



# **Student Life**

## **Handbook and Policies**

**2021-2022**

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**Student Life Handbook and Policies**

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## Introduction

The Dakota Wesleyan University Handbook and Policy Manual outlines the University's student policies and regulations, student services, student rights and responsibilities, student due process and procedures. Academic policies appear in the Dakota Wesleyan University Catalog.

Dakota Wesleyan University has made this manual as comprehensive as possible; however, it is not possible to foresee every situation that may occur. Accordingly, the University reserves the right in its sole judgment to improve, modify, revise, supplement, rescind, suspend, terminate, or make any changes of any kind to its student life policies whenever it is deemed necessary or desirable.

The provisions of this manual are not intended as an irrevocable contract between the student and the University. The University reserves the right to change provisions and requirements, including fees, contained in this manual at any time, with or without notice. Moreover, circumstances not specifically addressed by any specific policy will be handled on a case-by-case basis until such a time as appropriate policy can, as appropriate, be developed.

## 1 Student Life Resources and General Information

### 1.1 Academic Policies

The University's academic policies are set forth in the current university catalog. Students are expected to familiarize themselves with the academic policies, procedures, and guidelines published in the Catalog, as well as in other University and departmental and division publications and electronic postings.

### 1.2 Academic Support Services

Academic Support Services offers a rich menu of services in an effort to address the academic needs of all the University's students. Peer tutoring, study groups, and classes and workshops are all coordinated and supported by the Academic Success and Career Services Coordinator.

#### 1.2.1 Disability Services

Dakota Wesleyan University provides ADA Section 504 accommodations for students with documented disabilities. It is the student's responsibility to inform the University of his or her disability and to request accommodations in accordance with appropriate documentation.

#### 1.2.2 Tutoring Center

Students at the University can depend on getting the academic support they need and these services are available for all students. Tutoring is available through the Academic Success and Career Services Coordinator, located in McGovern Library. Writing assistance is also available for all stages of the writing process in all fields (i.e., not just for English essays).

### 1.3 Athletics

The University realizes that intercollegiate and intramural athletic programs provide an opportunity for students to develop both as individuals, and as members of society.

**Intercollegiate Athletics:** "Student-athlete" is more than a moniker for students participating in intercollegiate programs at the University. In addition to having above-average athletic skills, they must also maintain a strong grade point average in order to participate. Students may win positions on one of the following intercollegiate sports programs – men: baseball, basketball, cross country, football, golf, soccer, and track and field; women: basketball, cheerleading, cross country, golf, softball, soccer, track and field, and volleyball. The University holds membership for both men's and women's programs in the Great Plains Athletic Conference (GPAC) and the National Association of Intercollegiate Athletics (NAIA) Division II.



The University athletic teams have a tradition of excellence. The teams play schedules that enable them to compete on a regular basis for regional and national honors. Athletic scholarships are awarded in all sports.

**Intramural Sports:** Intramural programs for both men and women provides exercise, recreation, and an opportunity to develop skills with life-long value. Contact the Student Activities Board for a listing of current intramural offerings.

#### **1.4 Business Office**

The Business Office, which receives student tuition and fee payments, as well as issues work- study checks, is located on lower level of the Rollins Campus Center.

**Payment of Charges:** Tuition and fees are due and payable on or before deadlines published in the current Catalog. Students are responsible for payment or other satisfactory financial arrangements prior to being admitted to classes, the residence halls, or the dining hall.

**Student Employment Checks:** Student employment checks or direct deposits are available on the last working day of the month. See the Business Office to enroll in direct deposit. The Business Office can be contacted at (605) 995-2608.

#### **1.5 Campus Mail Room**

The Mail Room is located in Rollins Campus Center and is open Monday-Friday 10 a.m. – 3 p.m. There is no mail service on weekends.

Mail Room personnel will assign a mailbox to residential students prior to the start of classes. Students will keep the same mailbox each year they are at Dakota Wesleyan University. Mail Room personnel will provide students with the combination to their mailbox and offer assistance in mailing letters or packages. Students will receive a text message if mail or a package cannot be placed in their assigned mailbox. Students may receive their packages at the Mail Room window.

Student Name  
Campus Box #, Dakota Wesleyan University  
1200 West University  
Mitchell, SD 57301

Postage stamps are available for purchase at the Mail Room and the University Bookstore. The campus telephone numbers for the Campus Mail Room and Bookstore are (605) 995-2806 and (605) 995-2805.

#### **1.6 Campus Safety**

Dakota Wesleyan University's Annual Security and Fire Safety Report, and the Emergency Response Plan can be found on the Consumer Information page on the campus website.

#### **1.7 Mass Notification System**

Dakota Wesleyan University has a text notification system that is capable of sending notification instantly and simultaneously to all registered mobile devices. Notifications are also emailed to all students, staff and faculty, and are posted on the University website and social media.

#### **1.8 Food Services and Meal Plans**

The room and board fee covers meals in the dining hall, located on the upper floor of the Rollins Campus Center.

All residential students start with the 15-Meal Plan, which includes 15 meals every week in the dining hall plus cash-value dollars (per semester) to be used at participating locations. Students have the option of selecting alternative meal plans based on their housing assignment. To change meal plans, students should contact the Director of Residence Life in the Rollins Campus Center.

Cash-value dollars may not be carried over from one semester to the next. Students are encouraged to spend their cash-value dollars every semester. The last day to change a student residential meal plan for the fall and spring semesters coincides with the Drop/Add deadline as published in the Academic Calendar. Any changes or special requests after the deadline must be coordinated through the Residence Life Office.

Students will not be allowed to eat without their University photo ID, so students must present their ID each time they go to the dining hall or other participating locations.

Commuter students also have meal plan options available to them. Commuter plans may be purchased at any time and can be used at participating locations.

### **1.9 Financial Aid Office**

The University offers a complete range of financial planning services and financial assistance programs. Virtually all full-time DWU students receive scholarships and/or some type of financial assistance. The purpose of the University's financial planning program is to help students and their parents identify all the sources of assistance and funding for which they are eligible. Types of financial assistance vary according to the source of funding, whether it is federal, state, institutional, or private agency.

### **1.10 International Student Program**

The University is committed to the enhancement of international understanding. All international students must be English proficient prior to attending the University. Throughout the year, international students are invited to participate in community activities and may have opportunities to serve as informal resource people to local schools, churches, and other social and civic organizations in international affairs.

### **1.11 New Student Orientation**

Orientation gives students a chance to meet other new students, upper-class students, faculty and staff, enjoy a variety of activities, face and overcome challenges, solve problems, and develop leadership skills. During the fall orientation, students will participate in a variety of events, as well as begin their academic life at DWU by meeting many faculty members in informal settings. New Student Orientation is required of all newly matriculated students. Students will receive information from their admissions counselors on the time and place of orientation activities. Any questions about orientation should be directed to the Director of Residence Life.

### **1.12 Registrar's Office**

The Office of the Registrar coordinates course scheduling and student registration, verifies and maintains all grade reports, student academic records and transcripts, and assists institutional research and reporting activities. The Office of the Registrar works to provide services to students and faculty in a prompt, equitable, and courteous manner.

### **1.13 Spiritual Life**

In keeping with its relation to the Methodist Church in the Dakota's Conference, the University strives to sustain an ongoing conversation between faith and learning. In addition to academic courses in religion, the University encourages experiences in faith and spirituality. In a unique partnership with the United Methodist Church and the Mitchell community, students are welcome to attend services on campus at Fusion. Students can also find a church home at one of the many churches of different denominations in Mitchell.

#### **1.13.1 Office of Student Ministry**

The campus pastors strive to assist students in their individual and corporate spiritual, religious, and moral growth. The Student Ministry Council sponsors a variety of activities in which students, faculty, and staff are encouraged to participate. There is a voluntary worship service each week in the Sherman Center. The service is interdenominational, and all members of the University community are welcome. The pastors' office is located in the Rollins Campus Center. The campus pastors welcome visits from all members of the University community.

*Please note: The campus pastors are confidential employees and not considered "Responsible Employees" and, as such, are not required to report crimes, including sexual misconduct, for inclusion in the University's Campus Crime Statistics.*

### **1.14 Student Health Services**

Student Health Services is located on the lower level of Rollins Campus Center with nursing services available Monday-Friday. Basic nursing care is provided. Most services, including over the counter medications, are free to full- or part-

time DWU students. Referrals are provided to local doctors and outside providers as needed.

*Please note: The campus nurse is a confidential employee and not considered a “Responsible Employee” and, as such, is not required to report crimes, including sexual misconduct, for inclusion in the University’s Campus Crime Statistics.*

### **1.14.1 Counseling and Wellness Services**

**Appointments:** Students can schedule an appointment with a professionally credentialed counselor by calling (605) 995-2896. As noted below, all conversations with professionally credentialed psychologists/counselors are confidential.

Students may also talk with a member of the Student Life staff at any time. They are available to listen and help guide students through the many challenges of University life.

Please note that, with the exception of the campus pastors and professionally credentialed campus nurse and psychologists/counselors, Student Life staff are required to report incidents of sexual misconduct, including sexual offenses, to the University’s Title IX Coordinator. Moreover, as “Responsible Employees,” Student Life staff are also required to report incidents of crimes for inclusion in the University’s Campus Crime Statistics.

**Mental Health Emergencies or Crises After Hours:** Students may contact the residence life on-call line at (605) 770-1593. Student may also call the Avera Queen of Peace Emergency Department staff who are on call 24/7 at 605-995-2000 or the Mitchell Police Department at 911 for emergencies, or 605-995-8400 for non-emergencies. Dakota Counseling Institute’s after hours number is 605-995-8180. The National Suicide Hotline number is 800-784-2433.

**Referrals:** Referrals may be made to Campus Health (605) 995-2656 or by completing the student referral form on the learning management system. Concerned parties may call or email a member of the student life team with their concern and the staff will attempt to make contact with the student to offer support. Please note that unless the student consents, the Student Life Department will not be able to share information about the student with the person making the referral.

**Fees:** Short term counseling is free to University students. The counselor can provide information and referrals for local psychologists, seen at the expense of the client, as needed.

**Confidentiality:** The content of the meetings with a professionally credentialed counselor will be kept confidential. Information shared in these sessions will not be provided to individuals without the student’s knowledge and written permission. There are some exceptions arising from ethical and legal requirements such as imminent harm to a student or someone else (including child abuse or elder abuse) and certain legal situations, which require disclosure. These limitations will be discussed at the first appointment. See also the University’s Gender-based Discrimination, Harassment, and Sexual Misconduct Policy for additional information regarding confidentiality issues involving sexual offense incidents.

*Please note: The campus counselor is a confidential employee and not considered a “Responsible Employee” and as such is not required to report crimes, including sexual misconduct, for inclusion in the University’s Campus Crime Statistics.*

### **1.14.2 Student Support Team**

The University is committed to supporting student well-being and to maintaining continuity of its educational mission at all times. In that regard, the University provides a procedure for the referral, evaluation, and appropriate disposition of students of concern. Faculty, staff, and students at all levels of the University may identify students of concern, including students displaying disruptive behavior, and bring them to the attention of the Director of Student Life. Additionally, reports can be made online through the University’s learning management system.

### **1.14.3 Immunizations**

Dakota Wesleyan University requires all students who were born after 1956 to present written confirmation that the student has one of the following:

- documentation of two doses of MMR (Measles, Mumps and Rubella) vaccine or one dose of MMR plus a second dose of measles vaccine, separated by a minimum of 30 days; or
- medical documentation of having had measles, mumps and rubella, or the presence of immune antibody titers; or
- written notice from the student's health care provider that he/she should not receive an MMR immunization at this time.

Students born after 1956 who are unable to present written confirmation of one of the above must be re-immunized.

Students who do not meet the immunization medical requirements for admission to DWU (i.e. a minimum of two MMR vaccinations), or who believe, for some reason, that they should be exempt from these requirements, must submit a letter requesting exemption from these requirements to the campus nurse. The letter should address why the student is unable or unwilling to receive the vaccinations. The student should also include any relevant documentation (e.g. a doctor's note documenting allergies, or a medical diagnosis that would prevent vaccinations). The request will be reviewed by the campus nurse and head athletic trainer who will submit the letter of appeal to the medical director for final review. The student will be notified in writing regarding the outcome of the request.

If unsatisfied with the outcome of the appeal, a second appeal (within 5 days of receiving the initial decision) may be submitted to the Provost, whose decision on the matter is final. If the Provost does not grant the student's appeal, and the student is unwilling to abide by the university's vaccination policy, the student's invitation to enroll, or to continue his/her studies, at DWU will be rescinded.

Dakota Wesleyan University, in compliance with the American College Health Association and the South Dakota Department of Health, recommends that incoming students have the following vaccines to reduce outbreaks of disease.

- Meningococcal Quadrivalent (A, C, W, Y) vaccine
- Serogroup B Meningococcal vaccine
- Tetanus, Diphtheria, Pertussis booster (Tdap) followed by Td booster every 10 years.
- Varicella (chickenpox) vaccine series if no medical documentation of childhood disease.
- Hepatitis B vaccine series
- Annual Influenza vaccine
- Hepatitis A vaccine series
- Polio vaccine series
- Pneumococcal vaccine series
- Human Papillomavirus (HPV) vaccine series

### **1.15 Department of Residence Life**

The Department of Residence Life employs a full staff of trained personnel to ensure a comfortable and positive living and learning experience. The staff is composed of professionals who coordinate room assignments, maintenance, staffing, and programs.

The Department of Residence Life's mission is to provide services and programs that engage students in active learning, build a supportive and inclusive community, support the emotional growth and personal development of students, and make a positive contribution to the quality of student life.

### **1.16 Title IX and Deputy Coordinators**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. The University is committed to maintaining a healthy and safe learning, living and working environment that promotes responsibility and respect in all matters, an environment in which no one is unlawfully excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity on the basis of gender, sex, sexual orientation, sexual identity, gender identity, or gender expression ("sex discrimination"). This commitment includes the adoption of the University's Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy, which prohibits any conduct that can be construed as sexual and gender-based misconduct. Sexual and gender-based misconduct is a broad term that includes sexual harassment, sexual violence (non-consensual sexual contact and non-consensual sexual intercourse), sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and aiding or facilitating the commission of such acts. The University also prohibits hostile environment harassment, which includes acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex, gender identity, or gender expression, even if those acts do not involve conduct of a sexual nature. In addition, the University strictly prohibits retaliation against anyone who files a complaint, serves as a witness, or otherwise participates in the enforcement of the [University's Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy](#).

