt employees are those who fall outside the minimum wage and overtime provisions of the FLSA. These are salaried employees who are not entitled to overtime pay under the FLSA.

Nonexempt Employees - Non-exempt employees are eligible for FLSA requirements, including the federal minimum wage and overtime pay for working more than 40 hours per week. While most non-exempt roles follow an hourly rate model.

End of Policy

Action Item

Item: Nepotism Policy Updates

Date: January 21, 2025

Area: Human Resources

Presenter: Crystal Renville

Recommended Action: Approve upon discussion.

Background: This policy will supersede any related policy within the College.



Policy No		Effective Date	11/15/2015
Policy Title	Nepotism	Revisions Date(s)	
Policy Owner	Human Resources	Classification	200 - Nepotism

PURPOSE

The college is committed to the fair and ethical treatment of all its employees and students. Accordingly, SWC prohibits favoritism in the workplace, including hiring and supervision, based on family relations [instead of the relevant facts](#).

POLICY STATEMENT

[Close relatives or other members of the household of SWC employees shall not be employed in positions where the supervisor has the official authority to approve of benefits for their employee](#)

based upon their close relationship.

SWC employees and members of the same household shall not participate in any financial or personnel transactions where there might be the appearance of impropriety. Close relatives shall not participate in any transaction (financial, hiring, supervisory or otherwise) where there will be an appearance that the transaction has been influenced by the relationships.

The college has developed this policy to define the close relationship between families. Close relatives are as follows: Spouse/significant other "spouse" means those employees having a legal marital relationship, "significant other" means those employees that are living together as a couple but do not have a legal marital relationship, child (adoption), stepchild, parent, stepparent, sibling, mother/father in-law, son-in-law/daughter-in-law, stepsons/stepdaughters, stepbrother/sister, niece/nephew, grandparent, grandchild.

When SWC employees become related after employment and when conflicts of interest or a management problem arise due to the family relationship affecting employment the individuals involved will be given the opportunity to decide who is to be transferred to another position or terminated if no suitable position is available. If a decision is not made within 30 working days, the administration shall take whatever action is necessary to ensure that issue is resolved, and this may require one or both employees to transfer or be allowed to resign.

Relatives or other members of the household of SWC employees shall not be employed in positions where the supervisor has the official authority to hire or recommend or approve the hiring, salary, or promotion of a relative. Supervisors shall not participate in institutional decisions involving a direct employment benefit to a relative. Wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, internal discipline, safety, positive morale in the workplace, or involves a potential conflict of interest. Thus, members of the same household shall not participate in any financial or personnel transaction where there might be the appearance of impropriety. Neither member of the household shall countersign any transaction document signed by another member of the same household. Close relatives shall not participate in any transaction (financial, hiring, supervisory or otherwise) where there will be an appearance that the transaction has been influenced by the relationship. Close relatives will not be hired into a department where they directly supervise or are supervised by another family member. If employees become related after employment, one of the employees will be voluntarily transferred to another department. If this is not possible, then the College shall require one or both employees to transfer or resign.

~~When a conflict or any potential for conflict arises or exists due to a relationship affecting employment, the individuals involved will be given the opportunity to decide who is to be transferred to another position or terminated if no suitable position is available. If the decision is not made within 30 calendar working days, management will decide who is to be transferred or, if necessary, terminated from~~

~~employment. The administration shall take whatever action is necessary to ensure that favoritism, the appearance of favoritism, conflicts of interest in employment decisions, and discrimination on these relationships are avoided or eliminated.~~

The SWC Board of Trustees shall be informed of any potential conflict of interest based on this nepotism policy.

POLICY DEFINITIONS

Nepotism – Favorable consideration in hiring, appointment, promotion, and supervision based on family relationships.

Family Relations (subject to this policy) – Individuals who are related by marriage or adoption, including the employee's spouse, children, step-child, parent, step-parent, mother-in-law, father-in-law, brother, sister, first cousin, grandparent, step-grandparent, or any person living in the employee's household or involved in a romantic relationship.

End of Policy

Action Item

Item: Title IX Policy Updates

Date: January 21, 2025

Area: Human Resources

Presenter: Crystal Renville

Recommended Action: Approve upon discussion.

Background: This policy will supersede any related policy within the College.

