



Sisseton Wahpeton College

Campus Security Plan

2025

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Introduction

The following is the Sisseton Wahpeton College (SWC) Security/Safety Plan. SWC places a high priority on the safety and security of its students, faculty, staff, and visitors. The campus community relies on a safe and secure environment.

This Security document is submitted in accordance with the Jeanne Clery Disclosure of Campus Safety and Campus Crime statistics Act. This report is prepared by the SWC's Safety committee and distributed by October 1st of each calendar year. Official copies of this plan may be obtained from the VP of Student Services and available in compliance with the college's formal distribution process. Instructions on how to access this information will be distributed on an annual basis to all faculty, staff, and students will be done before the date above. Any potential employees or students will also be shown on how to access the Campus Safety Plan. This document is descriptive only and is not intended to serve as a contract between SWC and any other party.

Safety policies and procedures are subject to change at any time without notice. This document is an evolving document. Any inquiries concerning this document and its contents may be directed to the Lead Safety Officer (605)742-1120.

Jean Clery Disclosure of Campus Security

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about crime on and around their campuses. Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

The "Clery Act" is named in memory of 19-year-old Lehigh University Freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986. Jeanne's Parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus security act of 1990."

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. The law was most recently amended in 2000 to require schools beginning in 2003 to notify the campus community about where public "Megan's Law" information about registered sex offenders on campus could be obtained.

U.S. Department of Education Campus Safety.

Safety Plan Sisseton Wahpeton College (SWC)

The purpose of this plan is to establish protocols for the Safety of Sisseton Wahpeton College (SWC) campus and dormitories. The security plan will reference and utilize the current Emergency Management Plan (EMP) of the SWC.

SWC understands it is responsible for the safety of its students and staff who are on campus or in the college dormitories. This campus safety also applies to the students who reside in the dormitories located on the campus. In order to help ensure safety of those on campus, SWC will provide a basic security. This will consist of Campus Safety Authorities (CSA) and individual within the Facilities Department designated as Campus Safety Officers (CSO). In due time with the growth of the college, SWC will establish a security department.

In accordance with the Emergency Management Plan (EMP) situations such as severe weather (tornadoes), hostile individuals, people under the influence of alcohol and/or drugs, and active shooters, the safety of staff and students is the utmost importance. Although staff are the initial protectors of the students, the Safety Department and the CSAs are the next level. Tribal Police must be notified during active shooter incidents, assaults, or other serious criminal activities.

Campus Safety Authority (CSA):

Sisseton Wahpeton College Campus Security Authority is a specific term that encompasses four groups of individuals and organizations associated with an institution: 1) A campus police or security department; 2) any individual or group of individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department; 3) any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report crimes; 4) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

SWC CSA's

President:	Dr. Julie Buckman	(605)742-1117
Vice President of Academic Affairs:	Dr. Julie Buckman	(605)742-1117
Vice President of Administrative Services:	Gretta Lavergne	(605)742-1113
Lead Campus Safety Officer:	Duran Eastman	(605)742-1120
Title IX Coordinator (students):	Crystal Renville	(605)742-1118
Title IX Coordinator (employees):	Gretta Lavergne	(605)742-1113

Campus Safety Officer (CSO):

Campus Safety Officers are individuals, typically members of the Facilities Department, who are designated by the President to provide campus security. CSOs are not armed, so they must rely on their personal judgement for safety. CSOs shall not place themselves in a confrontational situation, unless harm is occurring to others. CSOs must have the ability to distinguish between a major situation or a situation that may become volatile and one that has a low level of conflict.

Safety Office and Access to Campus Facilities

SWC Safety Office conducts regular foot and vehicle patrols on campus. Doors and windows are secured after hours. Any activity found to be suspicious is checked by facilities personnel. Close cooperation is maintained with the Tribal Police Department, which conducts routine checks on evenings and weekends. Sidewalk lights and parking lights illuminate the campus. Campus lighting is routinely assessed for maintenance or repair by the Facilities Department.

Safety Officers will not enter secured rooms without reason. To help ensure safety and confidentiality at the college, background checks are performed on all SWC employees when hired. Proper identification is carried at all times. SWC Vehicles are only driven by authorized individuals, after verification of a valid driver's license (Tribal and state) and passing a driving record check. Facilities personnel and CSAs will be issued two-way radios and/or cellphones. The purpose of the radios is to facilitate communication during an emergency situation.

Timely Warning Policy

SWC is required to issue a Timely Warning to the college community any time a Clery Act crime is reported that is considered to represent a serious or continuing threat to students, faculty, staff, and visitors. SWC's President, or delegated representative, will issue a Timely Warning when a valid report occurs on or near the federally defined locations (on-campus, non-campus, and public property) related to the college, unless it would increase the risk to the campus community or compromise law enforcement efforts. Any report originating from a CSA requiring a Timely Warning will be automatically considered valid and will trigger an immediate warning from the SWC President.