At the University, the Title IX Coordinator has been charged with overseeing the University's compliance with Title IX, as well as other applicable laws such as the Violence Against Women Act as reauthorized by the Campus SAVE Act. The Title IX Coordinator's oversight responsibilities include the review, investigation, and resolution of concerns relating to

discrimination on the basis of sex, including incidents of sexual and gender-based misconduct. The Title IX Coordinator is assisted and supported by Title IX Deputy Coordinators. All are accessible to members of the University community for consultation and guidance regarding Title IX matters on a non-confidential basis.

John Kippes  
Title IX/Section 504 Coordinator  
Director of Student Life  
Rollins Campus Center R104  
Office: 605-995-2160 Cell: 605-770-8089  
[john.kippes@dwu.edu](mailto:john.kippes@dwu.edu)

Janet Hayen  
Deputy Title IX Coordinator  
Director of Human Resources  
Rollins Campus Center, lower level  
Office: 605-995-2648  
[janet.hayen@dwu.edu](mailto:janet.hayen@dwu.edu)

See the University's [Gender-Based Discrimination, Harassment, and Sexual Misconduct Policy](#) for detailed information regarding how to obtain immediate assistance if you have been a victim of, or have witnessed, an incident of sexual or gender-based misconduct; how to file confidential and/or non-confidential reports within the University and/or with law enforcement; an explanation regarding the University's grievance procedures; and a listing on-and-off campus support services.

## **2 Student Financial Policies**

### **2.1 Tuition and Fees**

#### **2.1.1 Expenses**

Charges paid by students only partially cover the costs involved in their education. Gifts made by individuals, foundations, business establishments, and government agencies, as well as appropriations from the supporting Methodist churches, make up the substantial difference.

The cost of attendance for a full-time residential student is found on the University website, as well as in the current Catalog.

Room and board charges include a furnished two-student room and a meal plan (options to be selected by the student). A limited number of single rooms may be available for an additional fee if space is available. Information about housing assignments is available from the Residence Life Office.

All traditional students are required to live on campus, except those who:

- Are under the age of 18
- Are 21 years of age or older by the first day of the semester
- Have been disciplinarily dismissed or banned from the residence halls
- Will be living with a parent(s) or legal guardian within 40 miles of the campus (this may require substantiation via parent or guardian signature)
- Are enrolled as a part-time student (less than 12 credits)
- Are married
- Have dependent children living with you

Undergraduate international students studying at DWU on an F-1 Student Visa are required to live on campus.

Any student receiving more than \$12,000 in institutional aid is required to live on campus, regardless of whether or not they may meet criteria for living off campus. For any student living off campus, their scholarship will be reduced to \$12,000.

The Student Activity Fee and the Student Accident Insurance Fee are charged to students enrolled in more than 6 credits. The Technology Fee is charged to all students.

Tuition costs at Dakota Wesleyan University are based on credit load enrollment each semester. These costs, the costs for room and board, and the fees for the fall and spring terms are outlined in the current Catalog, as well as on the Dakota Wesleyan University website. Students who enroll for more than 16 credit hours in any semester will be billed at a per credit hour rate in addition to the regular semester charge. Additional information and requirements are available from the Registrar's Office.

## **2.2 Financial Planning**

Dakota Wesleyan University offers a complete range of financial planning services and financial assistance programs. Virtually all of the University's students receive scholarships and/or some type of financial assistance. The purpose of the University's financial planning program is to help students and their parents identify all the sources of assistance and funding for which they are eligible. Types of financial assistance vary according to the source of funding, whether it is federal, state, institutional, or private agency.

Eligibility is determined by a review of the student's application materials and other information, including test scores, grade point average, class rank, evidence of service and leadership potential, performance auditions, and athletic promise.

### **2.2.1 Scholarships**

Scholarships awarded by the University are competitive. They are designed to recognize and reward student success. Thus, not all students should expect to receive scholarship awards. Generally, the types of financial aid available include scholarships awarded by the University, gift-supported and annual fund scholarships, student loans, student employment, and federal and state financial aid programs.

**Athletic Scholarships** are awarded based on the recommendation of the Athletics Department and require participation in inter-collegiate athletics.

**Performance Scholarships** are awarded to students who demonstrate talent in the performing arts and who agree to an appropriate level of participation in the programs of the University.

**Endowed Scholarships** are awarded as part of the financial planning review for each applicant and may be awarded to a student as a portion of his or her academic scholarship offer. These scholarships may be based on specific criteria. Unless otherwise stated, recipients are selected during the admission process or through a review of current student records. Funds for endowed scholarships come from the generosity of many individuals, families, and organizations.

### **2.2.2 Student Loans**

See the Financial Aid section of the university catalog for information on student loans.

### **2.2.3 Employment**

See the Financial Aid section of the university catalog for information on employment.

### **2.2.4 Federal and State Programs**

See the Financial Aid section of the university catalog for information on additional federal and state programs.

### **2.2.5 Veterans' Benefits**

Some armed service veterans and their dependents are eligible to receive educational benefits from the United States Department of Veterans Affairs. The application for VA Education Benefits or survivors' and dependents' Educational Assistance is available on-line. Individuals seeking educational benefits may complete an online application at [vabenefits.vba.va.gov/vonapp/main.asp](http://vabenefits.vba.va.gov/vonapp/main.asp) or download a paper application at [www.vba.va.gov/pubs/forms/22-1990.pdf](http://www.vba.va.gov/pubs/forms/22-1990.pdf). The completed paper application and enrollment certification will be sent to the Department of Veterans Affairs. Subsequent certifications will be processed by a University Certifying Official on notification from the student of his/her intention to

re-enroll. Any questions or comments regarding VA benefits should be directed to the University's Certifying Official.

Students who receive VA benefits and who are placed on academic probation will be required to achieve a 2.0 cumulative GPA during the subsequent grading period. Failure to do so will result in the termination of VA monetary educational benefits. Failure to do so will not, however, result in dismissal, provided the student has met the requirements for Satisfactory Academic Progress.

A student intending to use VA benefits should contact the University's Certifying Official and should also be aware of the following policies:

- It is the student's responsibility to notify the University's Certifying Official immediately when the student increases or decreases semester credit hours taken, when the student withdraws from a course, or when the student takes a leave of absence. It is also the student's responsibility to inform the University's Certifying Official every semester as to the number of semester credit hours for which he or she enrolls.
- The student is responsible for paying the tuition fee. Students receive a monthly entitlement based on the number of credit hours they are pursuing each semester. This entitlement may not necessarily cover the cost of tuition and fees. It usually takes six to eight weeks from the time a student's papers are processed by the Certifying Official until a check is received.
- Appropriate credit for previous education will be awarded. A maximum of four (4) semester hours of credit may be awarded for military service (two semester hours for basic training and two semester hours for first aid).

A student using VA benefits must make satisfactory academic progress. In general, unsatisfactory progress as it pertains to veteran's benefits is considered the attainment of less than a 2.0 grade point average for two consecutive semesters. A student who withdraws from DWU may have his/her benefits terminated as of the beginning of the semester of withdrawal. If a student is dismissed for academic reasons, benefits will be terminated as of the date of dismissal. A student who has had benefits terminated in this manner must be counseled by the Certifying Official before the benefits will be restored. A student who fails to complete all courses attempted in a semester will have his/her benefits adjusted accordingly.

### **2.2.6 Financial Aid Rights and Responsibilities**

See the Financial Aid section of the university catalog for information on financial aid rights and responsibilities.

### **2.2.7 Application Procedure**

To apply for scholarships, students simply indicate their interest on the admission application.

To apply for need-based financial aid, students submit a completed Free Application for Federal Student Aid (FAFSA) online at [www.FAFSA.gov](http://www.FAFSA.gov).

See the university catalog for filing deadlines.

### **2.2.8 Eligibility Requirements for Title IV Funds**

In order to meet general Title IV eligibility requirements for financial aid, the student must:

- Be enrolled as a student in an eligible program of study;
- Not be enrolled simultaneously in elementary or secondary school;
- Have a high school diploma or a recognized equivalent;
- Have a valid Social Security number, if required;
- Be a U.S. citizen or eligible noncitizen;
- Be registered with Selective Service, if required;
- Sign a Statement of Educational Purpose, which certifies that he or she will use federal student financial aid only to pay educational costs;
- Not be in default on a Title IV loan or, if in default, have made satisfactory repayment arrangements with the loan holder;

- Have not obtained loan amounts that exceed annual or aggregate loan limits made under any Title IV loan program;
- Not be liable for an overpayment of a Title IV grant or Federal Perkins Loan or, if liable, have made satisfactory repayment arrangements with the holder of the debt;
- Be making Satisfactory Academic Progress (SAP) (as outlined in the university catalog);
- Not have property which is subject to a judgment lien for a debt owed to the U.S. or, if subject to a judgment lien, have made satisfactory repayment arrangements with the debt holder;
- Not have been convicted of an offense involving the possession or sale of illegal drugs that occurred while the student was enrolled and receiving Title IV aid; and
- Have completed repayment of funds to either the Department of Education or the holder of a loan, as applicable, if the student has been convicted of, or plead nolo contendere or guilty to, a crime involving fraud in obtaining Title IV aid.

The Admissions Office is responsible for certifying, upon admission, that a student is enrolled in an eligible program and that he or she has a high school diploma or recognized equivalent. When an admitted student files the Free Application for Federal Student Aid (FAFSA) and an Institutional Student Information Record (ISIR) is received by the University, the Financial Aid Office documents that the student has a valid Social Security number, is a U.S. citizen, and is registered for Selective Service, if required. Upon receipt of an ISIR, the Financial Aid Office staff also verifies, through the National Student Loan Data System (NSLDS), that a student is not in default on a title IV loan, has not exceeded annual or aggregate loan limits and is not liable for an overpayment of a Title IV grant or loan. The ISIR also indicates whether or not a student has property that is subject to a federal lien, whether or not he or she has been convicted of an illegal drug offense and whether or not the student has completed repayment of funds if previously convicted of Title IV fraud.

### **2.2.9 Renewal of Financial Aid and Scholarships**

To be eligible for renewal of need-based financial aid awards, the student must demonstrate satisfactory academic progress as outlined in the university catalog. Students should also file a FAFSA each year by the deadline published by the Financial Aid office. To be eligible for renewal of scholarship funds, the student must meet stated academic requirements and pre-register for the next academic year during the pre-registration period.

### **2.2.10 Cancellation of Awards**

The University reserves the right to review the record of a student receiving financial assistance at the close of any semester or term and to cancel the unused portion of the award if the student’s academic or citizenship record fails to meet the required standards.

### **2.2.11 Student Aid Eligibility and Offenses Involving Drug Possession and Selling**

Dakota Wesleyan University is required to remind students who receive federal financial aid that the Higher Education Act includes a student eligibility provision related to drug possession and selling. A student who is convicted of a state or federal offense involving the possession or sale of an illegal drug that occurs during a period of enrollment in which federal student aid was received is not eligible for federal funds. Federal aid is comprised of grants, student loans, and University work study.

The timeframe for ineligibility begins on the date of conviction and lasts until the end of a specified period as outlined below:

	<u>Possession of Illegal Drugs</u>	<u>Sale of Illegal Drugs</u>
1st offense	1 year from date of conviction	2 years from date of conviction
2nd offense	2 years from date of conviction	Indefinite period
3 + offenses	Indefinite period	

A student whose eligibility has been suspended may resume eligibility before the end of the ineligibility period determined if:

- The student satisfactorily completes a drug rehabilitation program that:



- Complies with such criteria as the Secretary shall prescribe in regulations for purposes of this paragraph; and
- Includes two unannounced drug tests; or
- The conviction is reversed, set aside, or otherwise rendered nugatory.

For the additional information, please contact the Financial Aid Office at 605-995-2656.

### **2.2.12 Verification**

Verification is the process of confirming the accuracy of student reported data on financial aid applications. To meet federally mandated responsibilities for financial aid programs, Dakota Wesleyan University verifies the accuracy of the applications of selected new and continuing financial aid recipients. The University's Verification Process meets all federal guidelines for verification as outlined in the Federal Application Verification Guide (AVG).

A student selected for verification will be asked to submit copies of his/her own and, if appropriate, his/her parents' tax transcript. Information about other factors including household size, assets, and the number of family members in University may also be requested.

Students selected for verification must submit all requested documents to the Financial Aid Office before they will be packaged with any financial aid.

### **2.2.13 Return of Title IV Funds**

The Financial Aid Office is required by federal statute to recalculate federal financial aid eligibility for students who withdraw, drop out, are dismissed, or take a leave of absence prior to completing 60 percent of a payment period or semester. The federal Title IV financial aid programs must be recalculated in these situations.

If a student leaves the institution prior to completing 60 percent of a payment period or semester, the Financial Aid Office recalculates eligibility for Title IV funds. Recalculation is based on the percentage of earned aid using the following Federal Return of Title IV funds formula:

Percentage of payment period or term completed = the number of days completed up to the withdrawal date divided by the total days in the payment period or semester. (Any break of five days or more is not counted as part of the days in the semester.) This percentage is also the percentage of earned aid.

Funds are returned to the appropriate federal program based on the percentage of unearned aid using the following formula:

Aid to be returned = (100% of the aid that could be disbursed minus the percentage of earned aid) multiplied by the total amount of aid that could have been disbursed during the payment period or semester.

If a student earned less aid than was disbursed, the institution would be required to return a portion of the funds and the student would be required to return a portion of the funds. Keep in mind that when Title IV funds are returned, the student borrower may owe a debit balance to the institution.

If a student earned more aid than was disbursed to him or her, the institution would owe the student a post-withdrawal disbursement, which must be paid within 120 days of the student's withdrawal.

The institution must return the amount of Title IV funds for which it is responsible no later than 30 days after the date of the determination of the date of the student's withdrawal.