Policy and Procedures

Sisseton Wahpeton College

Title IX Policy and Procedures

Policy:

The Sisseton Wahpeton College will address all incidents of sex discrimination and sexual harassment reported to the SWC Title IX Coordinator~~s~~ in compliance with the Higher Education Opportunity Act, the Clery Act, and Title IX of the Education Amendments of 1972,~~as amended~~.

Purpose:

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

Procedure:

The Sisseton Wahpeton College (SWC) seeks to create a positive educational environment on and off campus through our academic programs, services, activities, policies and procedures aimed at providing protection against sex discrimination and harassment. To that end, SWC condemns discrimination in its education programs and activities based on sex or gender, sexual orientation, gender identity or expression, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. ~~Notice of a sex discrimination or sexual harassment incident to the SWC Title IX Coordinator charges SWC with actual knowledge and triggers~~

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~~SWC's response obligations as described in the institutional action section.~~ **SWC will take appropriate actions when notified of discrimination.**

Scope of the Policy

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

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

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

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

SWC encourages victims of sexual harassment to talk with ~~a counselor~~ **the SWC Coordinators or an employee that they feel comfortable talking with, such as** ~~Different employees within the scope of SWC's resources (Human Resource Manager Office, Student Services Navigator, Academic Advisor, or any employee of SWC. the reporting person feels comfortable with. Employees have different abilities to maintain a victim's confidentiality.~~

SWC Employees are required to report all the details of an incident (including the identities of both the complainant and respondent) to the Title IX Coordinators. A report to SWC employees (called "responsible employees") constitutes a report to SWC and places SWC on notice to take appropriate steps to address the situation, **which means the employee will report the matter to the SWC Title IX Coordinator(s).**

Compliance with this policy does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). ~~For the purpose of this policy, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex discrimination or sexual harassment offense and any sanction that is imposed against the respondent.~~ This policy

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also applies to retaliation by SWC or any person against any other person when for the purpose of interfering with Title IX rights, or because the person has participated or refused to participate in a manner in a proceeding under Title IX that is prohibited.

Assistance Following an Incident of Sexual Harassment

Immediate Assistance:

Persons who have complaints of sexual harassment may file their complaints with the Title IX Coordinators (~~Ramona Bear Hill~~) ~~located in the SWC Administration Wing, 12572 BIA 700, Agency Village, SD 57362, phone number 605-742-1118, or~~

email- ~~rbearhill@swcollege.edu~~

Students: Vince Owen, vowen@swcollege.edu, (605) 742- 1130

Employees: Gretta Lavergne, glavergne@swcollege.edu, (605) 742-1118

Mailing Address: 12572 BIA 700, Agency Village, SD 57262

When a person is a Victims of sexual violence, it is highly recommended that they should get to a place of safety and call Sisseton Wahpeton Police at 698-7661 or Roberts County Sheriff's Office at 698-7667 or Emergency 911. **It is highly recommended that they** obtain necessary medical treatment; time is a critical factor for evidence collection and preservation. ~~An assault should be reported directly to a law enforcement officer, and college officials will aid in facilitating this process. Filing a police report will not obligate the complainant to prosecute, nor will it subject the reporting party to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a complainant of sexual violence receives the necessary medical treatment and tests, at no expense to the complainant to the extent provided for by South Dakota law, and provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later.~~

COMPLAINANT OR WITNESS: CALL SISSETON WAHPETON POLICE
(1- 605698-7661) FOR IMMEDIATE ASSISTANCE.

Ongoing Assistance:

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

SWC does not offer internal counseling options, but law enforcement officials and college representatives are available to facilitate access to support services, which may be obtained through SWO Family Violence Prevention at 911 or the SWO Coalition Against Domestic Violence & Sexual Assault. Several service organizations in South Dakota have provided telephone numbers and made available other services for students, faculty,

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staff and campus community members. SWC Campus Security will assist any interested person in contacting these agencies.