The following list of crimes includes examples of situations that may warrant a Timely Warning:

- Murder
- Non-negligent Manslaughter
- Sexual assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes

The Emergency Notification Policy will be utilized when appropriate for other immediate threats to the health or safety of students and/or employees occurring on campus.

Emergency Notification Policy

When SWC receives reliable information involving emergencies or threats to the college community, the Chief Campus Safety Officer, or designated representative, will issue an Emergency Notification. Prior to issuing this notification, the Chief Campus Safety Officer will confirm the validity of the information and determine if its release would increase the danger level to the community or hinder the efforts of law enforcement or first-responders.

Examples of the types of situations that may prompt an emergency notification are:

- Potential life-threatening situations on the campus (i.e. bomb threats, active shooter, etc.)
- Building emergencies
- Extreme weather conditions (official weather warnings)
- Unplanned University closures (weather, power outages, etc.)

Notifications will be sent out via the campus One-Call system and/or other appropriate platforms. Emergency Response and Evacuation Procedures

- The campus community will be notified if a significant emergency or dangerous situation occurs. This notification will be done by two-way radios, the public announcement system within the college, and the One-Call system. Once the emergency has passed or the situation has been deemed safe, an All-Clear notification will be issued within two (2) hours.
- SWC Safety Department will investigate and confirm if there is an emergency or dangerous situation is reported. This confirmation will be done as quickly as possible to ensure the safety of others.
- SWC Safety Department personnel can initiate a notification. Designated personnel will be issued two-way radios.

Additional Procedures to Report to Criminal Activity

It is the responsibility of all faculty, staff, and students to help keep the SWC campus safe. This is done by reporting suspicious activities to a campus safety officer or a designated official (CSA).

- If you witness or are a victim of a threat or crime, such as an assault, robbery, theft, or unwanted sexual behavior, notify a campus safety officer or designated official (CSA).

SWC has designated campus safety officers employed to protect our students, personnel, and property. A CSO has the authority to request identification, monitor campus traffic and sign complaints with Tribal Court and local law enforcement on behalf of the college.

Policy on Dormitory and Apartment Security

Dormitory rooms and apartments are to be kept secured. All safety and security deficiencies are to be reported immediately. These reports will be investigated and resolved without delay, either by a CSO or other facilities personnel dependent upon the situation.

Students are responsible for keeping their rooms locked when unoccupied, along with keeping their personal valuables secure. Students are expected to keep exterior doors and windows to the dormitories or apartments secured and to report any suspicious activity to a CSO.

Visitor hours are set by according to the SWC Student Housing Policies. Anyone found on college property may be stopped and questioned when the campus is closed to the public to ensure campus safety. This includes students living in the dormitories or apartments. Due to the limited staffing levels, the Student Housing Director will be acting security during normal operating hours. When the campus is closed to the public, facilities personnel will serve as the primary security.

Missing students

Campus Safety Officers are responsible for investigating a report of a missing student, which is a student who has been missing for at least 24 hours. Anyone who suspects that a student is missing should immediately notify one of the college's CSAs. The SWC President, or delegated CSA, will investigate each missing student report and, if he or she determines the student is missing, will notify local law enforcement within 24 hours of the determination.

Students who live in student housing, regardless of age, must provide the name and contact information for an individual to be notified if the student is determined to be missing. This information will remain confidential, accessible only to authorized campus officials, and will only be disclosed to law enforcement if the student is believed to be missing. SWC will notify this contact person within 24 hours of a determination that a student is missing, unless the student is located within that time period. If a missing student is under 18 years of age, and is not an emancipated minor, the College will also notify the parent or guardian. Notifications to a designated *Missing-Student* contact or to the parents/guardians will be made by the Director of Student Housing, a CSO, or the President. The SWC President, or designated representative, may initiate other actions deemed to be in the best interest of the missing student, including contacting social service personnel and/or faculty members.

Dormitory Access and Lock-Downs

Access to the dormitories and apartments is governed by the policies established in the *Student Resident Handbook*, which includes the establishment of visiting and quiet-time hours. Under this policy, campus safety officers and CSAs have the ability to issue a lock-down of the dormitories and apartments when there is reasonable health concern or threat to the safety of the students.

Alcohol consumption or possession is not allowed on campus, including in the dormitories or other residential spaces. It will be the responsibility of the campus safety officers to enforce the rule. When dealing with campus violations, campus safety officers must always keep the overall safety of individuals in consideration.

CSOs must report all instances involving underage consumption, assault of any kind, theft, or injury within the dormitory to the President and/or to the Chief Campus Safety Officer. This report will be done on a written report form and also on the nightly log. Incidents that involve criminal activity or suspicion of criminal activity, will be reported to the Tribal Police.

Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. For more information and statistics about Sisseton Wahpeton College, please contact the office of the Dean of Academics or visit the website: <http://ope.ed.gov/security> or <https://ope.ed.gov/campusafety/#/institution/list>.

Campus Accident and Incident Reporting Policy

Any accident resulting in personal injury or damage to equipment should be reported immediately to an instructor or college official. SWC adheres to the regulations established by the U.S. Department of Education regarding the logging and reporting of incidents and criminal activities.

Incident Reports

SWC utilizes an Incident Report to record and track a variety of events that occur on campus, including accidents, academic integrity, and issues related to employee/student conduct. This form is also utilized for initial documentation of reports of criminal or alleged criminal incidents. Following the guidance provide in chapter 5 of *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education: Office of Postsecondary Education), incidents which meet the stated definitions are then reported in the **Daily Crime Log**.

Daily Crime Log

Although SWC does not have a security department, a *Daily Crime Log* will be maintained by the Lead Campus Safety Officer to assist with Clery Act reporting. The log will contain fields for: Case/ Incident Number, Date and Time Reported, Date/Time Occurred, Nature of Incident, General Location, Disposition, and Clery Act Type/#.

- CSAs and CSOs must report any incident that would constitute a crime or alleged crime, as defined within *The Handbook for Campus Safety and Security Reporting* or *Clery Act*, to the Lead Campus Safety Officer or other designated representative of the college.
- Any crime or alleged crime reported to have occurred on campus, in a non-campus building, or public property within the patrol jurisdiction will be entered into the crime log.
 - UCR Hierarchy Rule does not apply to the crime log, all offenses committed or alleged in a single incident will be recorded.
 - Reported events that are applicable will be recorded into the *Daily Crime Log* by the Lead Campus Security Officer, or other designated representative, within two business days of receiving an *Incident Report*.
- The *Daily Crime Log* will be available to the public during normal business hours (8:00pm to 4:00pm) at the Campus Safety Office.
 - Disclosure of a specific event recorded in the *Daily Crime Log* may be prohibited by law or if it would jeopardize the confidentiality of the victim.
 - SWC may also temporarily withhold information contained in the *Daily Crime Log* when there is **clear and convincing evidence** that disclosure would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee, or result in the destruction of evidence.
 - The reason for not disclosing an entry in the *Daily Crime Log* must be noted and signed.
 - When disclosure would no longer likely to prove harmful, this entry must be included in the public *Daily Crime Log* entries.
 - Incident reports will not be available to the public, unless specifically released by the President.

Fire Safety Report and Policy

The Annual Fire Safety Report is made available as part of SWC's commitment to safety and security on campus and in compliance with the Higher Education Opportunity Act of 2008. This report contains information regarding fire safety practices and is prepared cooperatively by Facilities, Student Housing, Equity/Extension, and other programs at SWC.

The fire statistics report is maintained by the Campus Safety Office. This report is designed to contain three previous calendar years for student housing. However, SWC's on-campus housing was established on 08/2018 and therefore only contains 2018.

Fire Safety Report will maintain the following:

- Policies for fire safety education and training programs for students, faculty, and staff.
- A list of the titles of each person or organization to which individuals should report that a fire has occurred.
- A description of the fire safety system for each residential building.
- Procedures for student housing evacuation.
- The number of fire drills held the previous calendar year.
- The institution's policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities.

Fire Log is maintained by the Campus Safety Office and is a record of the following statistics:

- The number of fires and the cause of each fire.
- The number of deaths related to the fire.
- The number of injuries related to the fire that resulted in treatment at a medical facility.
- The value of property damage related to the fire. Restricted items in Dorm rooms

Alcohol/Drug/Tobacco Free Workplace

The Sisseton Wahpeton College has a strong commitment to the community, students and employees to provide a safe learning and working environment. While it is not the intention of the college to intrude into the private lives of its employees, the college does expect its employees to conduct their work free from the influence of alcohol or drugs.

The possession or use of alcohol or controlled drugs is prohibited. Alcohol or other drug intoxication while on college premises grounds for dismissal. In all instances, the Tribal Police will be notified.

Use of smoking or smokeless tobacco is not permitted within any SWC facility as prohibited by federal smoke-free, drug-free regulations. Because of the dangers associated within both primary and secondary smoke, all faculty and staff are required to report violations of the smoke-free and drug-free policy to their supervisor.

The Drug-Free Schools and Communities Act Amendments of 1989

SWC complies with the requirements of the Drug-Free Schools and Communities Act Amendments of 1989. The College will not tolerate the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or the misuse of medications or other legal drugs on the SWC campus. Such activity is a threat to the personal safety of the people who work and live on the campus, and a threat to the reputation and mission of the College. Such conduct:

1. Violates the law;
2. Compromises the physical and mental health of those involved;
3. Threatens the fabric of the community by introducing unlawful elements.