Title IV funds will be returned to the Department of Education in the following order:

1. Unsubsidized Federal Stafford Loan
2. Subsidized Federal Stafford Loan
3. Unsubsidized Direct Stafford Loans (Other than PLUS loans)
4. Subsidized Direct Stafford Loans
5. Federal Perkins Loans
6. Federal Parent (PLUS) Loans and Graduate Plus
7. Direct PLUS Loans

8. Federal Pell Grants for which a return of funds is required
9. ACG Grant
10. Federal Supplemental Opportunity Grants for which a return of funds is required
11. Federal Teach Grants for which a return is required

A student who begins attendance and does not officially withdraw during a term but fails to earn a passing grade in at least one course offered over that term will have their financial aid reviewed and may be required to return a portion of any financial aid received. Unless documentation can be provided by the student that verifies the academic term was completed, the institution must assume, for Title IV and state aid purposes, that the student has unofficially withdrawn and must recalculate the student's Title IV and state aid eligibility based on the assumption that the student completed only 50 percent of the term. This review and return of financial aid is completed in accordance with federal guidelines.

#### **2.2.14 Title IV Fraud**

Institutions must refer applicants who are suspected of having engaged in fraud or other criminal misconduct in connection with the Title IV programs to the Department of Education's Office of Inspector General (OIG). The regulations require only that the institution refer the suspected case for investigation, not that it reach a firm conclusion about the propriety of the applicant's conduct.

Examples of student fraud include:

- Falsified documents or forged signatures on an application, verification documents, or loan promissory notes;
- False statements of income;
- False statements of citizenship;
- Use of false or fictitious names or aliases, addresses, or Social Security numbers;
- False claims of independent status.

If Dakota Wesleyan University suspects that a student, employee, third-party servicer or other individual has misreported information and/or altered documentation to increase student aid eligibility or to fraudulently obtain federal funds, it must report those suspicions and provide any evidence to the Department of Education's OIG by calling the toll free number (1-800-MIS-USED) or sending an email message to the OIG. The director of financial aid is responsible for making referrals to the OIG. In addition, Dakota Wesleyan University will pursue appropriate disciplinary action against University students or employees engaging in conduct that violates this policy.

#### **2.2.15 Financial Aid Consortium**

Dakota Wesleyan University participates in a Financial Aid Consortium. Students who plan to enroll at Dakota Wesleyan University and another institution of higher learning during the same semester are eligible for a financial aid consortium agreement if they meet the following requirements:

- Dakota Wesleyan University is the student's University of record (i.e., the University from which he/she is seeking a degree);
- The course the student plans to attend at the other institution is not offered at Dakota Wesleyan University but will apply toward graduation requirements at Dakota Wesleyan University; or
- Dakota Wesleyan University offers the course the student plans to take at the other institution but it is not available at Dakota Wesleyan University in a timely manner to meet graduation requirements.

The Provost determines if the required course may be taken by special arrangement at Dakota Wesleyan University, if a different course may be substituted for the required course not available, or if it would be in the student's best interest to complete the course at another institution.

Students approved to receive a consortium agreement should be referred to the Office of Financial Aid to complete the appropriate paperwork.

## **2.2.16 Financial Planning Program Audits**

Federal regulations require a compliance audit every fiscal year. Each audit must cover the time period since the last audit. Dakota Wesleyan University's fiscal year ends May 31, and is audited annually by a private auditor. Auditors review a sample of student files to ensure the Financial Planning Office is in compliance with federal, state and institutional policies. Any exceptions found during the audit will be addressed. The auditor then submits an Independent Auditor's Report including any findings to the Board of Trustees Audit Committee. The report is then uploaded to the government using the online submission site of eZ-Audit. Federal reviews are conducted by the United States Department of Education on a basis determined by the department.

Preparation for the audit is done in cooperation with the auditor's requests. Typically, the auditors will randomly select a specific number of students from each of the Title IV programs. The files are pulled and given to the auditors. Any additional assistance requested is responded to promptly.

## **2.2.17 Student Lending Code of Conduct**

In compliance with Section 493(e) of the Higher Education Opportunity Act (HEOA), Dakota Wesleyan University has developed and enforces the following Student Lending Code of Conduct:

- Dakota Wesleyan University does not solicit or participate in any fee, revenue or profit-sharing arrangements with any lender;
- Dakota Wesleyan University does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any gifts of greater than a nominal value from any lender, guarantor or servicer;
- Dakota Wesleyan University does not permit a family member of any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any gifts if:
  - The gift is given with the knowledge and acquiescence of the University's officer, employee, or agent; or
  - The University officer, employee, or agent has reason to believe the gift was given because of that person's official position with the University.
- Dakota Wesleyan University does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept any fee, payment or other financial benefit (including a stock purchase option) from a lender or affiliate of a lender as compensation for any type of consulting arrangement or contract to provide services to a lender or on behalf of a lender relating to education loans;
- Dakota Wesleyan University does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to accept anything of value from a lender, guarantor, or group of lenders and/or guarantors in exchange for service on an advisory board, commission or other group established by such a lender, guarantor group of lenders and/or guarantors. Dakota Wesleyan University does, however, allow for the reasonable reimbursement of expenses associated with participation in such boards, commissions or groups by lenders, guarantors, or groups of lenders and/or guarantors;
- Dakota Wesleyan University does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office to serve on or otherwise participate in a lender's, lender servicer's, or guarantor's board of directors. Moreover, the University does not permit any officer, employee or agent of the school who is employed in the Financial Aid Office or is otherwise involved in the administration of education loans to serve on or otherwise participate in a lender's, lender servicer's, or guarantor's board of directors if he or she will participate in any decision of the board with respect to private education loans offered to students that attend the University;
- No officer, employee, agent, or contractor of a lender, lender servicer, or guarantor may serve on the Dakota Wesleyan University Board of Trustees, if that individual will participate in any decision of the Board with respect to private education loans offered to students that attend the University;
- Dakota Wesleyan University does not assign a lender to any first-time borrower through financial aid packaging or any other means;

- Dakota Wesleyan University recognizes that a borrower has the right to choose any lender from which to borrow to finance his/her education. Dakota Wesleyan University will not refuse to certify or otherwise deny or delay certification of a loan based on the borrower's selection of a lender and/or guarantor;
- Dakota Wesleyan University will not request or accept any offer of funds to be used for private education loans to students from any lender in exchange for providing the lender with a specified number or volume of Title IV loans, or a preferred lender arrangement for Title IV loans;
- Dakota Wesleyan University will not request or accept any assistance with call center or Financial Aid Office staffing.
- Dakota Wesleyan University will not accept philanthropic contributions from a lender, lender servicer, or guarantor that are related to the educational loans provided by the lender, lender servicer, or guarantor to the University, or that are made in exchange for any advantage related to educational loans. In addition, the University will not accept financial aid funds under any Title IV, state, or private program from a guarantor based on an agreement to use the guarantee agency for processing loans, or to provide a specified volume of loans using the agency's guarantee. The University is permitted, however, to accept philanthropic contributions from a lender, lender servicer, or guarantor that are not related to the education loans provided by the lender, lender servicer, or guarantor, and that are not made in exchange for any advantage to the lender, guarantor, or servicer;
- Students working in the Financial Aid Office must not in any way process, award, or certify their own or any relative or associate's application for financial aid:
  - Records (both electronic and hard copy) that need to be updated in relation to a student's financial aid application are not to be updated or altered in any way by a student employee assigned to the Financial Aid Office;
  - Student employees may, however, accept favorable terms, conditions, and borrower benefits on an education loan if the terms, conditions, and benefits on the employee's loan are comparable to those provided to all of the University's students.
- Financial Aid Office officers, employees or agents assigned to work on loan processing matters may not be debarred or suspended by a federal agency. Any staff member that has been found to be suspended or debarred by a federal agency is subject to a range of administrative actions to include termination of employment;
- The University will not permit a lender or guarantor to print and distribute the University's Catalogs and other non-counseling or non-student financial aid-related materials at reduced or no cost. Moreover, the University will not permit a lender with whom it has a preferred lender arrangement for private education loans to use the Dakota Wesleyan University name, emblem, mascot, logo, other words, pictures or symbols readily identified with the University in the marketing of private education loans to students or parents in a way that implies that the loan is offered or made by the University instead of the lender. The University will ensure that the name of the lender is displayed on all information and documentation relating to the lender's private education loans;
- The University will not accept from a Federal Family Education Loan Program (FFELP), private lender, lender servicer, or guarantor, computer hardware or computer software at below market rental or purchase cost that is unrelated to education loan processing or financial aid. In addition, the University will not accept free data transmission services from a FFELP lender or guarantor that is unrelated to electronic loan processing or, for FFELP loans, student status confirmation data.

### **3 Student Rights and Responsibilities**

#### **3.1 Student Rights**

##### **3.1.1 General Student Rights**

At DWU, students are afforded certain rights that ensure their ability to fully participate as members of the University community. Specifically, students have the right:

- To have all University policies applicable to them made accessible in whatever format is necessitated by the student's disability or personal situation;

- To understand the requirements of their academic programs and receive timely, useful, and regular information and advising about relevant academic program requirements;
- To be provided with sufficient course information in order to be able to make informed course selections;
- To be informed in writing (typically a syllabus) of the specific requirements and expected learning outcomes of the courses in which they are enrolled at the beginning of the term and to expect that course requirements will not be changed without notice;
- To have clear indication of their educational progress in those courses in which they are enrolled and to know how the various assignments are weighted;
- To receive a fair, transparent and impartial assessment of their performance as a student;
- To have their grades kept private from other students, and to have final examinations held at the appointed times;
- To have the privacy of their personal information and records protected by the administration in accordance with FERPA;
- To find their instructors available during posted office hours or by special arrangement;
- To have their instructors arrive for classes punctually;
- To have their complaints and grievances addressed through established policies and procedures;
- To appear before a University administrator or hearing panel when disciplinary charges have been alleged in accordance with the student discipline policy or the discrimination and harassment policy as applicable;
- To be provided with relevant information concerning financial assistance (see Financial Aid Rights and Responsibilities);
- To reasonably express any view which is relevant to a classroom discussion or written material in a manner consistent with this handbook and policies manual;
- To participate in University approved student organizations and activities for which the student is eligible and qualified. No student shall be penalized for any such participation, but neither shall any student claim any indulgence from academic obligations by virtue of such participation.
- To participate in institutional governance through Student Senate and attendance (by invitation) at the fall and spring Board of Trustees meetings.

### **3.1.2 Demonstrations**

Demonstrations by members of the University community must be registered and approved in writing 72 hours in advance by the President's Office, which will then notify the Student Life Department of the approval.

For purposes of the policy, "demonstrations" includes the presence of one or more persons on the University campus with the intent to express a particular point of view in a manner that attracts attention, as in protests, rallies, sit-ins, vigils, or similar forms of expression.

All approved demonstrations (and expression of any form) at the University must be peaceful and orderly and confined to campus. Demonstrations at the university may be organized and led only by members of the University community. Demonstrations or other forms of expression may not compromise the rights of other members of the University community, nor interfere materially with the general operation of the University. Free speech is a cherished foundation of academia. Forms of expression, however, may not be contrary to the University mission or demean or degrade individuals on the basis of a protected class as set forth in the University's Equal Opportunity and Non-Discrimination Statement.

### **3.1.3 Freedom of Expression**

The University values the freedom of expression and assembly. At the same time, the University recognizes that such freedom must exist within the context of the law, common decency, and responsibility for one's actions. The University has therefore established the following freedom of expression guidelines, which seek to preserve the integrity of freedom of speech, thought, assembly and expression, including artistic expression, while at the same time preserving the right of the University to make fair, balanced and considered judgments not to permit or exhibit expressions which are either not appropriate within the context of the mission of the University and its Methodist Church affiliation or in violation of

federal or state law or established University policies.

### **Freedom of Expression Guidelines:**

- The University students, administrators, staff, faculty, and organizations are generally free to exercise the rights to assemble and engage in expressive activity, whether on campus or in the electronic information environment, in a constitutionally protected manner, provided the activity is expressed in an appropriate manner consistent with the University's mission, Methodist Church affiliation, federal and state laws, and University policies.

An individual's expression must not:

- Interfere with his or her academic responsibilities to the University;
  - Interfere materially with the general operation of the University;
  - Infringe upon the safety or rights of members of the University community;
  - Be obscene, slanderous, or inappropriate within the context of the University's mission or Methodist Church affiliation; and/or
  - Demean an individual(s) on the basis of race, color, gender, sex, sexual orientation, sexual identity, gender identity, gender expression, religion, ancestry, national origin, age, disability, veteran status, genetic information or any other characteristic protected by federal, state or local law.
- Expressions uttered on campus or via the University's information technology network must recognize the diversity of people and points of view. Planned demonstrations, lectures, exhibits or artistic performances, whether presented on campus or via the University's information technology network, that may be potentially offensive or controversial, if deemed appropriate and approved in advance in accordance with established approval procedures, must be advertised as such so people can make an informed decision before attending the event. (See the University's Demonstrations and Guest Speakers and Performers policies respectively for relevant approval procedures.)
  - Faculty, administrators, staff, and students of the University are citizens and members of an educational institution. When they speak, write or create art, they are free from institutional censorship or discipline within the guidelines above. Moreover, as members of the University, faculty, staff, and students, who freely choose to be part of the University, have additional obligations imposed upon them. They should remember that the public might judge their institution by their words and works. They should at all times exercise appropriate sensitivity, show respect for the opinions of others, and recognize that their words, actions and expressions will reflect on the University. They are also responsible for making clear that they are participating in such activities only as individuals and not on behalf of, at the direction of, or with the encouragement of the University. See the University's Academic Freedom Policy for additional information.

Inevitably there will be differing opinions or doubt regarding whether the University should permit a planned assembly, demonstration, lecture, exhibit or artistic performance. At such times and in situations not specifically addressed in the University *Policy Manual*, the President will decide whether to approve the proposed assembly, demonstration, lecture, exhibit or artistic performance since no individual's right to freedom of expression is unfettered.

In permitting freedom of expression within the guidelines set forth above, the University does not endorse, or relieve any person from legal liability for actions that amount to libel, slander, or obscenity. Moreover, by supporting the exercise of freedom of expression on campus, the University does not sanction the messages that are being declared or the methods of expression used, unless expressly stated otherwise. Finally, the University reserves the right to (a) adopt and enforce rules and regulations as it may deem necessary and proper in order to serve the interest of health and safety, prevent disruption of the educational process or working environment, and to protect against the invasion of the rights of others; and (b) may cancel any planned assembly, demonstration, lecture, exhibit or artistic performance that creates a public health or safety concern, disrupts the educational or working environment, or uses the University as a platform to disparage the Methodist Church or mission of the University.