Additional Support Services:

SWO Victims Assistance - (605) - 698-2022

SWO Sexual Assault Services - (605)-698-8434 or 24/7 Cell (605)-419-1085 South Dakota Safeline - 1-800-522-7233 (SAFE)

South Dakota Safeline - South Dakota City Metro Area - 405-522-7233 (SAFE)
National Domestic Violence Hotline - 1-800-799-7233 (SAFE) Rape, Abuse & Incest National Network Hotline - 1-800-656-4673 (HOPE) Communication Services for the Deaf (TTY) - 1-800-252-1017 (TTY) Communication Services for the Deaf (Voice) - 1-866-845-7445 (Voice) South Dakota Coalition Against Domestic Violence/Sexual Assault 405-524-0700 (M-F/9-5)

Title IX Coordinator and Staff

- Title IX Coordinators has primary responsibility for overseeing the process of coordinating SWC's compliance efforts, receiving complaints, investigations, hearing, sanctions, appeals, and education and training associated with this policy. ~~To file a complaint or submit questions concerning actions governed by this policy contact the Title IX Coordinator (Ramona Bear Hill) located in the SWC Administration Wing, 12572 BIA 700, Agency Village, SD 57362, phone number 605-742-1118, or email rbearhill@swecollege.edu~~
- ~~Deputy Title IX Officers have the secondary responsibility and assist in the duties of the Title IX Coordinator. Deputy Title IX Officers include the Dean of Students (Vincent Owen) located in the SWC Administration Building, 12572 BIA 700, Agency Village, SD 57262, phone number 605-742-1130, or email vowen@swecollege.edu.~~
- Title IX Investigators may include but not be limited to SWC ~~security~~ safety officers and staff. The primary responsibility of the investigator is to collect statements and any evidence directly related to any allegations of a Title IX policy violation as directed by the Title IX Coordinator. Investigators will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Officers may include a SWC administrator, an external consultant or external legal counsel. The primary responsibility of the hearing officer will be to ensure both parties receive due process in the event allegations of a Title IX policy violation are directed to a hearing by the Title IX Coordinator. Hearing Officers will receive appropriate Title IX and trauma informed training.
- Title IX Hearing Members may include SWC faculty or staff members. The primary responsibility of the hearing member is to listen to both sides of the complaint. Each

hearing member will evaluate the information being provided by both parties to make a

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decision whether or not a Title IX policy violation took place. Hearing members will receive appropriate Title IX training.

SWC defines sex discrimination and sexual harassment broadly to include any of three types of misconduct on the basis of sex (or gender), all of which jeopardize the equal access to education that Title IX is designed to protect: 1) Any instance of quid pro quo harassment by a school's employee; 2) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; 3) any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

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

Definitions

- 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:** is unwelcome and discriminatory speech or conduct undertaken because of an individual's gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or

opportunities. Students and visitors who are subject to or who witness unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any SWC employee. Employees who are subject to unwelcome conduct of a sexual nature are encouraged to report the incident(s) to the Title IX Coordinator or any SWC employee. Employees who witness or receive reports of unwelcome conduct of a sexual nature are required to report the incident(s) or reports received to the Title IX Coordinator.

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C. 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.

D. Quid Pro Quo Sexual Harassment exists when individuals in positions of authority over the complainant:

- Make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- Indicate, explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or

employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant's submission to such activity.

Examples of Harassment:

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

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E. **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.

I. **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.

II. **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.

F. **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.

G. **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.

H. **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

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- 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

I. **Domestic Violence** under SWC 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 South Dakota domestic or family violence laws;
 - Any other person against an adult or youth victim who is protected from that person's acts under South Dakota domestic or family violence laws.

J. **Advisor:** A person who has agreed to assist a complainant or respondent during the Title IX process. The advisor may be a person of the student's choosing, including but not limited to a SWC faculty or staff member, a friend or an attorney.

K. **Complainant:** an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

L. **Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination or sexual harassment.

M. **Formal complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and stating the date, time, place, name(s) of person(s) involved (e.g. the accused, witnesses) and sufficient detail to make a determination regarding basic elements of the formal complaint process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

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

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O. Consent

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

- 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.
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Previous relationships or consent does not imply consent to future sexual acts.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent. Note: indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

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

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

P. Responsible Employee is a university employee who has the duty to report

incidents of sexual misconduct to the Title IX Coordinator or an employee whom an individual could reasonably believe has this duty.

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Reporting

A. Mandatory Reporting

All SWC employees are responsible for taking all appropriate action to prevent sex discrimination or sexual harassment, to correct it when it occurs, and must promptly report it to the Title IX Coordinator. Failure to do so may result in disciplinary action up to and including termination. All SWC employees are considered responsible employees with a duty to report any incident to the Title IX Coordinator.

