

# **Campus Safety & Security Handbook**



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*Western Dakota Technical College (WDTC) believes campus security and safety are vital in maintaining a positive learning environment for students and work environment for employees. It is important for the College to keep students, parents, and employees informed about campus security. WDTC complies with the Jeanne Clery Act and the Drug-Free Schools and Communities Act.*

*WDTC's campuses include the main campus at 800 Mickelson Drive and 500 Mickelson Drive, Rapid City, SD and all HLC approved additional locations which at this time are Hale Hall, 1016 Meade Street, Whitewood, SD, 330 Scottie Avenue, Philip, SD 57567, and 2500 Minnekahta Avenue, Hot Springs, SD 57747.*

## **Alcohol and Other Drugs**

WDTC is committed to a drug-free workplace and learning environment. WDTC believes in providing assistance to employees and students with alcohol and other drug concerns while upholding the law. WDTC will report all criminal alcohol and other drug violations to the appropriate law enforcement agencies and cooperate with state and federal investigations related to these matters.

### **Policy 2012/4012 – Drug-Free Schools and Communities**

Western Dakota Technical College Policy Number: 2012/4012

#### **DRUG-FREE SCHOOLS AND COMMUNITIES**

##### **I. Purpose**

Western Dakota Technical College (WDTC) believes that the illegal use of drugs and alcohol presents a serious health and safety hazard to the College community and interferes with educational and occupational success. A person needs to feel secure to perform at a maximum level. Therefore, campus safety and security must be a concern of every student and employee at WDTC. Furthermore, drug use and alcohol abuse affect the entire campus community leading to an increase in drop-out rates, academic failure, disciplinary problems, and progression into addiction.

##### **II. General Statement of Policy**

- A. The College fully complies with the Drug Free School and Communities Act of 1989 to prohibit the illegal possession, consumption, and distribution of drugs and alcohol on College property, at College-controlled locations, during classes, and at activities officially sponsored by the College. Also, students and employees may not consume alcoholic beverages on College property, during classes, or in connection with activities officially sponsored by the College except by permission of the local board or designee, and only then, if of legal age to consume alcohol. The State of South Dakota sets 21 as the minimum age to purchase or possess any alcoholic beverage.

Furthermore, students and employees are prohibited from being on campus property while in an intoxicated state. Additionally, possession of empty alcohol beverage containers and drug paraphernalia is also prohibited. No student organization may sponsor any student-related activity at which alcoholic beverages are to be consumed.

WDTC supports all federal, state, and local ordinances pertaining to alcohol and drugs and will

fully cooperate with law enforcement authorities to protect the students and employees of the College from the illegal possession, purchase, sale, and manufacture of controlled substances and alcohol.

For the purpose of this policy, drug includes all controlled substances, illegal or controlled mood-altering chemicals, all look-alike drugs, all chemicals that release toxic vapors, and any prescription or patent drugs except those medications prescribed by and under the supervision of a licensed physician in a manner consistent with WDTC policy.

Although some forms of marijuana may be legal at the state level, marijuana is considered a Schedule I drug under federal law, even when recommended by a certified physician. Accordingly, students, employees, visitors, and guests, including those with a medical card, are prohibited from possessing, distributing, using, or being under the influence of marijuana on College property and in connection with its programs and activities off campus. Those caught in possession, using, or being under the influence of cannabis are subject to disciplinary action and possible legal action.

A violation of any law or WDTC policy/rule regarding alcohol or drugs while on College property, at College-controlled locations, during classes, or at activities officially sponsored by the College is a violation of this policy and will be treated as a disciplinary matter by the College. The College will also refer offenders to the proper civil authorities. Regardless of whether the legal action is pursued by the College or outside agencies, disciplinary action will be taken by the College for violations of the law, College policies/rules, or College conduct regulations. All students and employees should be familiar with the Drug Free Schools and Communities policy and abide by it.

Employees must notify WDTC's Human Resources Office in writing within five days of a conviction for a violation of criminal drug statute that occurs in the workplace.

- B. Sanctions for Violation or Non-compliance – Violations of this policy by employees will result in disciplinary actions that may include a warning, temporary suspension from duties with or without pay, or termination of employment. Disciplinary actions will be pursued consistent with existing policies and agreements. The nature and extent of these actions depend on a variety of factors, including the severity of any work rule violations, the pattern and frequency of observed substance related problems, past work record, or any other consideration which may be considered relevant by the College. The need for disciplinary action and the appropriate penalty for employees will be handled accordingly by the Human Resources Office and others as appropriate. Student drug and alcohol violations are addressed through the College's Student Code of Conduct Policy 4014 – located on the College's website at <https://www.wdt.edu/assets/docs/uploads/about/policies/4014.pdf> and the Student Resolution Policy 4015 - <https://www.wdt.edu/assets/docs/uploads/about/policies/4015.pdf>.
- C. Maintenance of Drug-Free Campus/Workplace – Good faith efforts on the part of WDTC to establish and maintain a drug-free campus/workplace will include providing ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the College community as well as implementation and strict enforcement of this policy.

The Human Resources Office and Student Success Center Staff or designees will coordinate ongoing drug education and awareness programs. Students and employees are expected to avail themselves of these programs and materials. Schedules and locations will be publicized in various College media and by individual notification.

- D. Known Health Risks – As part of the effort to create a drug-free campus/workplace, WDTC believes the College community should be educated about the physical and emotional health hazards the misuse of drugs and alcohol presents. WDTC provides information and educational programs on substance abuse throughout the year to students and employees. Listed below are some of the health risks associated with using/abusing alcohol and various drugs. (Please note that the dangers associated with substance abuse are not limited to only the conditions listed below.)