### **3.2 Program Integrity Complaints**

United States Department of Education Regulation 34 CFR 600.9, the "Program Integrity Rule," was adopted to ensure that students have the opportunity to voice concerns relating to programs offered by postsecondary educational institutions authorized under Title IV of the Higher Education Act, as amended. The regulations require states to provide the opportunity for students to lodge the following types of complaints:

- Allegations of state consumer protection violations, including, but not limited to fraud and false advertising;
- Allegations that state laws or rules addressing the licensure of postsecondary institutions have been violated;
- Allegations regarding the quality of education or other accreditation requirements.

In compliance with the Program Integrity Rule, the University has listed multiple alternatives for individuals who wish to submit complaints regarding the above. The University expects that any student complaint will be filed in accordance with any procedures currently in place at the institution before resolution is sought from a state agency or the University's accreditation body. In the absence of a procedure, the complaint should be filed with the Office of the President for appropriate referral.

### **3.2.1 Filing a Complaint**

The University has adopted a general Student Grievance Policy to address and resolve questions and concerns students may have relating to the Program Integrity Rule. Please refer to the Student Grievance Policy for additional information.

The University summarizes the number and type of complaints received pursuant to the Student Grievance Policy and tracks their resolutions.

### **3.2.2 For Complaints Alleging Consumer Fraud**

South Dakota Attorney General's Consumer Protection Division

The South Dakota Attorney General Consumer Protection Division is committed to regulating industries and protecting consumers who use goods and services from those industries. The state of South Dakota ensures fair competition and the free flow of truthful information in the marketplace.

### **3.2.3 For Complaints Regarding State Licensing of Postsecondary Institutions**

*Higher Learning Commission-A Commission of the North Central Association*

230 South LaSalle Street, Suite 7-500

Chicago, IL 60604-1413

Ph: (803) 737-2260 and Fax No: (803) 737-2297

[www.hlcommission.org/student-resources/complaints](http://www.hlcommission.org/student-resources/complaints)

### **3.2.4 Accreditation Association Contact Information**

The University is accredited by the Higher Learning Commission of the North Central Association of Universities and Schools. The Higher Learning Commission is located at 30 North LaSalle Street, Chicago, IL 60602-2504. The website is [www.ncahlc.org](http://www.ncahlc.org). The toll free number is 800-621-7440.

For a complete listing of accreditations and affiliations, please refer to the current Catalog. Consumer protection information is available on the University's website.

### **3.2.5 Complaints Arising Outside of South Dakota**

Students participating in the University educational program outside the state of South Dakota, such as through distance learning, may choose to avail themselves of state processes for complaints related to institutional licensure and consumer protection in that state. The following website provides contact information to various states:

[www.sheeo.org](http://www.sheeo.org)

Please note, however, that many states require a showing that an attempt was made to resolve the complaint with the institution directly.

## **3.3 Student Grievances**

The University extends the right to petition for redress of grievance to all students. The right to petition may be initiated at any time when a student has a grievance against a University employee, or the misapplication or misinterpretation of a University policy or procedure.

An action or decision is grievable pursuant to this policy only if it involves a misapplication or misinterpretation of the

University policy, regulation, or rule, or a violation of state or federal law. This procedure may not be used to grieve:

- Claims based on purchases or contracts;
- Claims against a University employee on matters that are unrelated to the employee's job or role at the University;
- Student disciplinary decisions, since there is a separate procedure for them;
- Formal complaints of harassment or discrimination, since there is a separate procedure for them; or
- Where another University policy or procedure could have been used for the matter being grieved (e.g., grade grievances, FERPA grievances, etc.).

Any other concern will be treated as a complaint and students are invited to express their viewpoints in an appropriate manner to any University official. Upon request from any student, the Director of Student Life will provide guidance about the appropriate system for redress of a particular complaint.

### **3.3.1 Grievance Procedures**

The procedures set forth below may be used by grievants who are enrolled as University students, or who are participating in a University-sponsored event at the time of the incident being grieved. The person or persons filing the grievance must be directly involved in the matter being grieved.

A grievance cannot be filed on behalf of another person or organization in which the grievant is not a member. The existence of this procedure does not bar a grievant from filing claims in other forums to the extent permitted by state or federal law.

The University makes every effort to ensure that all grievances are handled fairly and equitably and that all complaints and grievances are treated confidentially. The procedures allow students to exhaust every administrative level in an effort to ensure a fair and complete hearing of their grievance.

These are University-level procedures for resolving problems and should not be viewed as legal proceedings. Students should understand that pursuing a grievance through consecutive phases does not ensure a different outcome. The outcome of Phases II through IV may be to uphold the recommendations initially made in phase I.

Students wishing to file a grievance, and all parties to the grievance, must adhere to the following procedures:

#### **PHASE I—Informal Resolution:**

Prior to filing a formal grievance, the student must contact the Director of Student Life. The Director of Student Life will assign relevant parties to discuss the student's concern(s), meet with other parties relevant to the student's complaint as necessary, and work with the student to arrive at an informal resolution to the problem.

If the grievance cannot be resolved in this phase, the student may proceed to phase II after informing the relevant person(s) (including the assigned Student Life staff member) of his or her intention to file a formal grievance. A formal grievance must be filed within forty-five (45) days of the incident, or occurrence, precipitating the complaint or grievance.

#### **PHASE II—Filing a Formal Grievance:**

Having failed to satisfactorily resolve a complaint or grievance in phase I, the student may file a "Formal Grievance Petition" (available in the Student Life Department). The Provost will serve as an ombudsman in order to objectively examine all sides of the issue. The Provost will meet with other parties relevant to the student's complaint as necessary. At the conclusion of phase II, the Provost, within ten (10) business days of the formal grievance petition being filed, will provide the student and other relevant parties with a written summary of his or her findings and proposed resolution of the complaint or grievance. If the grievance has not been resolved to the complainant's satisfaction at the conclusion of phase II, the student may proceed to phase III.

NOTE: If the grievance involves the Provost, the President will designate a different regulator.

#### **PHASE III-Arbitration:**

The student, within five (5) business days of receiving the written report from the Provost or other member of the President's Council may submit a written request to the Provost or other President's Council member for a meeting of an ad hoc Arbitration Committee.

The Arbitration Committee consists of:



- An appropriate President’s Council member;
- A Faculty Member; and
- A member of the Leadership Council.

Within ten (10) business days of receiving a written request to convene an ad hoc Arbitration Committee, the Provost or other appropriate President’s Council member shall convene the committee (which he or she shall chair) and meet, as necessary, with all parties relevant to the complaint or grievance in an effort to arbitrate the matter.

Within ten (10) business days, the decision and proposed action(s) of the Arbitration Committee will be communicated, in writing, to the following:

- Grievant;
- Arbitration Committee members;
- University President; and
- Other person(s) involved with the grievance.

#### **PHASE IV: Resolution**

If either the grievant or other parties are not satisfied with the decision or action of the Arbitration Committee, a written appeal to the President’s Office may be filed within five (5) business days of receiving the written decision of the Arbitration Committee. Once the University President has reviewed the complainant’s appeal and the written communication from the Arbitration Committee, the President will schedule a private meeting with the complainant to discuss the matter.

The University President has discretionary power to uphold, reverse, or modify the action taken by the Arbitration Committee. The President’s decision will be delivered to the grievant/student in writing with copies to the appropriate individuals involved.

NOTE: The Student Life Department summarizes the number and type of complaints received pursuant to the Student Grievance Policy and tracks their resolutions.

### **3.4 Student Responsibilities**

The University encourages students to exercise their individual freedoms and rights, but expects that students will also recognize the responsibilities that accompany enrollment.

#### **3.4.1 Statement of Responsibility**

The University believes that students should have attained a level of maturity that will enable them to conduct themselves as responsible members of the community. They are expected to familiarize themselves with the *Student Life Handbook and Policies*. In addition, students are responsible for adhering to University policies, procedures, and guidelines published in the catalog, learning management system, and intranet, as well as in other University and departmental and division publications and electronic postings. To ensure a harmonious University community, a student’s scholarship and conduct are expected to meet the standards and ideals of the University. Exclusion for reasons of misconduct does occur, but only after thorough investigation and action by the duly constituted authority in accordance with institutional disciplinary processes.

#### **3.4.2 Change of Name or Address**

Students are responsible for keeping the University informed of their current name, address and phone numbers. Changes in either name or address must be reported to the Registrar’s Office.

A photo ID and documentation such as a driver’s license, marriage certificate, Social Security card, etc. that supports a name change must be brought to the Registrar’s Office and the appropriate form completed.

#### **3.4.3 Child Abuse and Neglect**

The following groups must follow the child abuse and neglect policies:

- University employees.

- Key students, defined as those students who are in practicum involving protected persons or the medical field, student teachers, students working with minors under the age of eighteen and resident assistants.
- Student employees over the age of 18.
- Camp counselors and program leaders defined as those students, faculty, staff and volunteers who in the course and scope of their employment or service to Dakota Wesleyan University conduct activities at or on behalf of Dakota Wesleyan University and come in contact with minors under the age of eighteen.
- University volunteers and third-party vendors.

These employees, key students, student employees, camp counselors and program leaders, University volunteers and third-party vendors, have:

- A responsibility to ensure that they do not abuse or neglect children under the age of 18 engaged in a University activity or program;
- An affirmative duty to report knowledge or suspicion of child abuse or neglect, which according to [South Dakota law is defined](#) as a child:
  - Whose parent, guardian or custodian has abandoned the child or has subjected the child to mistreatment or abuse;
  - Who lacks proper parental care through the actions or omissions of the parent, guardian or custodian;
  - Whose environment is injurious to his welfare;
  - Whose parent, guardian or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care or any other care necessary for his health, guidance, or well-being; or
  - Who is homeless, without proper care, or not domiciled with his parent, guardian or custodian through no fault of his parent, guardian or custodian;
  - Who is threatened with substantial harm;
  - Who has sustained emotional harm or mental injury as indicated by an injury to his intellectual or psychological capacity evidenced by an observable and substantial impairment in his ability to function within his normal range of performance and behavior, with due regard to his culture;
  - Who is subject to sexual abuse, sexual molestation or sexual exploitation by his parent, guardian, custodian or any other person responsible for his care;
  - Who was subject to prenatal exposure to abusive use of alcohol, marijuana or any controlled drug or substance not lawfully prescribed by a practitioner as authorized by chapters 22-42 and 3420B;
  - Whose parent, guardian or custodian knowingly exposes the child to an environment that is being used for the manufacture, use or distribution of methamphetamine or any other unlawfully manufactured controlled drug or substance.
- Freedom from retaliation if they report such cases in good faith; and
- A duty to comply with child protection investigations and all other provisions of law relating to child abuse and neglect.

### **Reporting Suspected Child Abuse and Neglect**

Individuals over the age of 18 who witness or suspect an incident of child abuse or neglect on campus or at a Dakota Wesleyan University activity are obligated to make a report utilizing the following procedures:

Under South Dakota Law (South Dakota Codified Laws, specifically Chapter 26-8A and 26-7A.), certain persons are required to directly report incidents or suspicions of child abuse or neglect to Child Protective Services (see contact information below) immediately after suspecting the abuse or neglect.

- Any person who has contact with a child through the performance of services in any school, whether accredited or unaccredited as a teacher, school nurse, school counselor, school official or administrator, or any person providing services pursuant to 13-27-3 shall notify the school principal or superintendent (at

DWU, notify a member of the Department of Student Life) shall report the information in accordance with the provisions of 26-8A-8. Any person who knowingly and intentionally fails to make a report required is guilty of a Class 1 Misdemeanor.

- The reports required by 26-8A-3, 26-8A-6 and 26-8A-7 and by other sections of this chapter shall be made orally and immediately by telephone or otherwise to the State's Attorney of the county in which the child resides or is present, to the Department of Social Services, or to the law enforcement officers. The mandatory reporter who witnessed the disclosure or evidence of the abuse or neglect must be available to answer questions when the initial report is made pursuant to this section. The State's Attorney or the law enforcement officers, upon receiving a report shall immediately notify the Department of Social Services. Any person receiving a report of suspected child abuse or child neglect shall keep the report confidential as provided in 26-8A-13, except as otherwise provided in Chapter 26-7A or this chapter.
- Do not directly question or solicit information from the child. This responsibility lies with the Child Protective Services and, in certain circumstances, with law enforcement;
- University employees, volunteers, and agents must report the information to an immediate supervisor. Athletic staff must report the incident to the Director of Athletics. The supervisor should ensure that this event has been reported to their President's Council representative.

Davison County Social Services Office  
116 E 11th Ave  
Mitchell, South Dakota 57301  
Phone: 605-995-8000  
Hours: 8 a.m. to 5 p.m. – Monday through Friday

### **Failure to Report**

Failure to report suspected child abuse or neglect may subject employees to disciplinary action. Such action would be determined by the appropriate Vice President in consultation with the Director of Human Resources and carried out based on applicable disciplinary procedures.

### **Immunity**

Pursuant to South Dakota statute, any individual reporting suspected child abuse or participating in a judicial proceeding resulting from such report is immune from any civil or criminal liability they otherwise might be imposed because of such actions when taken in good faith.

### **False Reports**

A person who knowingly makes or causes another person to make a false report that alleges that any person has committed an act or omission that results in a child being an abused or a neglected child is guilty of a misdemeanor in the first degree.

## **3.4.4 Community Statement**

The faculty, staff, and students of the University are a multicultural community of individuals encompassing a broad spectrum of religious traditions, political beliefs, ethnicities, cultures, genders, sexual orientations and gender identities. The University community is unique in that it strives to work and live together. In the process, members of the University community learn from one another in an atmosphere of positive contact and mutual respect. The University community is committed to behaving and expecting others to behave in ways that demonstrate its beliefs about the respectful treatment of each member of the University community. Dakota Wesleyan University believes that members of the University community are individually and collectively responsible for their behavior and are fully accountable for their actions. Dakota Wesleyan University students must take initiative and responsibility for their own learning and awareness of the differences which exist in the community and avoid all actions that negatively impact others. DWU is committed to these principles which are an integral part of the University's purpose, values, and daily activities. Individuals engaging in behavior that is believed to violate these policies will be held accountable through the appropriate disciplinary processes and procedures.