The students, faculty, and staff of SWC are responsible for knowing and complying with all applicable state and local laws that make it a crime to possess, sell, deliver or manufacture those drugs considered to be “controlled substances”. Any member of the SWC community who violates the law is subject to both prosecution and punishment by civil authorities and to disciplinary proceedings by the College.

Violations by Employees

Alcohol or other drug intoxication while on college premises is grounds for dismissal. In some instances, the Tribal Police will be notified.

Violations by Students

After a hearing where a student was found guilty of violating the Standards of Student Conduct, one or more of the following sanctions will be imposed:

- **Warning:** A written or oral reprimand for violation of specified regulations, which includes the possibility of more severe disciplinary sanctions in the event of other violations of any college regulations within a stated period of time.
- **Disciplinary Probation:** Exclusion from participation in privileged activities, as specified in writing, for a period of time not exceeding one school year.
- **Restitution:** Reimbursement for damage to or misappropriation of property. This may take the form of appropriate services or other compensation at the discretion of the college.
- **Suspension:** Exclusion from classes and other privileges or activities, as specified in writing, for a definite period of time not to exceed two years.

Confidential Drug & Alcohol Resources & Clinical Services: Duran Eastman Lead Campus Safety Officer

Campus Immunization/Vaccination Contagious Disease Policy

There is no general requirement regarding immunization/vaccination to attend Sisseton Wahpeton College. Specific degree programs, student activities, athletic program, and/or to live in student housing may require proof of vaccinations. Additionally, for the overall well-being of the college community, Sisseton Wahpeton College strongly recommends that all students are current with their individual vaccination schedules.

Weapons/Firearms Policy

The unauthorized possession or use of weapons on Sisseton Wahpeton College owned or controlled property is prohibited without the (written) permission of the President and/or the Executive Committee. Weapons include, but are not limited to, firearms, air rifles or pistols, hunting or fighting knives, martial arts weapons, bows or crossbows, arrows or bolts, and swords. This policy also includes non-functional replicas fashioned with metal or wood, paintball or stun guns, metal tipped darts, explosives, fireworks, and pyrotechnic devices.

Certain items that are not traditionally considered weapons such as, but not limited to, baseball bats, box-cutters, kitchen knives, pocket knives (with blades of three inches or less), or scissors are not subject to this policy unless used to threaten or inflict harm another person. Under these circumstances the object may be confiscated by Campus Security and the user of the item is subject to disciplinary action, in addition to criminal prosecution.

The purpose of this policy is not to prohibit individuals or student organizations from possessing, storing, or using weapons at approved locations for educational purposes, sanctioned sporting activities, research, or other actions supporting the operations of the College that are authorized by the President and/or the Executive Committee. These instances could include, but are not limited to, the firearms and archery equipment used for off-campus hunting or by a sporting team, the use of original and replica weapons in culture or history courses, or the firearms being repaired or constructed in a gunsmith course.

Weapons brought onto SWC property must be pre-authorized and immediately registered with Campus Safety. When not being utilized in sanctioned course activities, practices, or events, all weapons and ammunition must be securely stored in officially designated locations or immediately removed from College property.

Any person carrying a concealed weapon must have a valid permit and written authorization by the President and/or the Executive Committee of the Sisseton Wahpeton College, which include participation and training with the Sentinel or other similar program. This authorization must be renewed annually.

Exempt from this Policy are sworn law enforcement officers or military personnel in the performance of their official duties.

Students, employees, and visitors found in violation of this policy are subject to disciplinary actions and possible criminal prosecution. Any serious violations of this policy will be referred to the cognizant law enforcement agency and will trigger an immediate ***Administrative Action***, which includes immediate termination of employment, suspension from the college, and expulsion from campus.

Violence in the Workplace

The College strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the employee's supervisor and/or the Human Resources Office. All complaints will be fully investigated.

The College will promptly respond to any incident or suggestion of violence. Violation of this policy will result in disciplinary action, up to and including immediate discharge.

Non-Discrimination and Anti-Harassment Policy

The Sisseton Wahpeton College is committed to a work environment where all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits discriminatory behavior and harassment. Therefore, SWC expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice, and harassment.

SWC prohibits and will not tolerate any such discrimination or harassment.

Sexual Harassment Policy

Sexual harassment constitutes discrimination and will not be tolerated. For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment;

(ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or request for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex. Harassment is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, (alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation) or any other characteristic, or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose

or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, regardless of how this is circulated.

