

# **Campus Safety & Security Handbook**



August 2020

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*Western Dakota Tech (WDT) 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. Western Dakota Tech complies with the Jeanne Clery Act and the Drug-Free Schools and Communities Act.*

## **Alcohol and Other Drugs**

Western Dakota Tech is committed to a drug-free workplace and learning environment. Western Dakota Tech believes in providing assistance to employees and students with alcohol and other drug concerns while upholding the law. Western Dakota Tech 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 – Drug-Free Workplace**

#### DRUG-FREE WORKPLACE

I. Purpose

Western Dakota Tech (WDT) 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.

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, during classes and at activities officially sponsored by the College. 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.

WDT 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.

Controlled Substance Offenses – Criminal possession, sale or use of drugs is covered in South Dakota Codified Law. A violation of any law regarding drugs while at the workplace or on campus is a violation of this policy and will be treated as a disciplinary matter by the College.

Alcohol Offenses – The State of South Dakota sets 21 as the minimum age to purchase or possess any alcoholic beverage. A violation of any law or WDT policy regarding alcohol while at the workplace or on campus is also a violation of this policy and will be treated as a disciplinary matter by the College.

The College will 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 policy, or College conduct regulations. All students and employees should be familiar with the Drug Free Workplace Policy and abide by it.

Employees must notify WDT's Director of Human Resources in writing within five days of a conviction for a violation of criminal drug statute that occurs in the workplace. The Student Code of Conduct in the Student Handbook addresses student violations of the policy.

- 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 Director of Human Resources and others as appropriate. The Student Code of Conduct addresses student violations of this policy.
- C. Maintenance of Drug-Free Workplace – Good faith efforts on the part of WDT to establish and maintain a drug-free 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 Director of Human Resources and Student Success Center Staff or designees will coordinate ongoing drug education and awareness programs including the Employee Assistance Program (EAP) for employees, the Student Health 101 Newsletter for students, and other drug informational materials and programming as appropriate. 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, WDT believes the College community should be educated about the physical and emotional health hazards the misuse of drugs and alcohol presents. WDT 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

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 <http://dss.sd.gov/behavioralhealth/community/treatmentservices.aspx>.

III. Definitions – None

IV. Reporting Procedures

- A. A supervisor having knowledge or having received notification of a violation of this policy shall immediately report such violation to the Director of Human Resources.
- B. Knowledge or having received notification of a violation of this policy by a student shall immediately be reported to the Director of Student Success/Registrar 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 Director of Human Resources.

V. Dissemination of Policy and Training

- A. This policy shall appear on the WDT 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.

## **Student Handbook - Alcohol and Other Drugs**

Western Dakota Tech (WDT) 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.

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, during classes and at activities officially sponsored by the College. 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.

Furthermore, students 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.

WDT 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.

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 WDT. Furthermore, drug use and alcohol abuse affect the entire campus community in increased drop-out rates, academic failure, disciplinary problems, and progression into addiction.

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 WDT policy.

As part of the effort to create a drug-free campus, WDT believes the College community should be educated about the physical and emotional health hazards the misuse of drugs and alcohol presents. WDT 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, hearth 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

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.

Violations of this policy 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 Director of Student Success/Registrar 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.
  - The student being placed on conduct warning.
2. The second offense will result in:
  - The student being required to attend at least one session, but up to three sessions, at Behavior Management Systems at WDT's expense.
  - The student being placed on conduct probation for up to two semesters.
3. The third offense will result in:
  - The student being suspended (conduct suspension) from WDT for one semester (fall/spring).
4. The fourth offense will result in:
  - The student being expelled (conduct expulsion) from WDT.

Additionally, drug-related convictions may disqualify a student from receiving Federal Student Aid. United States Department of Education Federal Student Aid Regulations indicate that a federal or state drug conviction can disqualify a student for Federal Student Aid funds (i.e., grants, loans, federal work-study, federal campus-based aid). Students who are convicted of such drug offenses after submitting the Free Application for Federal Student Aid (FAFSA) must notify the financial aid office immediately.

For more information on Western Dakota Tech's Drug Free Workplace Policy 2012, which includes information relevant to both employees and students who are not employed by WDT, please visit <https://www.wdt.edu/about/policies-and-procedures/policy-2012-drug-free-workplace/>.

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

Western Dakota Tech 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) Taskforce with approval by the College President. Employees and students may contact the Director of Human Resources or Director of Student Success/Registrar for additional information on the risks involved with the misuse of drugs and alcohol and services available for assistance.