## **3.4.5 Departures**

Resident students who leave campus overnight or for any extended period of time should inform their Resident Assistant as to where they may be reached in the event of an emergency.

Students who experience an emergency that requires leaving campus should call the Student Life Department at 605-995-2160; and, should the emergency require missing multiple classes, students should also notify the Office of the Registrar (605-995-2647) so that instructors can also be notified. Students who are not able to return to campus as planned should also notify the University.

### **3.4.6 Disclaimer of Liability**

The University disclaims liability for any injuries or property damages suffered by a student regardless of cause. This liability disclaimer is a matter of contract between the University and each student and it applies to, but is not limited to, the following:

- Any injury or damage sustained on property owned by or under the control of the University, its subsidiaries or affiliated institutions (such as classrooms, residential units, structures, buildings, public areas and grounds, vehicles, etc.);
- Any injury or damage incurred while attending a classroom or related activity, whether for credit or non-credit and regardless of cause;
- Any injury or damage suffered in an intercollegiate or intramural contest or event (athletic or otherwise) as a participant, spectator or other; this includes transportation to and from a contest or event;
- Any injury or damage resulting from fire, theft, the elements, roof leaks, mechanical failures or other cause;
- Any injury or damage as a result of any act or omission by any University personnel (faculty, staff, employee, officer, trustee), student or contractor.

Students accept the foregoing disclaimer and agree, as a matter of contract, to be bound thereby upon admission, re-admission or continued enrollment at the University. The relationship between Dakota Wesleyan University and its students is non-custodial in nature and nothing in these policies, the catalog, or in any other University, department or division publication or electronic posting shall be construed to place the University in the position of being custodian, guardian or surrogate parent of any student or to otherwise establish any special relationship between the University and any student.

Upon being admitted, a student is bound to follow all of the University's rules and regulations. Dakota Wesleyan University students who fail to read the handbook, catalog, or University policies and procedures published on [www.dwu.edu](http://www.dwu.edu), the learning management system, or any other University, department or division publication or electronic posting will not be excused from compliance with the policies and requirements herein. The University may disseminate additional information and policies directly to students via their Dakota Wesleyan University email account. It is imperative for students to read their email.

### **3.4.7 Health Insurance Portability and Accountability Act (HIPAA)**

The University complies with all laws that govern employee and student medical records, their review, and their dissemination. The University will not require individuals to waive their health privacy rights as a condition for treatment, payment, enrollment in the health plan, and/or eligibility for benefits. Nor will the University intimidate, threaten, coerce, discriminate against, or take other retaliatory action against an individual for exercising health privacy rights. For more detailed information, please refer to the website for the United States Department of Health and Human Services at [www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa).

### **3.4.8 Missing Students**

Any student residing in a Dakota Wesleyan University residence hall who is determined to be missing for more than 24 hours must be reported immediately to one of the following:

- Residence Life staff
- Residence Life on-call phone (605) 770-1593
- Student Life Department (605) 995-2160
- Any other designated Responsible Employee

When a report of a missing residential student is made to the Student Life Department, that office will seek to clarify the student's status, if the student's status cannot be determined, the office will take whatever steps deemed necessary to determine the whereabouts of the individual. These steps include contacting the appropriate law enforcement agencies.

In addition to providing a general emergency contact, missing person contact information is also collected by the Student Life Department on an annual basis at the time the resident students move into the residence halls. The contact information will be kept confidential and will be disclosed only to authorized campus officials and law enforcement in furtherance of a missing person investigation or other appropriate purpose. The confidential contact person will also be notified within 24 hours if the student is determined to be missing. If a student is under the age of 18, Dakota Wesleyan University is required to notify a custodial parent or guardian within 24 hours of when the student is determined to be missing.

In situations in which the student has failed to designate a contact for missing student notification, the Student Life Department will continue to investigate utilizing established police investigative procedures, to include University resources and records. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

### **Issuance of Amber Alert**

Suzanne's Law requires law enforcement to notify the National Crime Information Center (NCIC) when someone between the age of 18 and 21 is reported missing, as part of the national "Amber Alert" bill.

### **Resolution of Missing Student Status**

Missing student contacts will be advised of the resolution of a student's missing status. These contacts will further be advised of law enforcement options in cases in which the University is unable to locate or contact the student.

### **3.4.9 Off-campus Behavior and Notification of Criminal Arrests**

Although the University is not responsible or liable for students' behavior off campus, it does reserve the right, in the interests of protecting students from harm, to take action in response to behavior off campus that violates University expectations and policies and/or when the University's interests as an academic community are clearly involved. The University expects its members to demonstrate respect and regard for the rights, property, and dignity of all individuals and to take responsibility for their own actions both on and off campus.

#### **Notification of Criminal Arrest**

A student is responsible for notifying the Director of Student Life of any off-campus arrest. When the Director of Student Life is informed of the arrest of a student, the University will send a letter to the student requiring him or her to make an appointment for an interview with a Student Life staff member. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the possible criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.

As outlined in the Student Disciplinary System, University disciplinary proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceedings. The alleged commission of a felony as named in local, state, or federal law is a serious violation of the Student Code of Conduct and may necessitate suspension, expulsion, or other appropriate disciplinary action on the part of the University.

When a Dakota Wesleyan University student is involved in an off-campus offense, Student Life staff may assist with the investigation in cooperation with local, state or federal law enforcement. Local law enforcement routinely work and communicate with Student Life on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. While the University offers minimal off-campus housing and no off-campus student organization facilities, some students live in the neighborhoods surrounding the campus. While law enforcement agencies have primary jurisdiction in all areas off campus, Residence Life staff may respond to student-related incidents that occur in close proximity to campus. As noted earlier, the Residence Life Office enjoys a close working relationship with local law enforcement when violations of federal, state or local laws surface. This cooperative team approach addresses criminal situations as they arise, as well as future concerns.

### **3.4.10 Parking on Campus**

All vehicles on campus must display a parking permit, which can be obtained after completing the proper application form on the learning management system (or filed with the Student Life assistant in Rollins Campus Center). To obtain a parking pass, you must have your vehicle license plate number. Do not park in the LB Williams Elementary School parking lot, designated handicapped spaces (unless you have a state-issued permit), fire lanes, or in the green space areas. Tickets, resulting in fines, will be issued for violations. Also, please note that the possession of the required parking

permit and/or state-issued handicapped permit does not guarantee a parking space. Be aware of snow removal notifications by following Nixle alerts for Mitchell.

### **3.4.11 Personal Emergencies**

Should a student experience an emergency that requires him or her to leave campus, he or she should call the Student Life Department at 605-995-2160 (leave voicemail message if not during regular office hours); also, call the Office of Academic Affairs at 605-995-2601 so that instructors can be alerted. Students who are unable to return to campus as planned are also expected to contact the Student Life and Academic Affairs offices.

## **4 Student Life Policies**

### **4.1 Alcohol and Drug Use**

Pursuant to the Federal Drug-Free Schools and Communities Act Amendments of 1989, the University has a drug and alcohol prevention program for its students and employees. The program includes an annual disclosure to each student and to all employees outlining the standard of conduct expected of students and employees in relationship to the possession, use or distribution of illicit drugs and alcohol on campus or as part of any University activity; a description of the applicable legal sanctions under local, state and federal law which may arise from the unlawful possession or distribution of illicit drugs; a description of the health risks associated with the use of illicit drugs; a description of the University's Drug and Alcohol Abuse Prevention Program and a clear statement of the disciplinary sanctions which may be imposed upon students and employees for violations of the standard of conduct. The University's program is reviewed on a regular basis by the Student Life Department in collaboration with Human Resources to determine effectiveness and to implement changes (if needed) to ensure that the University's disciplinary sanctions (below) are consistently enforced. The University is subject to the laws of the State of South Dakota, those of Davison County and the City of Mitchell.

#### **4.1.1 Alcohol Policy**

The use or possession of alcoholic beverages on campus or at university sponsored events, possession of alcohol paraphernalia including, but not limited to, all alcoholic beverage containers, full or empty, or other containers used in the consumption of alcohol and signs or posters advertising alcohol, is strictly prohibited and will result in disciplinary action.

#### **4.1.2 Consequences for Alcohol Policy Violations**

**Student Sanctions:** DWU understands that students occasionally use alcohol and/or other drugs and are concerned about the overall effects on each student. Every effort is made to assign sanctions which are designed to address the behaviors and to provide an educational component in order to help the student make more informed choices in the future. Successive violations may indicate an immediate concern or potential development of a long-range problem and, therefore, all alcohol/drug violations are viewed cumulatively throughout a student's academic career/enrollment at DWU instead of being confined to single semesters or academic years. If a student should receive a third alcohol/drug violation over the course of his or her career, he or she is subject to probation, removal from the residence halls, and/or suspension; to be assigned at the discretion of the director of residence life and director of student life. Sanctions for alcohol violations will be determined on a case-by-case basis. Social media websites displaying photos or videos of students consuming alcohol on campus will be considered a violation.

**Legal Sanctions:** Students and employees found responsible for violating the University Alcohol Policy are subject to the jurisdiction of the city of Mitchell, Davison County and the state of South Dakota. Possible penalties: Underage purchase of alcohol or misrepresentation of age is subject to a fine of up to \$500 and three days in jail or probation. Purchase of alcohol for those underage is subject to a fine of up to \$500 and up to 10 days in jail. Public intoxication is subject to a fine of up to \$100 and up to 60 days in jail or completion of an alcohol education program or counseling. Driving under the influence of alcohol, or other drugs (includes DUI), depending on circumstances, is subject to incarceration of from 24 hours to 10 years, a fine of \$100 to \$5,000, and license suspension of from six months to life.

#### **4.1.3 Alcohol: Health Risks**

As students and employees make choices concerning the use of alcohol, it is important to consider the health risks associated with consumption. Alcohol is a depressant, although it may initially stimulate emotions. It slows heart rate and respiration and may cause intoxication, sedation, unconsciousness and death. Alcohol is generally metabolized at the rate

of one drink per hour. Mixing alcohol with other drugs can be lethal. Food slows down the absorption of alcohol. Long term alcohol misuse can lead to liver disorders, heart disease, brain damage, sterility, and dependency.

Approximately 1 in 10 drinkers becomes an alcoholic; children of alcoholics are 3 to 4 times more likely to become alcoholics themselves. BAC (Blood Alcohol Concentration) is affected by the amount consumed, rate of drinking, size and gender of drinker, and tolerance. Alcohol impairs judgment, performance, memory, and motor skills. An impaired person is usually unable to recognize his/her own impairment. Tolerance, the need to use more of a substance to maintain the effectiveness of that substance, occurs with use over an extended period of time. Tolerance increases the risk of alcohol-related problems, including alcoholism and social problems.

#### **4.1.4 Educational Resources and Treatment Options**

There are a number of resources available on and off campus to provide alcohol education or assistance with alcohol concerns:

- The Residence Life Office, including the Resident Directors and Resident Assistants, are a valuable resource and provide much of the alcohol education programming on campus.
- The Campus Counselor is available to address individual concerns, provide information about assessments and referrals for treatment off campus, and provide information and education about alcohol use.
- The Campus Nurse is available to assist individuals with situations involving alcohol that affect the physical well-being of a student.

#### **4.1.5 Drug-Free Schools and Community Act Compliance**

In accordance with state and federal laws, it is illegal for students and employees to possess, use or sell illegal drugs, as well as to abuse or distribute prescription drugs. Prescription drugs are only legal if the individual possessing them is the patient to whom the medication is prescribed. Included in these categories are opiates, barbiturates, amphetamines, marijuana, hallucinogens, illegal steroids, date-rape drugs, and other illegal or prescription drugs. Not only is it unlawful, but the presence, use, and abuse of these drugs within the University is contrary to the intellectual and educational purposes of the University. Possession of these substances may well be an indication that the student or employee is not constructively engaged in academic or work-related endeavors, respectively.

Students arrested for selling drugs or found to be in possession of significant quantities shall be subject to immediate suspension pending final disposition of the case in the University judicial process. If the student is subsequently found responsible by the University, she or he will be expelled from the University.

Use or abuse of illegal and controlled substances is a violation of University regulations. Students violating this policy should expect disciplinary action, which may include suspension from the University. Subsequent violations may result in suspension or expulsion.

The possession of paraphernalia, making no distinction between whether it has or has not been used for its intended purpose, is prohibited. Therefore, students should not possess hookahs, water pipes or bongs, pipes designed to smoke tobacco alternatives, or any other paraphernalia suspected or associated with drug use. Any items found will be confiscated and destroyed by the Residence Life Office.

Student Life staff members are available to provide referrals to students with concerns about alcohol or drug use. Referrals to on campus counseling services are available and a list of off campus providers is also available. Students assume full financial responsibility for any off campus services.

#### **4.1.6 Drug Use Consequences**

**Student Consequences:** As a drug free campus, DWU will take all drug offenses seriously. The use of drugs on campus will not be tolerated. Though each case will be heard individually, punitive or criminal action may be taken in any case of drug use, including immediate dismissal from campus.

#### **4.1.7 Criminal Penalties for Psychoactive Drugs**

Students and employees found responsible for violating the Dakota Wesleyan University Drug Use and Abuse Policy are also subject to the jurisdiction of the state of South Dakota and U.S. Federal Law Enforcement.

Penalties for the use and possession of illicit drugs, along with illegal use of prescription drugs, vary greatly. Possession of a larger amount of a drug will typically result in charges of distribution, leading to much stiffer penalties.

Under South Dakota state law, conviction for possession of a controlled substance (SDCL 22-42-5) is subject to, depending on the substance classification, up to 5 years imprisonment and/or a \$10,000 fine upon conviction. Sentences can be double for second or subsequent offenses. Manufacture, possession, or delivery with the intent to manufacture or deliver a controlled substance (SDCL 22-42-2, 3, 4) is subject to, depending on the substance classification and circumstances of the crime, up to 15 years imprisonment and/or a \$30,000 fine upon conviction. Sentences can be doubled for second or subsequent offenses. Prison terms result for convictions involving distribution of controlled substances to minors (SDCL 22-42-2) or within 1,000 feet of the University or other school (SDCL 22-42-19, 20). Federal sanctions for illegal possession of a controlled substance vary with the conviction, substance possessed, and the quantity of the substance. Penalties may have changed since the creation of this document.