- Alcohol - Heart and liver damage; brain damage; death from overdose and accidents
- Marijuana/Hashish - Impaired memory perception, interference with psychological maturation, possible damage to lungs and heart, psychological dependence
- Cocaine - Intense psychological dependence, sleeplessness and anxiety, nasal passage damage, lung damage, heart damage/heart attack, and death from overdose
- Stimulants - Loss of appetite, hallucinations, paranoia, convulsions, brain damage, cancers of the lung, throat, mouth, death from overdose
- Depressants - Infection, addiction, loss of appetite, death from overdose, nausea, and has severe interaction with alcohol
- Narcotics - Addiction with severe withdrawal symptoms, loss of appetite, death from overdose
- Hallucinogens - Anxiety, depression, impaired memory, emotional breakdown, death from overdose
- Inhalants - Drastic weight loss, brain damage, liver and bone marrow damage, high risk of sudden death
- Opioids/Fentanyl – Intense, short term high with feelings of euphoria, slowed respiration, reduced blood pressure, nausea, fainting, & seizures. Overdose signs include changes in pupil size, cold/clammy skin, coma, and respiratory depression; do not touch the individual or substance.

Please contact the Human Resources Office or Student Success Center for additional information on the risks involved with the misuse of drugs and alcohol.

- E. Available Assistance – Employees are encouraged to utilize the confidential EAP when necessary. Information pertaining to the EAP is available in the Human Resources Office and posted in the distribution center.

Students are encouraged to contact the Student Success Coaches for assistance with drug and alcohol concerns. Community resources and confidential third-party counseling services are available.

The South Dakota Department of Social Services maintains a statewide list of prevention and treatment programs. The list is available at

III. **Definitions – None**

IV. **Reporting Procedures**

- A. Knowledge or having received notification of a violation of this policy by an employee shall immediately be reported to the Human Resources Office.
- B. Knowledge or having received notification of a violation of this policy by a student shall immediately be reported to the Student Success Center supervisor or VP for Institutional Effectiveness and Student Success.
- C. Application of the College's corrective discipline policy for violation of this policy and any other related questions should be referred to the Human Resources Office for employees and to the Student Success Center supervisor for students.

V. **Dissemination of Policy and Training**

- A. This policy shall appear on the WDTC website on the policy page.
- B. New employees receive a copy of the policy at the time of their new employee orientation. All employees are required to read the policy and take a Drug and Alcohol Abuse Prevention Program (DAAPP) quiz upon hire and annually thereafter. Students are informed of the policy through the DAAPP notification upon enrollment and annually thereafter.

Legal References:

Drug Free School and Communities Act of 1989  
South Dakota Codified Law 35-9-2  
South Dakota Codified Law Chapter 22-42

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**Student Sanctions for Violation of Policy 2012/4012**

Violations of Policy 2012/4012 will be responded to in accordance with the seriousness and frequency of the offense. Any student displaying intoxicated behavior will immediately be referred to the Student Success Center supervisor or VP for Institutional Effectiveness and Student Success. Students found in violation of any of these policies will be subject to the following consequences:

1. The first offense will result in:
  - The student being removed from class and given options for transportation.
  - The student meeting with their Student Success Coach to discuss available campus and community resources.
  - If under 21, the student being required to attend at least one session, but up to three sessions, at West River Mental Health at WDTC's expense.

2. The second offense will result in:
  - The student being required to attend at least one session, but up to three sessions, at West River Mental Health at WDTC's expense.
  - The student being placed on conduct probation for the earlier of two full semesters (fall/spring) or until graduation.
3. The third offense will result in:
  - The student being suspended (conduct suspension) from WDTC for one full semester (fall/spring).
4. The fourth offense will result in:
  - The student being expelled (conduct expulsion) from WDTC.

### **Drug and Alcohol Abuse Education Programs**

WDTC offers ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the College community through the Student Success Center and Human Resources Office. Educational programming decisions are guided by the biennial review and the Alcohol and Other Drug (AOD) Committee with approval by the College President. Employees and students may contact the Human Resources Office or Student Success Center staff for additional information on the risks involved with the misuse of drugs and alcohol and services available for assistance.

Below is a list of resources and events that are available to both students and employees:

- Educational drug and alcohol pamphlets are available in the Student Success Center.
- Students and staff are encouraged to refer students with signs of alcohol or substance abuse to the Student Success Center for support services. Employees that are in need of services are directed to Human Resources for support services.
- Counseling services are offered to students through referrals to a third-party agency.
- CampusWell, an online college student wellness magazine, is e-mailed to students monthly, printed and added to bathroom stalls, and is added to the Student Success Center social media content. Content contains alcohol and drug abuse awareness material.
- Signs are in place at each entrance informing people that WDTC is an alcohol, drug, tobacco, and weapons-free campus.
- Current listing of local and state providers of alcohol and other drug rehabilitation and counseling treatment is available through the 211 directory.
- Safe Rides Home Program provides free taxi service for students unable to drive safely – funded by the SD Office of Highway Safety.
- Informational and social norming posters, brochures, and giveaways with prevention messages are made available multiple times per year.
- Employee training is conducted on the Employee Assistance Program (EAP), which could be used for many personal issues including drug and alcohol abuse.
- Ombudspeople are available as a resource for employees who are seeking assistance with a drug or alcohol problem.