The Student Success Center hosts educational programming to raise awareness throughout the year including the following:

- Informational and interactive table displays are set up in the fall and spring semesters with information related to drug, alcohol, and tobacco education. Examples include the effects of smoking on the lungs and blood alcohol concentration.
- The online CampusWell Newsletter is sent to students monthly and contains educational articles related to drug and alcohol use and abuse.
- Driving under the influence simulation event is held in conjunction with the Student Health Fair each spring.
- Passes are available across campus and information is emailed to students about WDT's Safe Rides Home Project funded through the SD Department of Transportation.
- An alcohol and other drug poster campaign is held in February and the Student Health Fair is held in April.
- Flyers are available in the Student Success Center's resource area for student access.
- Each February, a poster campaign is created using information gained from the previous year's alcohol and drug survey and is posted around campus and online in CampusWell.
- Educational or informative signs are regularly posted on bulletin boards, in bathroom stalls, and on the tv monitor around campus.

### **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 Director of Student Success/Registrar and the Alcohol and Other Drug (AOD) Taskforce. The director 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 and employee receives an electronic notification of the DAAPP through an email on an annual basis. The DAAPP is also distributed to all students and employees who start or who are hired after the initial annual distribution date in a timely manner through email, U.S. mail, 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 Western Dakota Tech 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:

Director of Student Success/Registrar  
 Western Dakota Technical Institute  
 800 Mickelson Drive, Rapid City, SD 57703

### **Criminal and Civil Penalties**

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



Students federal financial aid eligibility and ability to complete their academic program may be affected due to a drug and or alcohol conviction.

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. Western Dakota Tech does not have campus police or security personnel. To report a crime or an emergency, dial 911. Crimes also should be reported in a timely manner to the Director of Student Success/Registrar to ensure, if required, inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

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

Western Dakota Tech 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 Western Dakota Tech or the criminal justice system can be filed that maintains the confidentiality of the reporting individual. The College can document the report without revealing the victim's identity. This allows Western Dakota Tech 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 Western Dakota Tech employees who have a duty to report crimes they become aware of, as defined by the Clery Act. The law defines a Campus Security Authority as "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."

Western Dakota Tech identifies employees in the following roles as Campus Security Authorities:

- Director of Student Success/Registrar/Title IX Coordinator
- Vice President for Institutional Effectiveness and Student Success
- Student Success Center Staff
- Club Advisor
- Ombudsperson
- Vice President for Teaching and Learning
- Vice President for Finance and Operations
- Director of Facilities or Maintenance Staff

Clery Crimes include the following:

<b>Criminal Homicide</b>	<ul style="list-style-type: none"><li>• Murder/non-negligent manslaughter: the willful (non-negligent) killing of one human being by another</li><li>• Manslaughter by Negligence: the killing of another person through gross negligence</li></ul>
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<b>Sexual Assault (Sex Offenses)</b>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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</li> <li>• Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law</li> <li>• Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent</li> </ul>
<b>Robbery</b>	Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear
<b>Aggravated Assault</b>	Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury
<b>Burglary</b>	Unlawful entry of a structure to commit a felony or a theft
<b>Motor Vehicle Theft</b>	The theft or attempted theft of a motor vehicle
<b>Arson</b>	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.
<b>Hate Crimes</b>	A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim
<b>Dating Violence</b>	<p>Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:</p> <ul style="list-style-type: none"> <li>• the length of the relationship</li> <li>• the type of the relationship</li> <li>• the frequency of interaction between the persons involved in the relationship</li> </ul>
<b>Domestic Violence</b>	Felony or misdemeanor crimes of violence 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction...or by any other person against an adult or youth victim who is

	protected from that person’s acts under the domestic or family violence laws of the jurisdiction
<b>Stalking</b>	Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress
<b>Liquor Law Violation</b>	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages
<b>Drug Law Violation</b>	The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use
<b>Illegal Weapons Possession</b>	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons

***Law Enforcement Authority and Jurisdiction of Security Personnel***

Western Dakota Tech does not employ or contract security personnel.

***Working Relationship of Campus Security and Law Enforcement Agencies***

Western Dakota Tech does not employ or contract security personnel.

**Annual Disclosure of Crime Statistics**

Western Dakota Tech, through the office of Institutional Effectiveness, annually prepares and submits 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 also 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 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. Western Dakota Tech also solicits crime statistics from the law enforcement agencies that have jurisdiction over the College’s location. 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.

Individuals unable to obtain a hard copy from the College’s website of the College’s Annual Security Report that includes crime statistics may request one from Western Dakota Tech at:

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

## **Disclosure of Disciplinary Proceeding Results**

Western Dakota Tech 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 a crime or offense, the alleged victim's next of kin will be notified upon written request.