Sexual Offender

In the interest of campus safety and in compliance with the Jacob Wetterling Act, and the provisions of the Family Education Rights and Privacy Act, as amended by the Campus Sex Crimes Act, the Sisseton Wahpeton College (SWC) will disclose information concerning registered sex offenders. The purpose of this reporting is to ensure that members of campus community have information available concerning the presence of registered sex offenders. Any person who is required to register as a sex offender shall provide notice as required under Federal, State, and Tribal law to both law enforcement and to the SWC Registrar's Office.

The information regarding sex offenders at SWC is available to students through the SWO Sex Offender Registry: <http://swo.nsopw.gov/>

The Registry of Sex Offenders in South Dakota is available through the State Sex Offender Website: <http://www.homefacts.com/offenders/South-Dakota/html>

- Registered Sex Offenders are not automatically barred from enrollment at SWC.
- Registered sex offenders will be posted on the web site set forth above.
- All registered sex offenders are required to self-report their status to SWC upon enrollment. Failure to self-report may result in disciplinary action up to and including expulsion.
- Pursuant to Sisseton Wahpeton College Board of Trustees Resolution, Registered Sex Offenders are prohibited from attending non-academic activities in the SWC Auditorium. This includes extracurricular activities sponsored by the College and its Student Organizations or any activities for the Youth.
- Registered Sex Offenders are prohibited from being within the living areas of the Sisseton Wahpeton College campus housing.

The sex offender registry database is made available to alert possible victims of potential danger, not to punish or embarrass offenders.

Sexual Assault

Sisseton Wahpeton College encourages students' social and emotional development as well as their intellectual growth. The college will not tolerate sexual assault of any kind. Sexual misconduct is socially irresponsible and violates the rights of other individuals. Nothing that you do, say or wear, gives anyone the right to assault you. Sexual assault is a crime and will be dealt with accordingly.

To assist with this process, an educational program on sexual assault is required during student orientation. This program covers sexual misconduct and substance abuse. Student Services and counseling department will provide informational brochures to help educate students and prevent sexual misconduct.

Sex offenses are considered reported when a complaint is heard by a CSO and/or officials of the college who have responsibility for student and campus activities (CSA). Incidents that occur on or off campus and are reported to a CSO, CSA, and/or Law Enforcement officer may result in disciplinary action pursuant to the Student Code of Conduct. False reporting of a sexual assault will result in disciplinary action being taken against the Complainant.

Defining Sexual Assault

Sexual assault, including rape, is defined as sexual contact without consent and includes, but not limited to, intentional touching, either of the victim or when the victim is forced to touch another person's genitals, breasts, thighs, or buttocks; rape (sexual intercourse without consent whether by an acquaintance or stranger); attempted rape; sodomy (oral sex or anal intercourse) without consent; or penetration with an object without consent. Sexual offenses are further defined in the Sisseton Wahpeton Oyate Criminal Code, Chapter 75 (75-02-02 part E 1-17, 75-03-01, 75-03-02, 75-03-03).

Consent or Lack of Consent

One of the most critical issues regarding sexual assault is consent. Sexual activity should not take place unless both parties have freely given consent, and consent is understood by both parties. Sexual assault frequently occurs when one party refuses to take "no" as an answer to sexual advances. A verbal "no", no matter how indecisive or insincere it may sound, constitutes a lack of consent. Resistance, no matter how passive, also constitutes a lack of consent.

Silence does not mean consent. For instance, an individual who has lost consciousness while under the influence of alcohol or drugs does not have the ability to give consent, even if that person does not explicitly say "no". Similarly, someone who is physically or mentally incapacitated may not be able to object to sexual advances. Consent, when it is given, must be given willingly and freely. Consent given under duress (physical or emotional threats) does not constitute freely or willingly given consent.

How to Protect Yourself against Sexual Assault

There is no absolute way to protect you against sexual assault, but there are simple common-sense precautions that can help minimize risks. Be aware of your surroundings and don't let alcohol or drugs cloud your judgment. Be assertive and always demonstrate that you are in control.

- Keep your doors and windows locked when you leave your house, apartment, or automobile.
- Don't lend out your keys and don't put your name or address on your key ring.
- Always watch for unwanted visitors; know who is on the other side of the door before you open it.
- Keep out of isolated areas. There is safety in numbers; walk with a companion or with a group at night.

Risk Reduction

Risk reduction programs typically focus on ways can identify potentially harmful situations and risks. Risk reduction programming includes self-defense classes and safety programs, which examine the tactics that perpetrators use to compromise situations and force or coerce attacks. While risk reduction programs may assist in mitigating some known risks, they cannot prevent an attacker from committing acts of violence. Recognizing that the perpetrator of violence or abuse is the sole party responsible for that behavior and that victims are never to blame, the following are some strategies to reduce one's risk of sexual violence (taken from Rape, Abuse & Incest National Network, and www.rainn.org).