B. Confidential Reporting

Resources are available through MCN Family Violence Prevention. Family Violence Prevention staff, counselors, victims' advocates are available to speak with any person who wishes to report an incident and remain anonymous. All forms of sexual harassment should be reported, no matter the severity. In addition, SWC should be made aware of possible threats to the campus community in order to issue timely warnings.

C. Reporting to the Police

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

- ~~● If the incident happened on campus, it can be reported to the Sisseton Wahpeton Police Department at 605-698-7661. If the incident happened anywhere else, it can be reported to the local law enforcement with jurisdiction in the location where it occurred. Know that the information you report can be helpful in supporting other reports and/or preventing further incidents.~~
- ~~● Reporting for Faculty and Staff (Non-Student) Instances: Faculty and staff shall report any instances of sexual harassment by another faculty or staff member to the Title IX Coordinator. As stated above, SWC also strongly encourages reporting any instances to the police.~~

- ~~Employee Obligation to Report (Student Instances): In compliance with Title IX, employees who become aware of a student instance of sexual harassment shall immediately report such instance to the Title IX Coordinator, including the name of the persons involved.~~

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D. Reporting of Student Instances

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

After receiving a report or notice of an incident, the Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. A complainant's wishes with respect to whether the SWC investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

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

Written Notice of Complaint

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

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

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Investigation

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

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

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

The investigation of complaints will be adequate, reliable and impartial. The investigation process can take up to 60 days. When investigating a complaint and throughout the complaint process, SWC must: (1) ensure that the burden of proof and of gathering evidence rests on SWC rather than the parties; (2) provide an equal opportunity for the parties to present witnesses and evidence (3) not restrict either party's ability to discuss the allegations or gather and present

evidence; (4) provide the parties with the same opportunities to have others present during interviews or related proceedings, including an advisor; (5) provide, to a party who is invited or expected to attend, written notice of the date, time, participants, purpose, and location of any investigative interview, hearing or other meeting with enough time to allow the party to prepare and participate; (6) provide both parties and their advisors an equal opportunity to review all evidence directly related to the allegations in the formal complaint (both exculpatory and inculpatory) at least 10 days prior to the completion of the final investigation; and (7) prepare a written investigation report that fairly summarizes the relevant evidence and provide the report to both parties and their advisors for review and written response at least 10 days before a hearing or determination of responsibility. SWC will determine if a Title IX hearing is necessary. If it is determined that SWC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing date.

Mandatory or Permissive Dismissal

~~Mandatory dismissal must occur when determined in the course of the investigation that allegation in a formal complaint: (1) did not occur in SWC's program or activity; (2) did not constitute sexual harassment as defined; or (3) did not occur against a person within the US. Both parties must receive written notice of a mandatory dismissal and reasons.~~

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~~Permissive dismissal may occur at any time during the investigation or hearing when: (1) a complainant notifies the Title IX Coordinator in writing that they would like to withdraw; or (2) the respondent is no longer enrolled or employed by SWC; or (3) specific circumstances prevent SWC from gathering evidence sufficient to reach a determination. Both parties must receive written notice of a permissive dismissal and reasons.~~

The Title IX Coordinator has the discretion to dismiss a formal Title IX complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or 2. The Respondent is no longer enrolled in or employed by the recipient; or 3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.**

Upon any dismissal for any reason, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so. The letter will be sent simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for

appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.

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

Institutional Action

A. Mediation is a method of informal resolution. Informal resolutions are prohibited unless a formal complaint of sexual harassment is filed. Mediation may include conflict resolution or a restorative agreement between the parties with a trained Title IX Officer presiding over the mediation. Participation in mediation is not mandatory, but will only take place with the consent of both parties involved. Mediation may only be used:

1. Prior to a Notice of hearing being issued;
2. When ~~the a trained Title IX Officer~~ **Coordinator** 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 Title IX Policy.
4. When both parties acknowledge receipt of written notice of their rights under this policy and both parties provide written, voluntary consent.

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5. Mediation is not available when the complaint alleges a SWC employee harassed a student.

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

A. Title IX Hearing

The Title IX Coordinator will determine if a hearing is necessary; mediation is never

appropriate in sexual violence cases. If it is determined that SWC will proceed with a hearing, the complainant and the respondent will be notified in writing of the hearing

date, the alleged policy violation and issued a notice to appear at the hearing. The written notice will be hand delivered directly to the student(s) or mailed to the local address as filed in the Registrar's Office. Students are responsible for providing and maintaining a current local address in the Registrar's Office.