Western Dakota Tech 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 Director of Student Success/Registrar is responsible for making all required notifications.

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

Western Dakota Tech 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 Rapid City Police Department or to Western Dakota Tech.

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 WDT'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 on bulletin boards, in bathroom stalls, and on the tv monitor around campus.

All College employees are provided the Campus Safety and Security Handbook upon hire and training is provided during new employee orientation. The Campus Safety and Security Handbook is electronically provided annually to all employees. Employees also review Western Dakota Tech's 2005/4005 - Discrimination and Harassment policy which includes sexual harassment during in-service each fall.

## **Security/Safety**

### **Emergency Plan**

Western Dakota Tech's Safety Committee develops and publishes WDT'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 WDT intranet in the Health & Safety section.

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

Western Dakota Tech's facilities, located adjacent to SD Highway 44 in Rapid City, South Dakota, consists of two buildings. The College does not have student housing facilities at this time.

Access to the Western Dakota Tech 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 and visitors may access the facilities whenever they are open.

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

Western Dakota Tech 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 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 the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, Western Dakota Tech provides a link to the South Dakota Sex Offender Registry website: <https://sor.sd.gov/>. The link is located in the Student Handbook and in the annual security report.

The act requires institutions of higher education to advise the campus community where the registered sex offender list provided by the state may be obtained. It also requires registered sex offenders in a state to provide notice of each institution of higher education in that state at which the person is employed or is a student.

As stated on the South Dakota Sex Offender Registry website:

"ANY PERSON WHO USES INFORMATION CONTAINED IN OR ACCESSED THROUGH THIS WEBSITE TO THREATEN, INTIMIDATE, OR HARASS ANY INDIVIDUAL, INCLUDING REGISTRANTS OR FAMILY MEMBERS, OR WHO OTHERWISE MISUSES THIS INFORMATION, MAY BE SUBJECT TO CRIMINAL PROSECUTION. A violation is a Class 6 felony and the violator could be sentenced to the South Dakota State Penitentiary for up to two years and could be fined up to \$4,000. If you believe that any of the information found in these records is in error, or you would like additional information, please contact the sheriff of the county or the chief of police of the city where the sex offender resides."

## **Timely Warnings, Emergency Response, and Evacuation Procedures**

The Western Dakota Tech Public Information Officer, or an employee designated by the President, issues a timely warning to the community when a Clery Act crime that poses a serious or continuing threat to students and employees is reported. In addition to issuing a timely warning for Clery Act crimes, Western Dakota Tech issues a timely warning in the event of threats to student, employee, and College property and other crimes that, in the judgment of College administrators, may pose a serious or continuing threat to the campus community.

Timely warnings will be issued on a case-by-case basis in light of all facts surrounding a crime, including the following considerations:

- The type of crime reported must pose a serious threat to students and employees or their on-campus property.
- In addition, the crime must pose a continuing danger to the campus community.
- Finally, the possible risk of compromising law enforcement efforts will be considered.

The Rapid City Police Department has assigned Lieutenant Brian Blenner as the Western Dakota Tech police liaison. His contact information is [brian.blenner@rcgov.org](mailto:brian.blenner@rcgov.org), 605-394-4131 (work), or 605-787-3628 (cell). Lieutenant Blenner keeps the President and the Public Information Officer apprised of reported criminal activity on campus. Upon receipt of information that requires a timely warning to be issued, the Public Information Officer and President develop the warning content in consultation with Lieutenant Blenner and activate the emergency communication process to issue the warning.

The timely warning's content includes all available information that enables students and employees to protect themselves and aid in the prevention of crime. All known and available information pertinent to the crime is included in the warning, such as the nature of the crime, the location of the crime, the target of the crime, and a description of the perpetrator(s), as long as the information does not compromise law enforcement efforts. Any additional relevant information that does not compromise law enforcement efforts is also included in the warning.

In every case, an evaluation of the circumstances is conducted to determine if a timely warning or other appropriate notification should be issued. Notifications are issued and continually updated until it is determined that the threat has ended.

Individuals with information warranting a timely warning, or emergency notification should report circumstances by dialing 911, by notifying a campus security authority, or by contacting the Rapid City Police Department liaison for Western Dakota Tech.

Timely warnings will be issued to all students and employees using the College text messaging system, the WDT employee and student e-mail system, and/or the campus website and social media sites.

### ***Emergency Response and Evacuation and Timely Warning Notification Policy***

Western Dakota Tech's emergency notification and timely warning processes are consistent with the federal Clery Act legislation regarding emergency notification and timely warnings.