Reporting Process

Victims of rape or sexual assault are encouraged to contact a Campus Safety Office, Campus safety Authority, and/or Tribal Police. Upon request, a victim will be assisted in making any necessary contacts by the Campus Safety Office and/or Student Services. There are two options for the victim in the reporting process, informal and formal.

Informal Reports

The student may choose not to file criminal charges or seek sanctions through the college's Student Code of Conduct and disciplinary action; however, the SWC does encourage the student to seek support with Counseling Services at the college or elsewhere. When there is the potential for danger to other members of the community, confidentiality may not be guaranteed. Incidents occurring off campus may also be reported to the college. The student may seek the support of the college's Counselor(s) and/or other trusted personnel to discuss their options, which may include requesting an internal investigation for the purpose of the college to impose disciplinary actions against the offender(s).

Formal Procedures

A formal report of sexual assault will be referred to the Sisseton Wahpeton Tribal Police or other local law enforcement agency, depending on where the incident occurred.

To file a formal report of sexual assault, the student should complete an incident report with the Campus Safety Office, if the incident occurred on campus. Depending on jurisdiction the Sisseton Wahpeton Tribal Police, the Roberts County Sheriff, or other local law enforcement agency will be contacted to investigate the incident. If the incident occurred on campus, the Campus Safety Office will assist in filing charges with Sisseton Wahpeton Tribal Police Department or other law enforcement agency.

After the formal report has been made, the student may choose not to pursue criminal charges. SWC will still conduct an internal investigation for the purpose of the college to impose disciplinary actions against the offender(s).

It is important to obtain immediate medical attention following the sexual assault, both to provide for the victim's well-being and to document and collect physical evidence of the assault.

If requested, options for and assistance with changing academic scheduling and/or student housing assignments will be provided by the College, if these changes are reasonably available.

Bystander Intervention

Bystanders play an important role in the prevention of sexual assault, dating and domestic violence and abuse, and stalking. Bystander intervention is a way for the whole community to ensure the safety of all its members. This means we can all make a difference by choosing to speak out, intervene, or do something when we hear disrespectful jokes or comments or witness disrespectful or harmful actions. Intervening is as simple as saying, something to prevent harm to another member of the SWC community.

Campus Assistance Resources

Vice President of Academic Student Affairs (VPASA):	(605)742-1117
Records Specialist:	(605)742-1101
Human Services (HR):	(605)742-1118
Residential Life:	(605)742-1124

Community Assistance Resources

- Woodrow Keeble Memorial Health Care Center (IHS) (605)698-7606
- Dakota Pride Treatment Center (605)698-3917
- Coteau Des Prairies Hospital (605)698-7647

FERPA-The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232G; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives [parents certain rights with respect to their children's education records; these rights transfer to the student when he or she reaches the age of 18 or attends a school beyond high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR 99.31):

- School officials with legitimate education interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Accrediting organizations;
- To comply with a judicial order or lawfully issues subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors, and awards, and dates of attendance. However, schools must tell parents and eligible student about directory information and allow parents and eligible students a reasonable amount of times to request that the school no disclose director information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

SWC allows faculty and other college officials to access information without prior written consent in the performance of their legitimate job duties under the exemption provided in FERPA.

Educational Records are any record, file, document or other material (handwritten, tape, disks, film, etc.) which contains information directly related to a student's academic progress, student financial information, student worker information, medical condition or personal interest item.

This may include, but are not limited to:

- Documents with student’s name, ID, or other personal information
- Class schedules, attendance records, or grades
- Tests and other graded projects
- Notes taken during advising or disciplinary actions

School Official for this purpose is defined by SWC to include:

- Faculty and adjunct instructors
- Staff members employed by the college
- Members of the Sisseton Wahpeton College Board of Trustees
- Contractors and/or Consultants hired by the college to perform a special function (e.g. attorneys, auditors, software experts)

Legitimate Educational Interest of school officials includes:

- Performing a task specific to their job duties, contract, under the direction of the appropriate supervisory personnel
- Performing tasks related to a student’s education
- Performing tasks related to the discipline of a student
- Providing a service related to the student, such as counseling, financial aid support, consideration for academic honors or eligibility for scholarships and/or extra-curricular activities.
- Conducting institutional research, accreditation, or federal compliance activities

Directory Information is defined by the Sisseton Wahpeton College to include a student's:

- Name
- Address
- Telephone Number(s)
- SWC Email Address
- Date and Place of Birth
- Tribal Affiliation
- Pictures/Digital Images
- Current Enrollment Status
- Field of Study and Course Load
- Dates of Attendance
- Degrees and Awards Received, including Dean's List
- Participation in Officially Recognized Activities and Sports
- Information for Participation, such as Height and Weight for Athletics

Students may restrict the release of their directory information by submitting a *written request* to the **Registrar's Office**. If a student blocks the public release of directory information, then all future requests for disclosure *must be with the written consent* of the student. This includes listing the student on athletic programs, promotional materials, the Dean's List, and the graduation Commencement Program.