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

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

- Read and understand the Title IX Policy and Procedures, which include the hearing process.
- Read and understand all of the information of the Title IX case provided by the Coordinator prior to the hearing as part of a hearing packet.
- Read and understand the procedures of the Title IX hearing provided by the Coordinator prior to the hearing as part of a hearing packet.
- Have a clear understanding of the incident in question before going into deliberations for a decision.
- Decide the outcome (majority vote) and sanctions if needed based on the information presented, hearing notes, and the SWC Title IX Policy.

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- Provide copies of notes, if made, to the hearing officer. The hearing officer will inform the parties of the decision at the hearing and send a letter as described in this policy.

Complainant's Rights:

- Be given a written explanation of the allegations and the hearing process;

- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide SWC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, SWC's attorney will also be present for the hearing);
- Be given a timely hearing;
- Exclude evidence of the victim's past sexual history from discussion during the hearing. The past sexual history of the victim with persons other than the respondent shall be presumed irrelevant;
- Clarifying that evidence of a prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual harassment;
- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available; ● Written notification of options for changing academic, living, transportation, and work site situations if reasonable;
- Written notification of an avenue for appeal.

Respondent's Rights:

- Be given written notice of the allegations and the hearing process;
- Have access to evidentiary material in advance of the hearing;
- Be present during the entire hearing;
- Have no violation presumed until found responsible;
- Be given a timely hearing;
- Be accompanied by an advisor during the hearing. The advisor is limited to advising the student and may not present the case, or make statements during the proceedings. Students must provide SWC with the name and contact information for the student's advisor as soon as practical but at least three (3) days prior to the hearing (if the advisor is an attorney, SWC's attorney will also be present for the hearing);

- Written notification of the outcome of the hearing including any sanctions; remedies/accommodations for the complainant; additional remedies for the school community;
- Written notification of any external counseling services that may be available; ● Written notification of options for changing academic, living, transportation, and work site situations, if reasonable;
- Written notification of an avenue for appeal.

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

Outcome

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

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

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

- Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent SWC, or denial of participation in extracurricular activities.

- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Probation Level I – A specified period of time during which the student is placed on formal notice that he/she is not in good social standing with SWC and that further violations of regulations will subject him/her to suspension or expulsion from the SWC.

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- Housing Suspension – If applicable and warranted by the severity of the incident, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for returning may be specified.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from SWC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Vice President ~~Dean of Student Services Affairs~~. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SWC's normal withdrawal policy.
- Expulsion – Termination of student status for an indefinite period. The conditions for readmission, if any, shall be stated in the hearing outcome letter. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SWC's normal withdrawal policy. Expulsion should be reserved and used only in cases involving the most severe instances of misconduct.

Sexual Harassment may include the following sanctions on the student(s) found responsible. ●
 Restriction – A limitation on a student's privileges for a period of time and may include but not be limited to the denial of the use of facilities or access to parts of campus, denial of the right to represent SWC.

- Service Project – Community service or an education class or project beneficial to the individual and campus or community.
- Behavioral Change Requirement – Required activities including but not limited to, seeking academic counseling, substance abuse assessment, decision making class, writing a reflection paper, etc.
- Housing Suspension – If applicable, separation of a student from the student housing for a specified period of time, after which the student is eligible to return. Conditions for

returning may be specified.

- Probation Level II – Adds to Level I the stipulation that students are prohibited from participating in any extracurricular activities not directly associated with academics (e.g., intramural sports, attending athletic events, student organizations/clubs/associations, leadership positions within housing or other organizations). Students must apply to get off Conduct Probation Level II by submitting documentation of their significant proactive efforts to become good citizens of the community and engage in responsible, productive behavior.
- Suspension – If warranted by the severity of the incident, exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from SWC are not permitted on campus or in campus

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buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SWC's normal withdrawal policy.

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

Sexual Violence may include the following sanction on the student(s) found responsible. ●

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

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

Appeal Procedures

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

- A. Appeals must be submitted in writing to the President within five (5) Sisseton Wahpeton College working/school days of receiving the decision. Failure to file an appeal within the prescribed time constitutes a waiver of any right to an appeal.
- B. The appeal must cite at least one of the following criteria as the reason for appeal and include supporting argument(s):
 - 1. The original hearing was not conducted in conformity with prescribed procedures and substantial prejudice to the complainant or the respondent resulted.
 - 2. The evidence presented at the previous hearing was not “sufficient” to justify a decision against the student or group.