- Alliance for Substance Abuse Prevention hosts an information table display on a variety of substances and resources at the start of each semester including give-away materials and brochures.
- A compliance table is hosted during Jumpstart orientation that includes policies on tobacco-free campus, code of conduct, weapon-free campus, and other resources to inform students of their rights and responsibilities as part of our information fair for all new students.
- In collaboration with the Alliance for Substance Abuse prevention, a climate survey is administered to all students to gauge substance use, perception of other student substance use, and knowledge of AOD policies, procedures, and programming. Survey results are provided to the AOD committee for review.
- Each spring semester the Student Success Center hosts an Alcohol and Other Drug Poster campaign.
- Drunk Driving Simulation events are held to simulate a drunk driving experience.

### **Drug and Alcohol Abuse Prevention Program (DAAPP)**

As stated in Policy 5004, Western Dakota Tech complies with the Drug-Free Schools and Communities Act (DFSCA) and part 86 of the Department of Education's General Administrative Regulations through the Student Success Center and the Alcohol and Other Drug (AOD) Taskforce. The Student Success Center and the AOD Taskforce are responsible for developing, implementing, and reviewing the effectiveness of drug and alcohol abuse policies, the biennial review which measures the effectiveness of the AOD programs and ensures consistent application of disciplinary sanctions, and the education and prevention programs designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized activities.

Each student enrolled in a course for credit and each employee receives an electronic notification of the DAAPP through an email on an annual basis. The DAAPP is also distributed in a timely manner to all students and all employees who start or who are hired after the initial annual distribution date through email or orientation. The notification includes standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees, legal sanctions under Federal, state, and local laws, a description of the health risks, a description of drug and alcohol counseling, treatment, rehabilitation programs, and a statement that WDTC will impose disciplinary sanctions on students and employees for violations and a description of those sanctions.

The biennial review and supporting documents are also available to any interested party upon request to:

VP for Institutional Effectiveness and Student Success  
Western Dakota Technical College  
800 Mickelson Drive, Rapid City, SD 57703

### **Criminal and Civil Penalties**

See Appendix A for Federal, State, and Civil penalties. (The list is comprehensive but may not capture all laws, rules, and regulations.)



## **Crimes**

### **Accurate and Prompt Reporting of Crimes**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents in a timely manner. WDTC does not have campus police or security personnel. In the case of an emergency, students, employees, and guests should immediately report the emergency to local first responders by calling 911 and then to the WDTC President, VP for Institutional Effectiveness and Student Success, or other Leadership Team member so emergency notifications and response procedures can be implemented as quickly as possible. Crimes also should be reported in a timely manner to a Campus Security Authority to ensure, if required, inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, where appropriate.

### ***Reporting Clery Crimes and Voluntary, Confidential Crime Reporting***

WDTC encourages the campus community to immediately report Clery crimes or suspicious activity to Campus Security Authorities to help maintain the safest possible environment for students, faculty, staff, and visitors. A report from a victim who does not want to pursue action through WDTC or the criminal justice system can be filed with a Campus Security Authority who can maintain the confidentiality of the reporting individual upon request. The College can document the report without revealing the victim's identity. This allows WDTC to track the incident, compare it to other incidents, and take actions to keep further incidents from occurring.

"Campus Security Authority" is a Clery-specific term that encompasses certain WDTC employees who have a duty to report crimes they become aware of, as defined by the Clery Act. A Campus Security Authority is defined as an employee of an institution who has significant responsibility for student and campus activities or an employee who meets the definition of "any official who has authority to institute corrective measures" for Title IX purposes under 34 CFR 106.30(a).

WDTC identifies employees in the following roles as Campus Security Authorities:

- WDTC President
- Vice President for Finance and Operations
- Vice President for Institutional Effectiveness and Student Success/Title IX Coordinator
- Vice President for Teaching and Learning
- Vice President for Data Strategy and Enrollment Management
- Senior Human Resources Generalist
- Director of Compliance and Financial Aid
- Student Success Center Staff
- Club Advisors

Clery Crimes include the following:

- Criminal Homicide
- Sexual Assault (Sex Offenses)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

- Arson
- Hate Crimes
- Dating Violence
- Domestic Violence
- Stalking
- Liquor Law Violation
- Drug Law Violation
- Illegal Weapons Possession

### **Annual Disclosure of Crime Statistics**

WDTC, through the office of Institutional Effectiveness, ensures annual preparation and submission of crime statistics to the U.S. Department of Education in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) by the timelines published in the Federal Register 34 C.F.R. §668.41(e)(5). The crime statistics are submitted through the Department’s annual Campus Safety and Security Survey for inclusion in the Office of Postsecondary Education’s Campus Safety and Security Data Analysis Cutting Tool. Campus crime statistics are available at <http://ope.ed.gov/security>.

Pursuant to the Clery Act, the College through the office of Institutional Effectiveness also compiles and publishes crime statistics in the Annual Security Report (ASR) which is located at <https://www.wdt.edu/assets/docs/uploads/consumer-information/securityreport.pdf>. As part of this obligation, members of the College’s community who are considered to be Campus Security Authorities are required to report crimes for inclusion as statistics in the College’s Annual Security Report. WDTC also solicits crime statistics from the law enforcement agencies that have jurisdiction over the College’s location(s). Agencies contacted include the Rapid City Police Department, Pennington County Sheriff’s Office, the South Dakota Highway Patrol, and other local and county law enforcement as applicable for the Whitewood Philip, and Hot Springs, SD locations. The College does not publish the name of crime victims or other identifiable information regarding victims in the annual crime statistics that are disclosed in compliance with the Clery Act.