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW Washington, D.C. 20202-8520

Conclusion

The main goal of this plan is preservation of life in the face of an Emergency. All efforts during each situation should be focused on this goal. Secondary goals are preservation property. Use common sense when dealing with any of these situations. This plan will be updated as needed to meet the needs of the establishments.

APPENDIX A: Active Shooter Procedure

An active shooter situation occurs when an intruder enters a building or campus grounds and threatens the personal safety and welfare of our students, faculty, staff, and guests. Some basic active shooter characteristics may involve one or more suspects, there is an immediate risk of death or injury, and requires law enforcement to take immediate action. On a national level, active shooter situations have increased and are becoming ever more a serious threat to any facility that is open to the public.

Colleges and universities have seen an increase in active shooter situations. It is imperative that SWC has the best plan possible to help deal with an active shooter. The guidelines outlined below are for an active shooter.

- Evacuate the premises if safe to do so. If not, secure the immediate area. All doors will have the ability to be locked or secured from the inside. This will include the doors that open outwards. Silence phones, keep yourself out of sight.
- If need be, barricade the door and stay out of the line of vision from of the room entrance.
- If at all possible, call 911 from a campus phone or cellphone.
- Make sure you inform 911 that you are calling about an active shooting progress.
- Report your specific location, number of people with you and any injuries.
- Give details of assailant, if known. If there is more than one shooter, let law enforcement know.
- Those with two-way radios should report the location and number of the assailants during the initial incident. This should be done while seeking safety. Do not follow or attempt to track the active shooter(s).
- If the suspect is entering a vehicle, try to make note the make, model, and color of the vehicle. If possible and safe to do so, try to get the license plate number and its direction of travel.
- If outside, run, crawl, hide, and conceal. Distance from and staying out of the visual line of the shooter(s) is your best defense. Remember, there is always a chance a second shooter may be outside the facility waiting.
- Leave all personal belongings behind, you may not have time to gather items and reach safety at the same time.
- If you find a safe place, remain there until law enforcement instructs you to move.
- If you are unable to hide, get to safety, or if the shooter enters your room, fight. Act as a team or as an individual, it could make a difference.
- If you see law enforcement arrive, do not rush, yell, or scream at the officers. Remain at your location until instructed to move. Remember first responders are there to first locate the threat.
- Do not hold anything in your hands that the officers could mistake as a weapon.
- Once it is okay, advise the officers of what you know as it pertains to the shooter. This information would include location, description of shooter, types of weapons, number of shooters.

APPENDIX B: Bomb Threats

Although a good portion of bomb threats are hoaxes, all threat must be taken seriously. The potential for serious injury and damage makes even a threat a serious incident.

- Most bomb threats are made by phone. The person receiving a bomb threat over the phone should pay particular attention to the information the caller gives and pay attention to background sounds.
- Remain calm and attempt to obtain as much information as possible.
- Try to identify the gender of the caller.
- What did the caller sound like, did you recognize the persons voice?
- If your phone has caller Id, record the number.
- Record the conversation if possible.
- Try to get the attention of another person to contact 911, and then a Campus Safety Officer.
- If a bomb threat is received by email, contact a Campus Safety Officer, and forward the email to the Campus Safety Office.
- If a suspicious item or package is found. Do not utilize a cellphone within 300 feet of the item or package.
- A good indicator of a suspicious package is wires that may be hanging or attached to the item.
- DO NOT touch or handle any suspicious item.
- Leave the building to safely call 911.
- Notify Campus Safety Office immediately.
- Alert other occupants of the building.

When calling 911, provide any information that you have related to the threat and other information they may request.

1. Identify location as Sisseton-Wahpeton College at 12572 BIA 700 Agency Village, SD.
2. Provide any details regarding the threat and the time that was received.
3. Give a description of the suspicious package, if applicable, along with its location.
4. DO NOT return to building until it has been cleared by the proper authorities.
5. IF REQUESTED, assist emergency personnel as directed.

Bomb Threat Checklist

If a bomb threat is received by phone, the person receiving the call should try to obtain the following information:

- Location of the bomb (what building, room, etc.)
- A description of the bomb
- The time at which the bomb is set to go off or what will cause the bomb to explode
- The reason the caller placed a bomb

APPENDIX C: Other Emergency Situations involving Individuals

Disorderly or Hostile Persons

Disorderly or disruptive behavior will not be tolerated on the SWC Campus. Individuals who yell, curse or threaten students, staff, or visitors of SWC is committing disorderly conduct and or assault, which is a violation of the law. In times of disruptive behavior, Campus Safety Officers will be notified. CSOs, CSA, or other staff may contact Tribal Police.