In situations where drugs and/or drug paraphernalia, weapons, or other dangerous or potentially dangerous items are found in plain view, Residence Life staff may perform a room search within legal limits and/or contact the local police with relevant information.

If the University receives a report of a potential policy violation, particularly a violation of the University's drug, health and safety, and/or weapons and explosive materials policies, the Director of Student Life, Director of Human Resources or Provost or his/her designee may authorize a search in writing. The Director of Student Life and/or Director of Residence Life must be present at any such residence hall room search. Mitchell Police Department officers may be the officers conducting the room search.

#### **4.1.8 Drug Use and Abuse: Health Risks**

As students and employees make choices concerning the use and misuse of drugs and controlled substances, it is important to consider the health risks associated with consumption.

**Cocaine and Crack** are powerful central nervous system stimulants that constrict blood vessels, dilate pupils, increase blood pressure, and elevate heart rate. Cocaine use may induce restlessness, irritability, anxiety, paranoia, seizures, cardiac arrest, respiratory failure, and death. Cocaine is extremely addictive, both psychologically and physically. Great risks exist whether cocaine is ingested through inhalation (snorting), injection, or smoking. Compulsive cocaine use may develop even more rapidly if the substance is smoked, and smoking crack cocaine can produce particularly aggressive paranoid behavior in users.

**Date Rape Drugs** (Rohypnol, rophies, roofies, GHB, Ketamine, etc.) may incapacitate a person, particularly when used with alcohol. Rohypnol and GHB (gammahydroxybutyrate) are characterized as "date rape" drugs because they incapacitate users, thereby increasing vulnerability to sexual assault and other crime. Sedation, relaxation, and amnesia are associated with Rohypnol use. Rohypnol may be psychologically and physically addictive and can cause death if mixed with alcohol or other depressants. GHB usage may result in coma and seizures and when combined with methamphetamine appears to cause an increased risk of seizure. Combining use with other drugs such as alcohol can result in nausea and difficulty in breathing. GHB may also produce withdrawal effects, including insomnia, anxiety, tremors, and sweating. Ketamine may induce feelings of near-death experiences.

**Ecstasy** (X, Adam, MDMA, XTC, etc.) has amphetamine-like and hallucinogenic properties. Its chemical structure is similar to other synthetic drugs known to cause brain damage. Ecstasy use may cause psychological difficulties including confusion, depression, sleep problems, drug craving, severe anxiety, paranoia, and even psychotic episodes. Similar difficulties may occur weeks after taking MDMA. Physical symptoms such as increases in heart rate and blood pressure may result from use of such substances. Other physical symptoms include muscle tension, blurred vision, nausea, rapid eye movement, and involuntary teeth clenching.

**Hallucinogens** (acid, PCP, LSD, psilocybin [mushrooms], dextromethorphan [dxin]) are among the most potent mood-changing chemicals and may produce unpredictable effects that may impair coordination, perception, and cognition. Some LSD users experience flashbacks, often without warning, without the user having taken the drug again. Violence, paranoia, delusions, hallucinations, convulsions, coma, cardiac arrest, and respiratory failure may result from hallucinogen use.

**Marijuana** (pot, grass, hash, cannabis sativa, etc.) may impair memory, attention, coordination, and learning. Short-term effects of smoking marijuana may include problems with memory, learning, distorted perception, difficulty in thinking and problem solving, loss of coordination, increased heart rate, anxiety, and panic attacks. Persons who smoke marijuana regularly may have many of the same respiratory problems as tobacco smokers, including daily cough and phlegm,



chronic bronchitis, and more frequent chest colds. Because users of marijuana deeply inhale and hold marijuana smoke in their lungs, they incur a higher risk of getting lung cancer.

**Narcotics** (heroin, opium, morphine, codeine, pain medication [Demerol, Percodan, Lortab, etc.]) may produce temporary euphoria followed by depression, drowsiness, cognitive impairment, and vomiting. Narcotic use may cause convulsions, coma, and death. Tolerance and dependence tend to develop rapidly. Using contaminated syringes to inject drugs may result in contracting HIV and other infectious diseases such as hepatitis.

**Nicotine** (tobacco, cigarettes, cigars, chewing tobacco, nicotine chewing gum and patches) is highly addictive, and, according to the Surgeon General, is a major cause of stroke and is the third leading cause of death in the United States. Over time, higher levels of nicotine must be consumed to achieve the same effect. Nicotine consumption results in central nervous system sedation and after initial activation may cause drowsiness and depression. If women smoke tobacco and also take oral contraceptives, they are more prone to cardiovascular and cerebrovascular diseases than are other smokers. Pregnant women who smoke tobacco run an increased risk of having stillborn or premature infants or infants with low birth weight.

**Sedative-hypnotics** (depressants, Quaaludes, Valium, Xanax, etc.) depress central nervous, cardiovascular, and respiratory functions. Sedative-hypnotic use may lower blood pressure, slow reactions, and distort reality. Convulsions, coma, and death are outcomes associated with sedative-hypnotic use. Consuming sedative-hypnotics with alcohol is especially dangerous.

**Steroids** (anabolic-androgenic) may permanently damage liver, cardiovascular, and reproductive systems. Possible side effects include liver tumors, cancer, jaundice, fluid retention, and hypertension. In men, steroids may cause shrinking of testicles, reduced sperm count, infertility, baldness, breast development, and increased risk for prostate cancer. In women, steroid use may cause growth of facial hair, male-pattern baldness, menstrual changes, enlarged clitoris, and deepened voice.

**Stimulants** (amphetamine, methamphetamine, speed, crystal, crank, Ritalin, ephedra, caffeine, various over-the-counter stimulants and diet aids) are powerful central nervous system stimulants that may increase agitation, physical activity, and anxiety. Stimulants may decrease appetite, dilate pupils, and cause sleeplessness. Dizziness, high blood pressure, paranoia, mood disturbance, hallucination, dependence, convulsions, and death due to stroke or heart failure may also result from use.

**Synthetic Drugs** (spice, K2, bath salts, etc.) are synthetic substances produced in a laboratory. They are chemical cousins of other drugs. They are often found in retail stores and are marketed as “herbal incense,” “plant food” or “bath salts.” They generally come in small tea bag size packets and are labeled “not for human consumption” and are marketed as a “legal high.” These substances have been outlawed in South Dakota. These may cause agitation, extreme nervousness, hallucinations, seizures, paranoia, and violent behaviors which can be extremely dangerous to the person consuming them and to those around them. Suicide attempts are very common among people who consume these substances. Emergency treatment is critical if you suspect that someone has ingested them. The packaging should be taken to the emergency department if available.

**Synthetic Opioids** (such as Fentanyl) - Fentanyl is a powerful synthetic opioid analgesic that is similar to morphine but is 50 to 100 times more potent. It is a schedule II prescription drug, and it is typically used to treat patients with severe pain or to manage pain after surgery. It is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids. In its prescription form, fentanyl is known by such names as Actiq®, Duragesic®, and Sublimaze®. Street names for fentanyl or for fentanyl-laced heroin include Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, TNT, and Tango and Cash.

(Source: National Institute on Drug Abuse, National Institutes of Health, [www.nida.nih.gov](http://www.nida.nih.gov))

#### 4.1.9 Amnesty Policy

As partners with the University in promoting health and safety, all students have a responsibility and obligation to seek immediate assistance for any student known to be experiencing a serious health crisis, including one resulting from high risk drinking or the abuse of other drugs.

As such, students who seek assistance on behalf of a peer and are themselves under the influence of alcohol or drugs in violation of this Policy will not receive a Code of Conduct sanction for this action. Additionally, the student who is the subject of the report will not receive a Code of Conduct sanction for this action.

Additionally, individuals may be hesitant to report conduct which they have experienced or witnessed, to participate in an

investigation and/or grievance proceeding, or to speak truthfully because they fear University disciplinary action due to their own consumption of alcohol or other drugs at or near the time of the incident. While the University does not condone illegal drinking or drug use, the University may extend limited immunity from University sanctioning in the case of illegal drug and alcohol use to victims, witnesses and those reporting incidents and/or assisting the victims of sexual offenses, provided that they are acting in good faith in such capacity.

The University will provide students with the assistance needed to respond to high risk drinking and other drug abuse. Students may seek such assistance by contacting the Residence Life Office.

After the crisis is resolved, the student who experienced the health crisis, as a result of alcohol intoxication or other drug consumption, will be referred to the substance abuse prevention and treatment specialist. The substance abuse prevention and treatment specialist will provide further assessment, substance abuse education, counseling, recommendations and/or referral as applicable to the individual student's need.

#### **4.1.10 Educational Resources and Treatment Options**

There are a number of resources available on and off campus to provide drug education or assistance with drug use concerns:

- The residence life staff, campus nurse, and campus counselor are valuable resources and provide much of the drug education programming on campus. They are available to assist individuals with situations involving drugs.
- Counseling services are available to address individual concerns, provide assessments and referrals for treatment on and off campus, and provide information and education about drug use.
- Alcohol/Drug Resources:

**Jenny Noteboom**  
Campus Counselor  
Rollins Campus Center, DWU  
605-995-2896

**Donna Gerlach, R.N.**  
Campus Nurse  
Rollins Campus Center, DWU  
605-995-2957

**Dakota Counseling Institute**  
910 W. Havens  
Mitchell, SD 57301  
605-996-9686

**Lutheran Social Services**  
411 N. Duff  
Mitchell, SD 57301  
1-800-568-2401

**Stepping Stones**  
901 S. Miller  
Mitchell, SD 57301  
605-995-8180

**AA (Alcoholics Anonymous)**  
424 E. 9th St  
Mitchell, SD 57301  
605-996-8264

#### **4.1.11 Biennial Review**

Dakota Wesleyan University conducts a biennial review of its alcohol and drug prevention program to determine its effectiveness and implement changes to the program if they are needed and takes steps to ensure that disciplinary sanctions for alcohol and drug policy violations are consistently enforced. As part of this review, the University determines:

- The number of drug- and alcohol-related violations and fatalities occurring on the campus or as part of University activities that are reported to campus officials; and
- The number and types of sanctions the University has imposed on students as a result of such violations or fatalities.

#### 4.1.12 Sharps (Needles and Syringes) Waste Disposal

People who use “sharps” (syringes with needles and lancets for finger sticks) and have a need for on-campus disposal of used sharps are to dispose of them in a labeled, approved container designed for this purpose. Sharps or sharps containers are not to be placed in regular trash. Contact the Campus Nurse.

#### 4.2 Student Support Team Behavioral Assessment

The University is committed to supporting student well-being and to maintaining continuity of its educational mission at all times. In that regard, the University provides a procedure for the referral, evaluation, and appropriate disposition of students of concern. Faculty, staff, and students at all levels of the University may identify students of concern, including students displaying disruptive behavior, and bring them to the attention of the Director of Student Life, who will convene the Student Support Team (SST).

The present policy document serves as an educational aid as it encourages prior thought about student of concern referrals and interventions and the overall role of the SST. Further, this document provides a framework to help identify actions to be taken with regard to students of concern, including educating the community on appropriate referrals, handling of referrals, following up with students of concern, and recording and review of any actions taken for the purpose of continuous quality improvement. All deliberations, decisions and information received under this Policy will be treated with utmost respect for privacy in accordance with applicable laws, regulations and University policies.

##### Terms and Definitions

**STUDENT OF CONCERN:** A student of concern is any student who has come to the attention of a faculty member, staff member, or fellow student out of concern for the student’s and/or the community’s well-being. A student of concern may display disruptive behavior or other behavior that causes those around him/her to become concerned and wish to make a referral.

**DISRUPTIVE BEHAVIOR:** Disruptive behaviors are overt actions, omissions to act, or verbal or written statements that would not be consistent with the actions or statements of a reasonable, prudent person under similar circumstances. Disruptive behaviors include, but are not limited to, behaviors resulting from possible physical, drug-related, or psychiatric disorders which may pose a potential harm to the student’s well-being, the well-being of others, and/or cause significant disruption to the normal operations of the University. Disruptive behavior typically refers to directly observable behavior, yet it may also include a student’s behavior by electronic means (e.g. email, social networking, postings to digital classrooms, etc.).

**REFERRAL:** A referral consists of any report of a potential student of concern. Referrals can originate from any source, including faculty members, staff members, or fellow students. Referrals can be made anonymously using the Student Concerns form found on the learning management system (under the Academics tab).

**STUDENT CONCERNS FORM:** This form is to facilitate the referral of students exhibiting behaviors that are of concern in relation to their personal, physical, or emotional well-being. To report life-threatening or immediate danger situations, please call the Director of Student Life at 605-995-2160 or dial 911.

**STUDENT SUPPORT TEAM (SST):** Under the auspices of the Student Life Department and the leadership of the Director of Student Life, the SST meets weekly to review and evaluate the behavior of all students of concern. Specific procedures for dealing with a student of concern may differ depending upon the level of threat posed by the student. These procedures are set out in the “Procedures for Responding to a Student of Concern” section of this document. Members of the SST will include the Campus Counselor, Campus Nurse, Campus Pastor, Director of Residence Life, and the Academic Success and Career Services Coordinator, and others at the discretion of the Director of Student life.

**INVOLUNTARY LEAVE OF ABSENCE:** If a student demonstrates behavior that poses a threat to health or safety or is disruptive to the University community, the student may be placed on an involuntary leave of absence. An involuntary leave of absence is an involuntary, physical leave from campus by a student of concern as mandated by the SST. Involuntary leaves of absence are not pursued as punitive steps but are meant to support the student of concern and the wellness of the University community and may coincide with sanctions for student misconduct as per the code of academic conduct. An involuntary leave of absence is also pursuant to the University Administrative Authority Policy, in which the University reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including removal from campus.

**RETURN TO CAMPUS PLAN (“Return Plan”):** A Return Plan is a plan formulated by the SST in conjunction with an

issuance of an involuntary leave of absence and in some cases a voluntary leave of absence. The Return Plan will specify the conditions under which a student's return to campus will be possible. Moreover, the Return Plan will specify any follow-up actions the student may be obliged to take and any management activities required of others on the student's behalf in order for a successful return to campus to be accomplished.

**LEAVE OF ABSENCE:** See the University catalog for the LOA (not related to behavioral concerns) procedure.

**MEDICAL – EXTENDED LEAVE:** See the University catalog for the procedure to apply for and return from an extended leave due to medical reasons.