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- 3. New evidence which could have substantially affected the outcome of the hearing has been discovered since the hearing. The evidence must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal.
 - 4. The sanction is not appropriate for the violation. This provision is intended to be utilized when a determined sanction is inherently inconsistent with SWC procedures or precedent. Simple dissatisfaction with a sanction is not grounds for overturning a sanction under this provision.
- C. The President will review the record of the original hearing, including documentary evidence. It is the President’s discretion to convert any sanction imposed to a lesser sanction, to rescind any previous sanction, or to return a recommended sanction to the original hearing committee for review/or reconsideration. If there is new evidence (unavailable at the time of the hearing through no fault of the parties) which is believed to substantially affect the outcome, or evidence presented at the previous hearing(s) was “insufficient” to justify a decision against the student or group, or a finding that a substantial procedural error resulting in prejudice occurred, the matter may be remanded to either a rehearing of the entire matter or reconsideration of specific issues. If remanded to the original hearing committee, either or both students may appeal the committee’s decision to the President and the procedures set out above shall control the appeal.

D. The final decision will be communicated in writing by the President to the appealing student(s). The decision will be communicated within ten (10) working/school days of receiving the written recommendation. Both parties will be notified of the final outcome of the appeal.

E. The decision of the President on appeal shall be final.

~~SWC Officers and Designees~~

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

Recordkeeping Protocol

SWC **employees** will document all reports and complaints of sex discrimination and provide copies of those reports to the Title IX Coordinator. SWC Title IX Office will maintain a secured electronic file system of all Title IX cases, reports, and complaints by academic year. The cases will include all information related to the individual case, which includes but is not limited to the initial complaint, letters sent to all parties, response from the respondent, immediate assistance, investigation notes, mediation agreement if applicable, notice of a hearing, committee selection, hearing notes, hearing decision, written notice of the outcome, and any recordings made of the

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hearing or in the course of the investigation. The time period to maintain the case records will be no less than seven (7) years from the date of SWC's final action or decision (whether through report of the investigation, mediation, or hearing). The confidential reporting of the number of incidents and types will be sent to SWC Security for the preparation of the Annual Crimes Report.

Prevention and Education

A. Education

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

B. Bystander Intervention

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

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

C. 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.

D. 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.

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- **DON’T MAKE ASSUMPTIONS** about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, then you **DO NOT** have consent.

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

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

Training

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

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

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

Available Resources to all of the SWC community:

Sisseton Wahpeton Oyate (SWO) Victims Assistance (605)-698-2022

SWO Sexual Assault Services (605) - 698-8434. Cell 24/7 (605)-419-1085 South Dakota Coalition Against Domestic Violence and Sexual Assault (405)524-0700-provides confidential resources off campus

South Dakota Safeline - (800) 522-7233 – provides confidential resources off campus

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Retaliation

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

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

If it is determined under the preponderance of evidentiary standard (more likely than not to have occurred) that a student is responsible for retaliation the following sanction will be imposed. • Suspension – Exclusion from enrollment in classes and other privileges or activities for a definite period of time not to exceed three years and until the conditions which are set forth in the hearing outcome letter are met. Students who are suspended from SWC are not permitted on campus or in campus buildings, facilities or activities at any time for any reason during the period of suspension, unless otherwise directed by the Dean of Student Affairs. Conditions to conclude a suspension and reinstatement process will be stated in the written notification. Notation on the transcript is not made; however, a permanent record of the action is maintained in the student's record. Any refund of tuition or fees will be subject to SWC's normal withdrawal policy.

Free Speech and Academic Freedom

Members of the SWC 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 SWC 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

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public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

Availability of other Complaint Procedures

In addition to seeking criminal charges through local law enforcement, members of the SWC community may also file complaints with the following entities regardless of whether they choose to file a complaint under this procedure:

Office for Civil Rights

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline: (800) 421-3481

Email: OCR@ed.gov

Office of Civil Rights:

Kansas City Field Office: OCR.KansasCity@ed.gov, (816) 268-0550;

Washington D.C.: OCR@ed.gov 1-800-421-3481

Equal Employment Opportunity Commission:

South Dakota City Field Office: 1-800-669-4000;

Washington D.C.: 1-800-669-4000, Eeoc.gov/contact/

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