- If a student or person is causing a disturbance on campus, call Facilities Department at (605)742-1109.
- If this is a life-threatening emergency, **call 911**.
- Wait for Campus Safety Officers to intervene and be prepared to provide them with a statement.
- If you believe a student has violated the conduct code and is not violent, you should contact the Dean of Academics at (605)742-1117.

Medical or Psychological Emergency

In a medical emergency, remain calm and do not move the victim unless their location poses a possible danger. If there is any doubt that the person needs immediate professional treatment, always err on the side of caution and ask someone nearby to **call 911**. Otherwise:

- Notify proper personnel, Campus Safety, Nursing, and/or Campus Counseling.
- Assist as directed.
- Make transport arrangements, if an ambulance is not necessary.
 - Call medical center to let them know you are on your way.
 - Do not let the injured drive themselves.

If the person requires an ambulance or other care provided by first-responders:

- **CALL 911 IMMEDIATELY.**
- Answer all questions from dispatcher.
- Identify location as Sisseton-Wahpeton College 12572 BIA Hwy 700 Agency Village, SD.
- Stay on the line until released by dispatcher.
- **Provided the following information to dispatcher about the person:**
 - Is unconscious or unresponsive
 - Has trouble breathing
 - Chest pain or pressure
 - Is bleeding severely
 - Is having or had a seizure
 - Has possible broken bones
 - Has visible injuries
 - Appears to have been poisoned or exposed to hazardous materials
 - The person has fallen – at what height did the person fall

APPENDIX D: Tornadoes or Severe Weather

Tornado Watch: The National Weather Service issues a tornado watch when conditions are favorable for the development of tornadoes in and close to the watch area. During a tornado watch people *should be prepared* to move to a place of safety if threatening weather approaches.

Tornado Warning: The National Weather Service issues a tornado warning when a tornado is indicated by radar or sighted by spotters. People in the affected area *should seek safe shelter immediately*.

Shelter-in-place: The use of any classroom, office, or building for the purpose of providing a temporary shelter.

If a tornado has been spotted in the area, please take shelter at the designated locations. If this is not practical, follow the advice provided below:

- Go to the lowest level of the building
- Stay away from windows
- Go to an interior hallway
- Use arms to protect head and neck or a drop and tuck position

If you do not have time to seek shelter in a building:

- Lie in a ditch or low-lying area
- Crouch near a strong building
- Be aware of potential flooding in the area you chose
- Utilize jacket or any other item to protect face and eyes

APPENDIX E: Fire and Evacuation Procedures

- Calmly alert people in your area that there is fire and activate the nearest alarm
- Do not attempt to retrieve items in another area of the building
- Utilize the stairs and not the elevators
- Close as many doors behind you as possible
- If you encounter a closed door that is near the fire, check the door for temperature. This can be done by using the back of your hand. If the door is hot or extremely warm, the fire may be on the other side, use caution. ***Do not open hot doors.***

If trapped in the building:

- Close all windows and doors
- If possible, wet and place cloth material around and under doors to prevent smoke from entering
- Call 911 for help and tell them your location

General Evacuations:

- Always be prepared, you should know the nearest exits and the evacuation site for each building you visit
- When you hear the fire alarm, immediately stop what you are doing and exit the building in

the fastest and safest manner.

- If requested, assist anyone who appears to need direction or assistance
- Take with you only essential personal items (wallet, keys, purse, etc.) which can be gathered quickly, do not delay
- Do not go towards the fire or threat to retrieve personal items

APPENDIX E: Definition of Criminal Offenses

Murder: the willful (non-negligent) killing of a human being by another. **Note:** Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths and justifiable homicides are excluded.

Manslaughter: the killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Sex Offenses: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery: the taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle, including joyriding.

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc. **Dating**

Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: the term "domestic violence" refers to a pattern of abusive behavior between two individuals formerly or currently in an intimate relationship, including through marriage, cohabitation, dating, or within a familial or household arrangement. Abuse may be in the form of physical assault, sexual assault, bodily injury, emotional distress, physical endangerment, or when the imminent threat of any of these instances puts the victim in fear of their occurrence. The term encompasses acts committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, and by a person similarly situated to

a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. "Course of conduct" means two more acts, including, but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device or means.

Criminal Offense												VAWA				Arrests				Disciplinary Actions								Unfounded Crimes																															
a. Murder/Non-neg. Manslaughter																a. Weapons				c. Weapons: carrying, possession etc.				a. Weapons: carrying, possession etc.								b. Drug abuse violations								c. Liquor law violations				a. Total Unfounded Crimes															
b. Negligent manslaughter																				b. Dating Violence				c. Stalking																																			
c. Rape																																																											
d. Fondling																																																											
e. Incest																																																											
f. Statutory Assault																																																											
g. Robbery																																																											
h. Aggravated Assault																																																											
i. Burglary																																																											
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