Upon confirmation of a campus emergency, the Western Dakota Tech Public Information Officer, or an employee designated by the President, issues notification without delay to alert the College community to

a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees on campus.

***Emergency Response and Evacuation Notification***

In response to a confirmed emergency situation, Western Dakota Tech will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification, unless issuing a notification will, in the professional judgment of law enforcement, the President, or the Public Information Officer, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Western Dakota Tech will notify the campus community upon confirmation of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus using its emergency notification system.

***Students and employees should dial 911 immediately to report an emergency or dangerous situation on campus.***

If an emergency is reported through the 911 system, the Western Dakota Tech phone system automatically alerts front office administrative staff, who ensure notification of the President and Public Information Officer. The Public Information Officer then activates the emergency communication system, which may include the Western Dakota Tech employee and student e-mail system, the College text messaging system, the College website, College social media sites, and the use of the public address intercom system (operated by front office staff in the administration building). Updates are provided through these same means as additional information becomes available.

Before the campus emergency warning system is activated, a College leadership team member confirms that the emergency exists through contact with the RCPD liaison, contact with College personnel at the scene of the emergency, personal verification of the emergency, or contact with emergency personnel responding to the emergency.

If emergency responders have not been notified of an emergency on campus, College leadership immediately calls 911.

The President or Public Information Officer also notifies board members of all emergencies on campus.

The entire campus community is alerted through the emergency communication system when there is at least the potential that a very large segment of the community is affected or when a situation threatens the operation of the campus as a whole.

The President or Public Information Officer determines the content of the emergency warning, consulting with the Rapid City Police Department liaison, and includes directions to students and employees on campus as well as those on the way to campus.

The Public Information Officer and designees are responsible for initiating the emergency notification process and follow this checklist:

1. Take necessary steps to get to a safe location. When you are safe, proceed to step two.
2. Send text alert through the College text message system.
3. E-mail all students and staff using the Western Dakota Tech e-mail system.
4. Post to homepage.

5. Post to Facebook page.
6. Attempt to post updates on Facebook every 30 minutes until Administration or Law Enforcement declare the campus safe.
7. Upon conclusion of the event, send email to all students, staff, and press contacts declaring the campus safe and indicate a time when more information will be available.

Western Dakota Tech tests its emergency response and evacuation procedures annually, including tests that are announced or unannounced. The College's Safety Committee determines the type of test and schedules it, taking the campus-wide emergency plan and evacuation procedures into account. The tests contain either drills or exercises, set specific goals, and are evaluated by participants when completed. The annual tests are documented with a description of the exercise, the date, time, and information about whether the test was announced or unannounced, as well as goal and evaluation outcomes, and kept on file in the President's Office for seven years.

Western Dakota Tech publicizes its emergency response and evacuation procedures in conjunction with its annual test by e-mailing them to students, faculty, and staff through the College e-mail system, posting emergency response summary cards on the College's website, and posting an updated emergency response plan on the WDT employee website and the WDT LMS for students.

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

Western Dakota Tech provides to employees and students annual notices concerning campus security procedures and practices. Western Dakota Tech 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 Western Dakota Tech.

Employees and students are provided the Campus Safety and Security Handbook and the WDT Emergency Plan annually, and both publications are available through the Western Dakota Tech 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***

WDT will not tolerate racism, discrimination, harassment, exploitation or victimization of students, school employees, non-employees, or any person who is an invitee of WDT 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. WDT 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: Director of Student Success/Registrar 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 Tech (WDT) 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 WDT Title IX Coordinator, or by any other means that results in the WDT 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 WDT Title IX Coordinator. The following person has been designated to handle inquiries regarding the non-discrimination policies and/or laws: Debbie Toms, Title IX Coordinator; 800 Mickelson Drive, Office D113, Rapid City, SD, 57703; 605-718-2958; [Deborah.Toms@wdt.edu](mailto:Deborah.Toms@wdt.edu).

WDT Policies 2001/4001, 2001/4001.Procedure.001, and 2001/4001.Procedure. 002 provide information on WDT’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 WDT 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 WDT 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**

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

WDT 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 Western Dakota Tech 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 Western Dakota Tech 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.

Below is information on programming Western Dakota Tech 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***

WDT 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, WDT will continue to educate all new and current students and employees using a variety of best practices aimed at educating the entire WDT 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 on the following topics, using a method and manner appropriate to the institutional culture of the WDT campus:

- The College prohibits sexual harassment, including sexual violence, other violence or threats of violence, and 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;
- The Sexual Assault Awareness, Prevention, and Reporting document and the 2001/4001 Sexual Harassment – Title IX policy;
- How to report sexual violence and other crimes to WDT officials and/or local law enforcement;

- How to obtain services and support;
- Bystander intervention and the importance of taking action, when one can safely do so, to prevent violence;
- 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; and
- Consequences and sanctions for individuals who commit these crimes.