Individuals unable to obtain a hard copy of the College’s ASR that includes crime statistics from the College’s website may request one from WDTC at:

Vice President for Institutional Effectiveness and Student Success  
Western Dakota Technical College, 800 Mickelson Drive, Rapid City, SD 57703

### **Disclosure of Disciplinary Proceeding Results**

WDTC will disclose to alleged victims of any violent crime or non-forcible sex offense (incest or statutory rape) the results of any disciplinary proceeding related to the alleged offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim will be notified.

WDTC will disclose to alleged perpetrators of any violent crime or non-forcible sex offense (incest or statutory rape) the results of any disciplinary proceeding related to the alleged offense. Notifications to alleged victims and alleged perpetrators will be made simultaneously. The VP for Institutional Effectiveness and Student Success is responsible for making all required notifications.

## **Programs to Inform Students and Employees About Crime Prevention**

WDTC encourages all employees and students to accept personal responsibility for their own safety and the safety of others and to report all crimes that occur on the College campus to the local police department and to a WDTC Campus Security Authority.

Students receive an electronic copy of the Student Handbook, Campus Safety and Security Handbook, and the Annual Security Report at least once per academic year. These publications contain information and guidelines related to drugs and alcohol, tobacco and smoke-free campus, sexual harassment, registered sex offenders listing, safety, theft/vandalism, dating violence, domestic violence, sexual assault, and stalking. The Student Success Center also hosts educational programming to raise awareness throughout the year including the following:

- Educational articles are available to students through WDTC's monthly online CampusWell Newsletter and are provided to students requesting information about specific crime-related topics. Each month, at least one article related to alcohol or other drugs or sexual violence awareness and support are available.
- Educational or informative signs are regularly posted in bathroom stalls and on the SSC TV monitor.

All College employees are provided the Campus Safety and Security Handbook, Policy 2001/4001 Sexual Harassment, and Policy 2005/4005 - Discrimination and Harassment upon hire and annually thereafter. Employees must complete a compliance quiz for each of the publications as part of new employee orientation and annually thereafter at the start of the fall semester.

## **Security/Safety**

### **Emergency Plan**

WDTC's Safety Committee develops and publishes WDTC's Emergency Plan per Policy 6009 – Campus Safety. Students may access the plan through the My.WDT portal (<https://my.wdt.edu>) on the How To tab under the Resources section. Employees may access the plan through the WDTC intranet in the Health & Safety section.

Included in the Emergency Plan are WDTC's procedures for timely warnings, emergency notifications, emergency responses, and evacuations. It is important that all employees and students read and be familiar with the Emergency Plan. The plans and procedures are intended to provide general direction in the event of an emergency or crisis situation.

### **Security and Access to Campus Facilities**

WDTC's main campus is located adjacent to SD Highway 44 in Rapid City, SD and consists of two buildings – one at 800 Mickelson Drive and one at 500 Mickelson Drive. At the time of this publication, the College also has three additional locations, Hale Hall, 1016 Meade St, Whitewood, SD, 330 Scottie Avenue, Philip, SD, and *2500 Minnekahta Avenue, Hot Springs, SD 57747*. The College does not have on-campus student housing facilities at this time.

Access to the WDTC campus facilities is authorized through the President's Office and Facilities Office. Building keys and key fobs are issued to staff as needed. All staff are authorized to call the appropriate authorities in case of an emergency. All buildings are locked and unlocked by College employees or by

automated timers. Unless other arrangements have been made, College buildings open at approximately 7 a.m. during weekdays and close when the final event for the day is completed. All buildings remain locked after hours and throughout the weekend unless prior arrangements have been made.

Students may access approved areas within the facilities whenever the areas are open. Visitors to WDC should check in with a WDC employee upon arrival. Under no circumstances are visitors allowed to enter classroom areas without prior approval from the instructor and/or WDC administration. Any person who is not an employee or is not registered as a student may be subject to removal from campus.

### **Security Considerations in the Maintenance of Campus Facilities**

WDC maintenance staff use a preventative maintenance checklist to monitor campus facilities, including those related to safety and security and to interior and exterior campus lighting. Maintenance staff manage the security system located throughout the campus. They or a designee also unlock select doors in the morning, lock them in the evening, and repair broken or malfunctioning locks. Fire extinguisher and sprinkler system functionality is documented and serviced on a regular schedule by certified vendors.

### **Sex Offender Registration**

In accordance with section 121 of the Adam Walsh Child Protection and Safety Act of 2006, WDC provides a link to the South Dakota Sex Offender Registry website: <https://sor.sd.gov/>.

### **Type and Frequency of Programs to Inform Employees and Students About Campus Security Procedures and Practices**

WDC provides to employees and students annual notices concerning campus security procedures and practices. WDC encourages all employees and students to accept personal responsibility for their own safety and the safety of others and to report all crimes that occur on the College campus to law enforcement and to a WDC Campus Security Authority.

Employees and students are provided the Campus Safety and Security Handbook and the WDC Emergency Plan annually, and both publications are available through the WDC website, student portal, or the College intranet. ALICE training is also required for all employees on an annual basis.

## **Sexual Harassment Prevention and Response**

### **Discrimination and Harassment**

All employees, non-employees, and students have a responsibility to maintain a positive learning, work, and school activity environment by reporting all incidents or suspected incidents of discrimination and/or harassment involving themselves or others.

### ***Notice of Non-Discrimination***

WDC will not tolerate racism, discrimination, harassment, exploitation or victimization of students, school employees, non-employees, or any person who is an invitee of WDC for any reason, including but not

limited to race, color, ethnic background, national origin, pregnancy, marital status, religion, creed, age, sex, citizenship, political affiliation, mental and/or physical challenge, disability, sexual orientation, genetic information, gender identity, gender expression, status as a veteran, or any other status protected under applicable federal, state or local law. WDTC is committed to providing an environment free from harassment and other forms of discrimination for students, employees, non-employees and its invitees. The following person has been designated to handle inquiries or complaints regarding the non-discrimination policies: VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator.