### **General Goals in Identifying a Student of Concern**

The University is committed to identifying students of concern in order to ensure the safety, security, and well-being of its population and to ensure the continuity of its mission at all times. The University has the right and responsibility to address the conduct of students who may pose a threat to its well-being and/or to the continuity of its mission, and this responsibility is shared by all faculty, staff members, and students. The present policy creates a framework by which all constituents of the University may become more aware of and sensitive to issues surrounding students of concern with a view toward ensuring their appropriate disposition.

The University is equally committed to protecting the rights of students of concern and giving them the respect and care they deserve. Accordingly, the SST will endeavor to intervene in the lives of students of concern in ways that minimize intrusiveness and protects privacy. The SST will consider lower-level interventions, such as referring the student to his/her adviser or other support network, before moving on to consider more intrusive interventions, such as restricting specific behaviors or requiring a leave of absence. If the SST reviews a case and, as a result, decides it is deemed in the best interest of the student and/or the University that the student be withdrawn from the University, then every effort will be made to facilitate the student's voluntary withdrawal in accordance with the University's Withdrawal Policy. However, if the student is unwilling to voluntarily withdraw and it is determined that the student's behavior is disruptive to normal University operations and/or that the student presents a threat of harm or bodily injury to herself/himself or others, then the SST may recommend an involuntary leave of absence and put specific conditions in place.

### **Procedures for Responding to a Student of Concern**

A student of concern may be referred by any faculty member, staff member, or student. Faculty, staff and students may make referrals to the Academic Success and Career Coordinator, the Campus Counselor, the Campus Nurse, the Campus Pastor, the Director of Residence Life, or the Director of Student Life. Referrals can also be made anonymously using the "Student Concerns" form found on the learning management system under the Academics tab.

All members of the University community will receive training on how to identify and refer students of concern. While identifying students of concern is the responsibility of all members of the University community, some faculty and staff members may be in a position to recognize and respond to students of concern earlier than other faculty and staff members. These faculty and staff members will receive the additional training and support needed.

Once a referral is received, the member of the SST who received the referral will document receipt of the referral. In addition, that SST member will determine an initial plan of action based on an initial assessment of level of threat and notify the larger SST accordingly. Ordinarily, cases that are deemed to be of low complexity and low risk will be handled without convening an emergency meeting of the team. All consultations and actions taken regarding the case will be carefully documented, regardless of level of complexity or risk.

Once the SST or one of its members has officially taken ownership of a case, members will commence gathering data. Interviews will be conducted in a thorough but sensitive and respectful manner, again with all interviews being carefully documented. Once the Care Team is satisfied that it has achieved an adequate understanding of the details of the case, then it decides from among the following possible courses of action, ranging from less to more intrusive:

- **No action deemed necessary.** While all referrals of students of concern will be taken seriously, not all referrals will require the opening of a case by the SST. That is, some referrals may reflect inaccurate data, misunderstandings, or concerns that are better addressed at other levels of the University. In addition, some situations will naturally be resolved in the course of time and without the help of the SST, as when a student of concern seeks appropriate help before coming to the attention of the SST. If the SST receives a referral and decides not to take action for any reason, then the individual who made the referral shall be informed in writing by the SST if this was requested during the referral process.
- **Referral to faculty member or staff member.** Referral is directed to a faculty member, staff member, or other individual nominated by the student. Given the fact that this third party has demonstrated an obvious level of trust

and rapport with the student, he/she will be approached with a request for assistance with the student. The SST will consult with this individual to help him/her and the student work out an appropriate plan of action. The SST will review progress toward any identified goals and recommend any changes to the plan accordingly. Faculty members and staff members recruited to assist in this way will be empowered with appropriate tools and strategies, as needed, by the SST and Student Life Department.

- **Referral to Residence Life staff.** Referral is directed to Residence Life staff or others with specialized knowledge, skills, and abilities relevant to the student's needs. In particular, these staff may have interventions/tools/strategies available to help meet student needs such as the following:
  - Life skills instruction;
  - Individual life skills coaching; and
  - Group life skills coaching.
- **Referral to a credentialed mental health counselor.** Referral is directed to the Campus Counselor, who may employ the following interventions/tools/strategies to help meet the student's needs and ensure the safety of the community:
  - Intake and safety assessment;
  - Outpatient counseling;
  - Referral for a psychological or psychiatric evaluation; and,
  - Hospitalization.
- **Leave of absence, voluntary.** The student will be given the option to voluntarily withdraw from the University within a timeline acceptable to the SST and will be given the opportunity to review and respond to the written report. If the student opts to voluntarily withdraw from the University, then the SST will send a letter of confirmation to the student and all other parties involved containing specific procedures for returning to the University along with a copy of this Policy. A Return Plan may be issued to the student by the SST specifying the conditions under which the student's return to campus will be possible in order to ensure health and safety and prevent disruptive behavior.
- **Leave of absence, involuntary.** The SST will review all available and relevant documentation and consult with appropriate University officials to create an individualized assessment of the student of concern. If the individualized assessment demonstrates that the student of concern poses a threat to health or safety or that his/her behavior is disruptive to the University community, the student may be placed on an involuntary leave of absence. A threat to health or safety or behaviors that are disruptive to the University community may include:
  - Behaviors that cause damage to property,
  - Behaviors that demonstrate an inability to care for themselves without assistance excluding those requiring assistance due to a documented disability,
  - Behaviors that demonstrate an inability to regulate or monitor their behaviors that as a result increases their risk of posing a danger to themselves or others,
  - Behaviors that result in excessive use of University resources that hinder the University's capacity to serve others,
  - Behaviors that impede the rights of others to a healthy living/learning environment,
  - Behaviors that pose physical harm to self or others, and
  - Behaviors that demonstrate suicidal ideation or suicide attempts.

The student is ordered to withdraw from the University effective immediately when the letter of confirmation for the involuntary leave of absence is issued. This is also pursuant to the University Administrative Authority Policy, in which the University reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including removal from campus. The student has the right to request an appeal hearing for this decision within five (5) business days but must remain on interim involuntary leave and follow the conditions of leave during the appeal process. The SST will send a letter of confirmation to the student and all other parties involved containing a Return Plan as well as a copy of this policy.

### **Levels of Threat Posed by Students of Concern**

The SST will balance the need for a sense of urgency with the need for caution and attention to detail at all times. Taking time to gather needed information, verify data, and follow an effective plan is time well spent. Normally, within one working day of receiving a referral of a student of concern, a SST member on call will commence assessing the risk level of the student of concern in consultation with the originator of the referral and others involved in the case, as appropriate.

Levels of threat may vary from one student to the next. Four different levels of threat may be identified by the SST:

- **None:** No clear threat to self or others has been identified.
- **Mild:** There is no clear, immediate threat and no known occurrence of non-academic misconduct, but the conduct of the student of concern appears to be having a negative impact on the student and/or on the University and/or creates a reasonable fear or concern that a threat may exist in the future and some non-academic misconduct occur. The SST will meet to review the case and make recommendations regarding how to proceed. Any interventions will be determined by consensus of the SST.
- **Moderate:** There is no clear, immediate threat at present, but misconduct (non-academic) may have occurred and the student's physical and/or mental state and/or related conduct appears to be at risk for progressive deterioration. The conduct of the student of concern creates a reasonable fear or concern that a threat is likely to exist and/or that further misconduct is likely to occur in the near future. The SST will meet to review the case and make recommendations regarding how to proceed. Any interventions will be determined by consensus of the SST.
- **Severe:** There is a clear, immediate threat which may trigger the University's duty to warn and to take action to protect the student of concern and/or others. In accordance with University policies and applicable laws and regulations, the University may share information regarding the student of concern in order to contain the immediate threat. The SST will immediately meet and proceed with an intervention plan to protect the student of concern and the safety of the University community.

### **Decision Notification and Appeals**

If the Provost or his or her designee approves the recommendation to place a student of concern on an involuntary leave of absence, the student shall be notified of that decision in a timely fashion, together with the terms and conditions associated with the leave of absence. A copy of the signed and dated letter will be included in the student's file. The decision letter will contain a summary of the situation and of the medical findings if applicable, a copy of this time stamped Policy with specific mention of the right to an appeal hearing within five (5) business days, the process to appeal, and a copy of their individualized Return Plan.

The student of concern must leave campus within the time period set forth by the Provost or his or her designee. For the duration of the leave, the student of concern may visit campus only if authorized in writing by the Provost or his or her designee and may only communicate with the designated University personnel and only for purposes related to the application of this Policy.

Within five (5) business days of notification and receipt of the decision letter, as well as any possible reports or medical findings (if obtained), the student of concern may request an appeal hearing with the Care Team and/or be given the opportunity to provide any relevant report, information or opinion concerning his/her case, health and/or behavior. The student of concern may be assisted at this hearing by an advisor of his or her choosing (e.g. a family member, health professional, friend, or other member of the University community).

The student of concern may appeal to the Provost the decision(s) made under these guidelines on any of the following grounds: new evidence is discovered, where there is a serious defect in procedure causing a serious prejudice to the student, or where the decision of the SST was patently unreasonable. If there are insufficient grounds for appeal, then the student shall be notified within ten (10) business days of having filed the request for an appeal.

### **Return to Campus Procedures**

The student of concern's request to return to the University, along with supporting documentation, must be received by the SST by July 15 for the fall semester or December 15 for the spring semester. These deadlines are designed to provide the University with sufficient time to evaluate the documentation and the student's request to return as well as to ensure that the student no longer presents any potential threat to health and safety and/or no longer presents disruptive behavior.

Consideration of the request will be conditional on the following: evidence that all terms and conditions associated with the involuntary leave of absence or the voluntary leave of absence and documented in the student's individualized Return Plan have been met, and evidence that all current outstanding disciplinary sanctions have been completed or have been dealt with under this Policy or there is a plan in place for fulfilling these sanctions.

The SST will evaluate the application and its accompanying documentation and may consult with the Provost to confirm all follow-up actions the student may be obliged to take and any management activities required of others on the student's behalf in order for a successful return to campus to be accomplished. A recommendation regarding whether the student should be permitted to return to campus and any return to campus procedures shall be forwarded to the President, or

designee, normally within ten (10) business days after receipt of a completed application. The President, or designee, shall inform the student in writing in a timely fashion whether the application has been approved.

### **Case Review**

The SST shall, upon conclusion of the case and/or after a final decision or action taken in application of the Policy or at the appropriate time, prepare a brief report summarizing the case and submit it to the Provost if requested. The report should include any observations emanating from the debriefing session and any recommendations for review or changes to Policy or practice which the SST wishes to make. An annual report will also be prepared in the fall summarizing SST action taken in application of Policy and recommendations for amendments to policy or procedure for review by the Provost. Training opportunities for SST members will also be provided annually.

### **Policy Review**

The SST will meet annually to review this Policy.

## **4.3 Access to Campus and Buildings**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The University encourages an open environment with limited constraints to ensure a reasonable flow with the local community. Except for residence halls, most campus facilities are open during weekday business hours. Access to some areas within the campus facilities and after-hours access to many of the academic and administrative facilities is by key and/or a fob access control system. Individuals who wish to access buildings during non-business hours or for special events should contact the appropriate department head or the Residence Life Office.

Dakota Wesleyan University residence halls are designed to promote a safe and secure living environment for all residents. Residence halls are secured on a full-time basis and all exterior doors are kept in a locked position. Resident students are issued an exterior door key and/or fob access device. These are issued individually and are all uniquely numbered. Each resident is also issued an individual room door key to their specific dormitory room. There are Resident Assistants (RA) on every floor of all the residence halls. Resident Assistants are a valuable and energetic part of our residence hall supervision and security. Resident Assistants patrol the halls and at least one RA is on duty every night. Security cameras are also utilized as part of the overall security system. Cameras are located at every entrance and exit within the residence halls. These are monitored by members of the Residence Life team. See the University's Security Camera Policy for additional information.

## **4.4 Bicycles, Skateboards, Hover Boards, Roller Skates/Blades**

Every person riding a bicycle within the campus has all the rights and is subject to all the duties of a driver of an automobile. Bicycles must be operated in a safe manner and may not be ridden in campus buildings. Bicycles can be stored in offices or locked on bike racks located outside of buildings. Bicycles may not be secured to trees, light poles, posts, handrails, or buildings.

In addition to the above, the following regulations have been established for the safety of the University community:

- Riding bicycles, roller blades, skateboards, or other conveyances in rooms, hallways, courtyards, lounges, and lobbies, as well on all steps and stairways, is prohibited;
- Skateboards, roller blades, and bicycles may not be ridden on sidewalks or walkways where there is a likelihood that such operation will duly interfere with pedestrian traffic; caution is to be exercised at all times and the right of way yielded to pedestrians;
- Unauthorized motorized vehicles, other than wheelchairs, may not be operated on sidewalks;
- Riding hover boards or storing hover boards on campus is not permitted.
- Bicycles, roller blades, skateboards, and other conveyances may not be ridden on any artificial or specially prepared surface (i.e., running tracks and basketball courts);
- All persons operating bicycles, roller blades, skateboards, or other conveyances on campus are expected to comply with and are subject to state and local ordinances, including adhering to all posted warning, caution, or speed limit signs. In the absence of posted speed limits, operators are expected to act in a responsible manner and in respect of local conditions.

## 4.5 Clery Act Compliance

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, requiring universities across the United States to disclose information about crimes on and around their campuses.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires universities to:

- Publish an Annual Security Report (ASR) every year by October 1 that contains three years of campus crime and fire statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain on-campus facilities and remote classrooms. The statistics must be gathered from campus security, local law enforcement, and Responsible Employees.
- Provide TIMELY WARNING NOTICES of crimes that have occurred on campus or in the local community and that may pose an ongoing “threat to students and employees.” Disclose in a public crime log “any crime that occurred on campus or within the jurisdiction of campus security department and is reported to the security department.”
- Disclose in a fire log “that records by date reported, all fires in on-campus student housing facilities.”

The Student Life Department is responsible for the Annual Security and Fire Safety Report, TIMELY WARNINGS, and the Crime and Fire Logs. The Annual Campus Security and [Fire Safety Report](#) is prepared in cooperation with local law enforcement agencies in Davison County and the Student Life Department. Campus crime and arrest and referral statistics include those reported to the Residence Life Office, local law enforcement agencies, and Responsible Employees. The Annual Security Report is compiled and submitted by the Director of Student Life. For more information, contact the Student Life Department.