The process is not limited to a single day of orientation or inservice, but recognizes that students enroll at different times and employees start on different dates and gives WDT the flexibility to best educate students and employees at a time and manner that can most effectively bring these points to light. Students and employees at WDT shall receive general and specialized training in sexual violence prevention. WDT will conduct 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;
- 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.

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

WDT 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 (Director of Student Success Director/Registrar) – (605)718-2958

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

- WDT Student Success Center – (605)718-2955
- Director of Human Resources – (605)718-2402

WDT is bound by mandatory reporting laws in certain situations, including the sexual abuse of a minor. Any WDT 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.

In all cases, WDT staff will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this policy.

### 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
- 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
- Assistance can also be obtained through:
  - Legal Momentum: <https://www.legalmomentum.org/>
  - Pandora's Project <https://pandys.org/>
  - GLBTQ Domestic Violence Project: <https://www.bwjp.org/resource-center/resource-results/glbtc-domestic-violence-project.html>
  - RAINN: <https://www.rainn.org/get-help>
  - 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

WDT 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 College and to local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

The College will help any WDT community member get to a safe place and will facilitate transportation to the hospital, coordinate with law enforcement, and provide information about on- and off-campus resources and options for resolution.

- To file a criminal complaint with local law enforcement:
  - Rapid City Police Department, (605)394-4131 at 300 Kansas City Street
  - Pennington County Sheriff, (605)394-6113 at 300 Kansas City Street
  
- To disclose confidentially the incident and obtain services from the State of South Dakota, City of Rapid City, and Pennington County:
  - HOTLINE (605) 996-4440
  - 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)

## **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 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 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 than 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	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<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>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<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>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<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>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p>	<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>
<p>Hashish 10 kilograms or less</p>	
<p>Hashish Oil 1 kilogram or less</p>	

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
<b>Schedule I</b>	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>		
<b>Schedule II</b>	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 (Benzedrine, Dexedrine), and Methamphetamine (Desoxyn), phenmetrazine (preludin), methylphenidate (Ritalin), amobarbital, pentobarbital, secobarbital, etorphine, hydrochloride, diphenoxylate and phencyclidine.	<p>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</p> <p>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</p> <p>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</p> <p>The drugs must have a currently accepted medical use in the US or currently accepted medical use with severe restrictions. SDCL 34-20B-15</p>	<p>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</p> <p>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</p>	<p>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</p> <p>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 may not form the basis for reducing the mandatory time of incarceration required by this section. SDCL 22-42-2</p>
<b>Schedule III</b>	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), methypyrlyon (Noludar), chlorhexadol, sulfondiethymethane, sulfonmethane, nalorphine, benzphetamine, sulfondiethymethan, sulfonmethan, nalorphine, clor-termine, mazindol, paregoric, flunitrazepam, and Gama Hydroxy butyrate.	<p>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</p> <p>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</p>	<p>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</p> <p>Punished by a mandatory penitentiary or county jail sentence of at least 90 days, which sentence may not be suspended. SDCL 22-42-3</p>	<p>Punished by a mandatory penitentiary or county jail sentence of at least 1 year, which sentence may not be suspended. SDCL 22-42-3</p> <p>Punished by a mandatory penitentiary or county jail sentence of at least 2 years, which sentence may not be suspended. SDCL 22-42-3</p>
<b>Schedule IV</b>	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, mephorbarbital, premoline, petrichloral, zolpidem, butorphanol, and dextropoxyphene (Darvon).	<p>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</p> <p>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</p> <p>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</p> <p>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</p>		<p>Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)</p> <p>Punished by 10 years imprisonment in the state penitentiary. In addition, a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)</p>
<b>Schedule V</b>	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.	<p>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</p> <p>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</p>		<p>Punished by 15 years imprisonment in the state penitentiary. In addition, a fine of \$30,000 may be imposed. SDCL 22-6-1 (6)</p>
	<p>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.</p> <p>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.</p> <p>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.</p>			<p>Punished by one year imprisonment in a county jail or \$2,000 fine, or both. SDCL 22-6-2 (1)</p> <p>Five years of imprisonment in the state penitentiary or a fine of \$10,000 or both. SDCL 22-6-1 (8)</p> <p>Punished by 10 years imprisonment in the state penitentiary. In addition a fine of \$20,000 may be imposed. SDCL 22-6-1 (7)</p>

## 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 or 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.