### ***Title IX at Western Dakota Tech***

Title IX of the U.S. Education Amendments of 1972 ("Title IX") is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Western Dakota Technical College (WDTC) does not discriminate on the basis of sex in the education programs or activities that it operates including admissions and employment.

Under Title IX, discrimination on the basis of sex can also include sexual harassment which is defined as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo); or
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
3. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

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 electronic mail, using the contact information listed for the WDTC Title IX Coordinator, or by any other means that results in the WDTC 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, electronic mail address, or by mail to the office address listed for the WDTC Title IX Coordinator. The following person has been designated to handle inquiries regarding the non-discrimination policies and/or laws: Kelly Oehlerking, Title IX Coordinator; 800 Mickelson Drive, Office D206, Rapid City, SD, 57703; 605-718-2931; [Kelly.Oehlerking@wdt.edu](mailto:Kelly.Oehlerking@wdt.edu).

WDTC Policies 2001/4001, 2001/4001.Procedure.001, and 2001/4001.Procedure. 002 provide information on WDTC's grievance procedures and grievance processes, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how WDTC will respond.

Policy - <https://www.wdt.edu/assets/docs/uploads/about/policies/4001.pdf>

Procedure. 001 <https://www.wdt.edu/assets/docs/uploads/about/policies/4001procedure001.pdf>

Procedure. 002 <https://www.wdt.edu/assets/docs/uploads/about/policies/4001procedure002.pdf>

Inquiries about the application of Title IX may be referred to the WDTC Title IX Coordinator, to the Assistant Secretary, or to both. The Assistant Secretary contact information is U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, DC 20202, Main Telephone: 202-453-6914.

## **Sexual Assault, Domestic Violence, Dating Violence, and Stalking Response**

WDTC is committed to providing a safe educational and working environment for its students, faculty, staff, and other members of the WDTC community. WDTC prohibits sexual assault, domestic violence, dating violence, and stalking (SA/DV/DV/S) in its educational programs and activities. WDTC is committed to preventing SA/DV/DV/S, as well as addressing its effects on the WDTC community.

WDTC has adopted Policy and related Procedures 2001/4001 (links in the above section) in order to inform all persons of how to report or file a complaint in the event they are or have knowledge of someone involved in an incident of sexual harassment to include SA/DV/DV/S, and to inform them how WDTC will respond. It is important that all students and employees read these policies and procedures so they fully understand their rights, obligations, and options if sexual harassment including SA/DV/DV/S occurs.

Upon actual knowledge of SA/DV/DV/S, the Title IX Coordinator will immediately contact the victim to assist with WDTC policies and procedures, supportive measures, and resources including written notification of information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to the victim. The Title IX Coordinator will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The College will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement. The Title IX Coordinator or OWA (Official With Authority per policy 2001/4001) will provide a written explanation of student's or employee's rights and options when a student or employee reports to the College that the student or employee has been a victim of SA/DV/DV/S whether the offense occurred on- or-off campus.

Below is information on programming WDTC provides to increase campus awareness and knowledge to prevent SA/DV/DV/S and on resources that are available if SA/DV/DV/S occurs. These, too, are important for all students and employees to read and partake in so they know their rights, obligations, and options, and can be part of the solution to prevent sexual violence.

### ***Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence and Stalking***

WDTC believes that SA/DV/DV/S prevention training and education cannot be accomplished via a single day or a single method of training. To that end, WDTC will continue to educate all new and current students and employees using a variety of best practices aimed at educating the entire WDTC community in a way that decreases SA/DV/DV/S and maintaining a culture where SA/DV/DV/S are not tolerated. Training is provided using a method and manner appropriate to the institutional culture of the WDTC campus.

The College's primary prevention and awareness programs for all incoming students and new employees may be provided in a variety of methods including online training, training during new employee orientation, information provided by the Title IX Coordinator, and through the online CampusWell Newsletter and/or Student Lingo. The training includes –

- Clear communication that the College prohibits the crimes of SA/DV/SD/S as defined by the Clery Act;
- Definitions of SA/DV/DV/S in our jurisdiction;
- The definition of consent as defined in WDTC Policy 2001/4001;

- A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of SA/DV/DV/S. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, to increase empowerment for victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence;
- A description of the College's educational programs and campaigns to promote the awareness of SA/DV/DV/S;
- Procedures victims should follow if a crime of SA/DV/DV/S has occurred (WDTC Policy 2001/4001 and 2001/4001.Procedure.001, VAWA Rights and Options, and the Campus Safety and Security Handbook).

The College provides ongoing prevention and awareness programs for all students and employees. WDTC conducts a campaign, compliant with federal and state requirements, to educate the student and employee populations.

Methods of training and educating students and employees may include, but are not limited to:

- Online training;
- Posters, bulletin boards, and other targeted print and email materials;
- Educational programs;
- Programming surrounding large recurring campus events; and
- Partnering with state and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to reporters of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on-campus for students and employees seeking services.

The training includes –

- The College prohibits sexual harassment, including sexual violence, and other violence or threats of violence, and the College will take administrative action per policy regarding any accused individual within the jurisdiction of the College;
- The College will provide a written explanation of student's or employee's rights and options when a student or employee reports to the College that the student or employee has been a victim of SA/DV/DV/S whether the offense occurred on- or off-campus;
- Relevant definitions including, but not limited to, the definitions of sexual harassment and consent;
- Policies apply equally to all students regardless of sex, sexual orientation, gender identity, or gender expression;
- The role of the Title IX Coordinator and other relevant offices that address sexual violence prevention and response;
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact;
- Review of and a compliance quiz for 2001/4001 Sexual Harassment – Title IX policy for WDTC employees;

- How to report sexual violence and other crimes to WDTC officials and/or local law enforcement;
- How to obtain services and support;
- Safe and positive bystander intervention options and the importance of taking action, when one can safely do so to prevent SA/DV/DV/S;
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence, domestic violence, dating violence, and stalking;
- Consequences and sanctions for individuals who commit these crimes; and
- Knowledge of community resources including hotlines, shelters, advocacy groups, and support networks.

### ***Resources and Emergency External Reporting Options***

WDTC is committed to treating all members of the community with dignity, care, and respect. All individuals are encouraged to seek the support of campus and community resources when SA/DV/DV/S occurs. These trained professionals can provide guidance in making decisions and providing information about available resources and procedural options. Individuals are encouraged to use all available resources on- and off-campus, regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are confidential resources that by law cannot share information without the consent of the individual seeking assistance, except for extreme circumstances, such as a health and/or safety emergency.

#### On-campus Resources

On-campus options to obtain assistance and guidance include:

- Title IX Coordinator (VP for Institutional Effectiveness and Student Success) – (605)718-2931

The following may also provide assistance at the direction of the Title IX Coordinator –

- Director of Compliance and Financial Aid – (605)718-2411
- Senior Human Resources Generalist – (605)718-2407

In all cases other than cases that fall under mandatory reporting laws, WDTC staff, noted above, will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under Policy 2001/4001 Sexual Harassment. WDTC is bound by mandatory reporting laws in certain situations, including the sexual abuse of a minor. Any WDTC employee who suspects that a child under 18 years of age has been neglected or physically abused (including sexual abuse and emotional abuse) by a parent or other person, will report this information orally or in writing to the Title IX Coordinator. The Title IX Coordinator will immediately report this information to the state's attorney, the department of social services, the county sheriff, and/or the city police.

Information regarding SA/DV/DV/S may also be located on the college website at <https://www.wdt.edu/current-students/discrimination-and-harassment/> under the Sexual Harassment – Title IX section.



## Off-campus Resources

Off-campus options to obtain assistance and guidance confidentially (these outside options do not provide any information to the College):

- Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
  - Working Against Violence – [www.wavi.org](http://www.wavi.org) – (605)341-4808
  - Ellsworth Sexual Assault Prevention & Response Office – <https://www.ellsworth.af.mil/Home/Support-Resources/Legal/> - (605)385-5233
  - Artemis House (Spearfish) – <https://www.artemishouse.org/> - (605)642-7825
- Off-campus healthcare providers (Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.)
  - Monument Health – <https://monument.health/> – (605)755-1000
  - Oyate Health Center – <https://www.oyatehealth.com/> - (605)355-2500
- Assistance can also be obtained through:
  - National Domestic Violence Hotline: <https://www.thehotline.org/> - 1(800)799-SAFE (7233) or Text “START” to 88788
  - National Domestic Sexual Assault Hotline/RAINN: <https://www.rainn.org/get-help> – 800-656-4673
  - Legal Momentum: <https://www.legalmomentum.org/>
  - Pandora's Project <https://pandys.org/>
  - National Domestic Violence Hotline – LGBTQ Communities: <https://www.thehotline.org/resources/abuse-in-lgbtq-communities/>
  - Safe Horizons: <http://www.safehorizon.org/>

Note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the College. Complainants are encouraged to contact the Title IX Coordinator so that the College can take appropriate action in these cases.

## Emergency and External Reporting Options

WDTC encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. This is the best option to ensure preservation of evidence to assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order and to begin a timely investigative and remedial response.

The College encourages all individuals to make a report to the VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The College will provide information about on- and off-campus resources, and options for resolution. The College will assist in notifying law enforcement authorities if the victim chooses. Victims will not be pressured to report and may decline to notify law enforcement authorities.

- To file a criminal complaint with local law enforcement:
  - Rapid City Police Department, (605)394-4131 at 300 Kansas City Street, Rapid City, SD
  - Pennington County Sheriff, (605)394-6113 at 300 Kansas City Street, Rapid City, SD
  - Whitewood Police Department, (605)269-2550 at 912 Garfield Street, Whitewood, SD
  - Philip Police Department, (605)859-2850 at 140 S. Howard Avenue, Philip, SD
  - Hot Springs Police Department, (605)745-5200 at 201 N. River Street, Hot Springs, SD
- To disclose the incident confidentially and obtain services from the State of South Dakota, City of Rapid City, and Pennington County:
  - Sexual Assault Crisis Line: (605)341-2046
  - Domestic Violence Crisis Line: (605)341-4808
  - Additional disclosure and assistance options are catalogued by the South Dakota Network Against Family Violence and Sexual Assault: <https://sdnafvsa.com/home/> or by calling (800)430-SAFE (7233)

Any person who obtains a protection order, no contact-order, restraining order, or similar lawful orders issued by a criminal, civil, or tribal court should provide a copy to the VP for Institutional Effectiveness and Student Success who serves as the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a safety action plan, which is a plan for the College and the victim to reduce the risk of harm while on campus or coming and going from campus.

South Dakota Codified Law 25-10-3.1 states persons entitled to apply for a protection order includes any person who is involved in one of the following relationships with the other party:

1. Spouse or former spouse;
2. Is in a significant romantic relationship or has been in one during the past twelve months with the abusing party;
3. Has a child or is expecting a child with the abusing party;
4. Parent and child, including a relationship by adoption, guardianship, or marriage; or
5. Siblings, whether of the whole or half blood, including a relationship through adoption or marriage.

## **Appendix A – Criminal and Civil Penalties**

# Federal Trafficking Penalties

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any Amount Of Other Schedule I & II Substances		<b>First Offense</b> Not more that 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Any Drug Product Containing Gamma Hydroxybutyric Acid				
Flunitrazepam (Schedule IV) 1 Gram				
Any Amount Of Other Schedule III Drugs		<b>First Offense</b> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  <b>Second Offense</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount Of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  <b>Second Offense</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

# Federal Trafficking Penalties

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p><b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p><b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</p>
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
1 to 49 marijuana plants	
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

For more information regarding federal laws, please visit: <http://www.dea.gov>.

## State Criminal and Civil Penalties for Offense of a Controlled Substance

	DRUG	OFFENSE	1ST CONVICTION	2ND CONVICTION
Schedule I	The drugs in this schedule are those that have no accepted medical use in the United States and have a high abuse potential. Some examples are heroin, marijuana, LSD, peyote, mescaline, psilocybin, tetrahydrocannabinols, ketobemidone, levoramide, racemoramide, benzylmorphine, dihyaromorpine, nicocodeine, nicomorphine, methaqualone and others.	<b>A civil penalty, not to exceed \$10,000, may be imposed, in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota law. SDCL 22-42-2.</b>		
Schedule II	The drugs in this schedule have a high abuse potential with severe psychic or physical dependence liability. Schedule II controlled substances consist of certain narcotic, stimulant and depressant drugs. Some examples of Schedule II narcotic controlled substances are opium, morphine, codeine, hydromorphone (Dialudid), methadone (Dolophine), pantopon, meperidine (Demerol), cocaine, oxycodone (Percodan), anileridine (Leritine) and oxymorphone (Numorphan). Some examples of Schedule II non-narcotic are amphetamine (Benezdrine, Dexedrine), and Methamphetamine (Desoxyn), phenmetrazine (preludin), methylphenidate (Ritalin), amobarbital, pentobarbital, secobarbital, etorphine, hydrochloride, diphenoxylate and phencyclidine.	MANUFACTURE, DISTRIBUTION, POSSESSION: Unauthorized manufacture, distribution, counterfeiting or possession of a substance listed in Schedules I or II is a Class 4 felony. SDCL 22-42-2  DISTRIBUTION TO A MINOR: The distribution of a substance listed in Schedules I or II to a minor (a person under 21 years of age) is a Class 2 felony. SDCL 22-42-2  No person other than a practitioner who is not a pharmacist, may dispense a controlled drug or substance included in Schedule II to an ultimate user without the written prescription of a practitioner who is not a pharmacist. No prescription for a Schedule II drug or substance shall be refilled. A violation of this section is a Class 4 felony. SDCL 22-42-2.1  The drugs must have a currently accepted medical use in the US or currently accepted medical use with severe restrictions. SDCL 34-20B-15	Punished by mandatory sentence in the state penitentiary of at least one year, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2  Punished by a mandatory sentence in the state penitentiary of at least 5 years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2	Punished by mandatory penitentiary sentence of at least ten years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2  Punished by a mandatory sentence in the state penitentiary of at least fifteen years, which sentence may not be suspended. Probation, suspended imposition of sentence, or suspended execution of sentence may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2
Schedule III	These drugs have an abuse potential less than those in Schedules I and II, and include compounds containing limited quantities of certain narcotic drugs and non-narcotic drugs such as derivatives of barbituric acid except those that are listed in another schedule, glutethimide (Doriden), methypyrilon (Noludar), chlorhexadol, sulfondiethymethane, sulfonmethane, nalorphine, benzphetamine, sulfondiethymethane, sulfonmethan, nalorphine, clor-termin, mazindol, paregoric, flunitrazepam, and Gama Hydroxy butyrate.	Except as authorized, no person may manufacture, distribute or dispense; possess with intent to manufacture, distribute or dispense; create or distribute a counterfeit; or possess with intent to distribute a counterfeit substance listed in Schedule III. Violation of this section is a Class 5 felony. SDCL 22-42-3  DISTRIBUTION TO A MINOR: The distribution of a substance listed in Schedule III to a minor is a Class 3 felony. SDCL 22-42-3	Punished by a mandatory sentence in the state penitentiary or county jail of at least 30 days, which sentence may not be suspended. SDCL 22-42-3  Punished by a mandatory penitentiary or county jail sentence of at least 90 days, which sentence may not be suspended. SDCL 22-42-3	Punished by a mandatory penitentiary or county jail sentence of at least 1 year, which sentence may not be suspended. SDCL 22-42-3  Punished by a mandatory penitentiary or county jail sentence of at least 2 years, which sentence may not be suspended. SDCL 22-42-3
Schedule IV	The drugs in this schedule have an abuse potential less than those listed in Schedule III and include such drugs as methylphenobarbital, chloral betaine (Beta Chior), chloral hydrate, triazolam, any substance which contains any quantity of a benzodiazepene, or salt of benzodiazepene, except those substances which are specifically listed in other schedules, buprenorphine, cathine, fencamfamine, fenproporex, mefenorex, pyrovalerone, propoxyphene, pentazocine, mazindol, mephobarbital, premoline, petrichloral, zolpidem, butorphanol, and dextropoxyphene (Darvon).	No controlled drug or substance included in Schedule II, III or IV may be distributed or dispensed other than for a medical purpose. SDCL 22-42-2  Any person who knowingly obtains a controlled substance from a medical practitioner and knowingly withholds information that he has obtained a controlled substance of a similar therapeutic use in a concurrent time period from another medical practitioner is guilty of a Class 1 misdemeanor. SDCL 22-42-17  Any person who intentionally ingests, inhales, breathes or otherwise takes into the body any substance, except alcoholic beverages as defined in SDCL 35-1.1, for purposes of becoming intoxicated, unless such substance is prescribed by a practitioner of the medical arts lawfully practicing within the scope of their practice, is guilty of a Class 1 misdemeanor. SDCL 22-42-15  Except as provided, no controlled drug or substance included in Schedule III or Schedule IV may be dispensed without a written or oral prescription. A violation is a Class 5 felony. SDCL 22-42-4.1		Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)  Punished by 10 years imprisonment in the state penitentiary. In addition, a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)
Schedule V	The drugs in this schedule have an abuse potential less than those listed in Schedule IV and consist of preparations containing limited quantities of certain narcotic drugs generally for antitussive and anti-diarrheal purposes.	No person may knowingly possess a controlled drug or substance unless the substance was obtained directly or Pursuant to a valid prescription from a practitioner while acting in the course of his practice. A violation of this section is a Class 4 felony. SDCL 22-42-5  Any person who knowingly obtains possession of a controlled drug or substance by theft, misrepresentation, forgery, fraud, deception or subterfuge is guilty of a Class 4 felony. SDCL 22-42-8		Punished by 15 years imprisonment in the state penitentiary. In addition, a fine of \$30,000 may be imposed. SDCL 22-6-1 (6)
Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of a Class 1 misdemeanor. SDCL 22-42-11.  No person may deliver or possess with intent to deliver or knowingly manufacture any noncontrolled substance which he represents to be a substance controlled under the provisions of South Dakota law. A violation of this section is a Class 6 felony. SDCL 22-42-16.  Any person who knowingly makes, distributes or possesses any punch, die, plate, or other thing designed to print or reproduce the trademark, trade name or other identifying mark of another on any drug, or container or label thereof so as to make such drug a counterfeit controlled drug or substance is guilty of a Class 5 felony. SDCL 22-42-9.				Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)  Five years of imprisonment in the state penitentiary or a fine of \$10,000 or both. SDCL 22-6-1 (8)  Punished by 10 years imprisonment in the state penitentiary. In addition a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)

## State and Civil Alcohol Penalties

OFFENSE	PENALTY
For any person under the age of 21 years to purchase, attempt to purchase or possess or consume alcohol beverages except when consumed in a religious ceremony and given to said person by an authorized person, or to misrepresent his age with use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title. SDCL 35-9-2.	Class 2 misdemeanor; Thirty days imprisonment in a county jail or \$500 fine, or both. SDCL 22-6-2 (2).
First conviction or a first adjudication of delinquency for an alcoholic beverage violation while in a motor vehicle. SDCL 32-12-52.4	The Department of Commerce and Regulation shall suspend the driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of 30 days. SDCL 32-12-52.4.
Second or subsequent conviction or a first adjudication of delinquency for an alcoholic beverage violation while in a motor vehicle. SDCL 32-12-52.4.	The Department of Commerce and Regulation shall suspend the driver's license or driving privilege of any person who was under the age of 21 when the offense occurred, for a period of 180 days SDCL 32-12-52.4.

## State and Civil Marijuana Penalties

DRUG	QUANTITY	PENALTY	DRUG	QUANTITY	PENALTY
Marijuana Possession	2 ounces or less Class 1 misdemeanor	1 yr. county jail and/or fine up to \$2,000	Marijuana Distribution **	Less than 1/2 ounce Class 1 misdemeanor	1 yr. county jail and/or fine up to \$2,000
Marijuana Possession	2 ounces but less than 1/2 lb. Class 6 felony	2 yrs. state jail and/or fine up to \$4,000 *	Marijuana Distribution **	Less than 1 ounce Class 6 felony	2 yrs. state jail and/or fine up to \$4,000 *
Marijuana Possession	1/2 lb. but less than 1 lb. Class 5 felony	5 yrs. state jail and \$10,000 fine may be imposed *	Marijuana Distribution **	1 ounce but less than 1/2 lb. Class 5 felony	5 yrs. state jail and \$10,000 fine may be imposed *
Marijuana Possession	1 lb. but less than 10 lbs. Class 4 felony	10 yrs. state jail and \$20,000 fine may be imposed	Marijuana Distribution **	1/2 lb. but less than 1 lb. Class 4 felony	10 yrs. state jail and \$20,000 fine may be imposed
Marijuana Possession	10 lbs. or more Class 3 felony	15 yrs. state jail and \$30,000 fine may be imposed.	Marijuana Distribution **	1 lb. or more Class 3 felony	15 yrs. state jail and \$30,000 may be imposed
			Marijuana Distribution **	Any amount to a minor. Class 6 felony	10 yrs. state jail and \$10,000 fine may be imposed.

\* Convicted may be sentenced to the county jail of the county where person was convicted for a term of not more than one year in lieu of imprisonment.

\*\* Conviction shall be punished by a mandatory sentence in the state or county jail at least 30 days, which may not be suspended.

Note: A civil penalty, up to \$10,000, may be imposed in addition to any criminal penalty upon a conviction of these sections of South Dakota law.

Note: Distribution of marijuana to a minor is an aggravating circumstance and enhances penalties.