## 4.6 Code of Conduct

All students, faculty members, and staff are charged with the responsibility for referring violations of the Code of Conduct and/or residence hall contract to the Residence Life Office for possible disciplinary action.

Generally, institutional discipline is limited to conduct that adversely affects the University community’s pursuit of its educational objectives. The University strongly believes that students are adults who are expected to take personal responsibility for their own conduct. The University has determined that the following behaviors constitute a violation of University norms. This listing should not be considered exhaustive but, rather, suggestive of forms of inappropriate behavior:

- Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities. This includes engaging in any form of fighting.
- Intentionally or recklessly placing any person under mental duress or causing any person to be in fear of physical danger through verbal abuse, harassment, improper use of campus communication network, hazing, bullying, intimidation, threats or other conduct which threatens or endangers that person’s emotional, mental or physical safety and well-being. A violation will be considered aggravated if it occurs in connection with an actual or pending disciplinary proceeding.
- Engaging in sexual misconduct, criminal sexual behavior, sexual exploitation, dating violence, domestic violence, stalking and other related behaviors on University premises or at University-sponsored activities, or against a member of the campus community off-campus as outlined in the University Gender-Based Discrimination, Harassment, and Sexual [Misconduct Policy](#). Criminal sexual behavior shall include, but not be limited to the use or threatened use of force to engage in any sexual act against the person’s will and/or engaging in such behavior with a person who is unconscious or substantially mentally impaired (including an intoxicated individual); intentionally touching another person or making physical advances in a sexual way without the person’s knowing consent.
- Unauthorized use or possession of any weapon (licensed or otherwise) on University premises or at University-sponsored activities. This includes, but is not limited to, possession or use of BB guns, hunting knives, bows, etc.
- Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other



emergency on University premises or at University-sponsored activities.

- Intentionally or recklessly interfering with normal University or University-sponsored activities, including, but not limited to, teaching, research, University administration, and/or city fire, police or emergency services.
- Public intoxication or possession of an open container of alcoholic beverage on University premises.
- Providing alcohol to a person under 21 years of age.
- Failure of an individual or group to comply with the University Alcohol Policy.
- Use or possession of any controlled substance or illegal drug paraphernalia on University premises or University-sponsored activities in violation of the University Drug Policy.
- Unauthorized distribution or possession for purposes of distributing any controlled substances or illegal drug on University premises or at University-sponsored activities.
- Intentionally or recklessly misusing or damaging fire safety equipment.
- Intentionally furnishing false information to University personnel or an agent of the University.
- Forgery, unauthorized alteration, or unauthorized use of any University document or instrument of identification.
- Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.
- Theft of property or of services on University premises or at University-sponsored activities; possession of stolen property on University premises or at University-sponsored activities.
- Unauthorized presence in, or use of, University premises, facilities or property. This includes unauthorized presence in another student's room, any University building or roof, or other University premises or property. This also includes unauthorized access or attempted access to any computer file, program, or facility.
- Possession, duplication or use of keys or fobs to any University premises.
- Intentionally or recklessly destroying, damaging, or defacing University property or personal property found on University premises or at University-sponsored activities.
- Intentionally or recklessly causing physical abuse or any form of suffering to animals on University premises or at University-sponsored activities.
- Failure to comply with the directions of University officials, including, but not limited to, campus safety staff, student life administrators, residence life staff or faculty members, acting in the performance of their duties.
- Unauthorized use or possession of fireworks on University premises.
- Intentional littering in residence halls and on campus property. This includes throwing any items out of residence hall windows/doors (bottles, cans, paper, trash, furniture, clothing, etc.).
- Public or semi-public nudity.
- Violating any policy, procedure, notification, regulation, or condition established in the residence halls, including published and non-published materials. This also includes rules established by resident directors and/or building leadership.
- Presence when and where a violation of the Code of Conduct is occurring and failing to leave the scene and not notifying campus authorities of a violation of the Code of Conduct.
- Off-campus behavior that violates University expectations and policies and/or when the University's interests as an academic community are clearly involved, including violation of any local, state or federal law classified as felonies, misdemeanors or citations.
- Representing oneself as having the authority to enter into contracts or agreements that affect the University in any way.
- Misusing a University identification card including, but not limited to, transferring and/or copying ID cards, possession of another person's ID card, or using the ID card in a fraudulent manner.

- Engaging in unauthorized soliciting on campus.
- Playing or engaging in any illegal gambling activity while on University property is not acceptable behavior or permitted.
- Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants.
- Violation of the University Smoking and Tobacco Use Policy.
- Violation of any University Information Technology policy.
- Violation of the University's copyright policies, including illegal peer-to-peer file sharing.
- Violation of other published University regulations or policies, as approved and compiled by the Residence Life Office and Provost not listed herein. Such regulations or policies include, but are not limited to, the University policies on alcohol and illegal drugs, the University policy on Discrimination and Harassment (including acts of retaliation), the Student Housing Contract, which includes policies pertaining to visitation, alcohol, quiet hours, security, pets, keys, room capacity, health and cleanliness, as well as those regulations relating to entry and use of University facilities, use of motor vehicles, use of amplifying equipment, postings on campus, and misuse of identification cards.
- Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code.

*Note: In conjunction with misconduct governed by other policies, the University reserves the right to determine on a case-by-case basis whether a charge of misconduct should be investigated as a Code of Conduct violation.*

## **4.7 Consensual Relations**

### **Rationale and Definition**

A consensual relationship, as that term is used in this policy, is one in which two members of the Dakota Wesleyan University community are engaged, by mutual consent, in a romantic and / or sexual relationship. When such a relationship involves people who differ in power within the university community, it is of special concern because of the potential for conflicts of interest and/or the abuse of power. Decisions that ought to be made free from bias or favor may be rendered suspect when made by a person whose decisions stand to impact the individual with whom he or she is in a consensual relationship. The simple appearance of bias resulting from a consensual relationship may, moreover, negatively impact the academic or work environment. Such relationships carry the potential of compromising the university's sense of community, mutual trust, and support.

Consensual Relationships may, moreover, eventuate in charges of harassment and/or sexual harassment when the situations of the parties involved change. For these reasons, Dakota Wesleyan University has adopted the following policy with respect to consensual relationships and places all employees on notice that the university views consensual relationships between university community members, especially when a power relationship exists, as unwise and carrying a high risk. Furthermore, should any legal claims arise out of a consensual relationship between university community members, the defense of such claims will generally be the responsibility of the parties involved.

### **Consensual Relations Policy**

- Dakota Wesleyan University strongly discourages consensual relationships between staff and faculty members where a power or reporting relationship exists.
- Dakota Wesleyan University prohibits consensual relationships between a faculty or staff member and any student enrolled at the University.

In situations involving the discouraged behavior (i.e. part A), the university reserves the right to transfer employees, modify reporting arrangements, or take other actions (including disciplinary actions), to remedy any situation deemed inappropriate. A member of the university community who violates part B will be subject to discipline up to and including dismissal. In rare instances, exceptions to this policy may be considered by the Provost or Director of Human Resources on a limited, case-by-case basis. In instances in which exceptions are allowed, procedures will be implemented to avoid conflicts of interest.

### **Reporting Apparent Violations and Procedures for Action**

Any member of the University community who has reason to believe that a violation of the consensual relations Policy has occurred should contact the member of President's Council to whom he or she reports. (In the event that violation involves a President's Council member, the community member should contact an alternative member of President's Council.)

#### **4.8 Copyright Compliance**

The University students are required to comply with the provisions of the United States Copyright Law, which regulates the reproduction of copyrighted material. The University as an institution, and individual University students, may be held liable for infringements of the Copyright Law, including but not limited to the use of Peer-to-Peer file sharing.

Questions concerning the Copyright Law should be directed to the Director of Learning Resources in the McGovern Library.

#### **4.9 "See Something, Say Something" Program**

Dakota Wesleyan University is dedicated to eliminating and/or minimizing criminal activities through the eyes and ears of the faculty, staff, students, visitors and neighbors of the campus community. Crime prevention is discussed in hall programming. Resident Assistants and Resident Directors are given training by the Residence Life Office and the Mitchell Police Department on security and crime prevention topics. These topics include, but are not limited to, sexual assault, date rape, drugs, alcohol, personal protection, fire safety, and theft. In addition, all employees receive annual training on issues pertaining to sexual misconduct, including sexual criminal assaults.

In addition to the above, the Student Life Department annually disseminates safety and crime prevention policies and procedures to students and employees through the Annual Security and Fire Safety Report. When time is of the essence, information is released to the University community through timely warnings (see Timely Warning Notice Policy) and emergency notifications (see Emergency Notification Policy).

#### **4.10 Criminal Activity Off Campus**

When a University student is involved in an off-campus offense, Residence Life staff may assist with the investigation in cooperation with local, state, or federal law enforcement. Local law enforcement routinely work and communicate with Student Life Department on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. While the University operates minimal off campus housing and no off-campus student organization facilities, some students live in the neighborhoods surrounding the campus. DWU enjoys a close working relationship with local law enforcement when violations of federal, state, or local laws surface.

#### **4.11 Destruction of Property**

Whether intentional or unintentional, students who are found to be responsible for destruction of property will be required to make restitution as well as face University sanctions. Examples of destructive behavior that may result in a student making restitution include damages to property, stolen items, disruption of services, etc.

#### **4.12 Disclosures to Alleged Crime Victims**

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any due process hearing conducted by the University against the student or employee who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### **4.13 Discrimination and Harassment**

The University complies with Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990 ("ADA"), Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA") and other applicable statutes and will not tolerate, condone or permit unlawful discrimination, harassment, and/or retaliation, whether engaged in by the University students, staff, faculty, and volunteers, or contractors, consultants, and vendors doing business or providing services to the University (third Parties). In addition, pursuant to the Violence Against

Women Act, the University will not tolerate dating violence, domestic violence and stalking. Inquiries concerning the application of Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act, and the Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA"), to the University should be referred to the University's Title IX Coordinator or Deputy Coordinators:

John Kippes  
Title IX/Section 504 Coordinator  
Director of Student Life  
Rollins Campus Center R104  
Office: 605-995-2160 Cell: 605-770-8089  
[John.kippes@dwu.edu](mailto:John.kippes@dwu.edu)

Janet Hayen  
Title IX Deputy Coordinator  
Director of Human Resources  
Rollins Campus Center  
[janet.hayen@dwu.edu](mailto:janet.hayen@dwu.edu); 605-995-2648

See the Gender-Based Discrimination, Harassment, and Sexual [Misconduct Policy](#) for detailed information regarding how to obtain immediate assistance if you have been a victim of, or have witnessed, an incident of sexual or gender-based misconduct; how to file confidential and/or non-confidential reports within the University and/or with law enforcement; an explanation regarding the University's grievance procedures; and available on and off-campus support services.

#### **4.14 Dress Code**

Students are required to abide by the following dress code:

- All students must wear appropriate upper and lower garments and shoes or sandals at all times in classrooms, University offices, and University facilities.
- Appropriate attire is required for formal convocations, formal receptions/meals, and other formal occasions of a ceremonial nature.

#### **4.15 Emergency Notifications**

Dakota Wesleyan University recognizes the need to be prepared for critical incidents and emergency situations. These situations can come in many forms ranging from weather emergencies to epidemics and acts of violence. The University works continuously to strengthen its capacity to prevent, prepare for, respond to and recover from emergency type situations.

Notifications are made through a variety of different means including, but not limited to: phone, email, text, word of mouth, mass notification system, the University website, social media, and regional media outlets. The University's mass notification system is through an opt-in text alert system. Go to the learning management system and be sure you have activated the text alerts. For students, log in and go to the Student Life tab. If you have signed up for these alerts in the past, be sure your information is up to date (phone number and carrier). Any replies to these texts to the Student Support desk from your phone number. Email is our first method of contact; DWU will send a mass email alert before any other notification. In addition to making weather announcements via key media outlets (KELO, KSFY, and KDLT television; KMIT and KQRN radio; and The Daily Republic), we also post notices on Facebook and Twitter.

Class cancellation messages are also available by calling 605-995-2123.

The President (or his or her designee) along with the Provost and the Executive Vice President will determine how, when and whether an emergency notification needs to be made. A determination will also be made as to whom the notification will be sent. These notifications, when deemed appropriate, will be sent without delay.

Any major evacuation plan that would involve moving large groups of the campus community around on campus (or, if necessary, off campus) would be a decision made by the President (or his or her designee) along with the Provost and the Executive Vice President in accordance with the University's Emergency Response and Safety Plan.

#### **4.16 Emergency Response and Safety Plan**

The Clery Act requires the University to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situations involving an immediate threat to the health or safety of students, employees or visitors occurring on its campuses. The University's Emergency Response Plan provides important information in the event of an emergency or the occurrence of a natural disaster within the general area of the University campus that impacts academic or other operations. The basic emergency procedures contained in the Emergency Response Plan are designed to protect lives and property through effective use of University and community resources.

Annually, the Office of the President sends students, faculty and staff an email reminding them to review the Emergency Response Plan. In addition, the University conducts numerous emergency response exercises each year, such as tabletop exercises and field exercises. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

#### **4.17 Environmental Security Inspections**

The University strives to maintain a safe and secure working and learning environment. Ongoing checks are made by select employees from Student Life and the Physical Plant, and other concerned areas, to routinely examine select campus areas for security issues such as landscaping, locks, alarms, lighting, and communications.

#### **4.18 Family Notification**

Dakota Wesleyan University recognizes the privacy rights of students to control what information about them is disclosed while protecting the safety and well-being of the campus community. In accordance with the Family Educational Rights and Privacy Act (FERPA), Dakota Wesleyan University reserves the right to notify families in emergencies to protect the health or safety of students or others. Emergency situations may include instances where a student presents a serious risk of harm to self and/or others; hospitalization or hospital transport; serious health concerns (physical or mental), or an official missing person report.

Dakota Wesleyan University may also notify parents of students under the age of 21 in cases of serious or repeated violation of laws or policies involving drugs or alcohol.

The Provost or his or her designee is responsible for emergency family notification. Every situation is different, and the circumstances of the incident will guide University officials in determining whether family notification is appropriate depending on the nature and severity of the situation.

Students are encouraged to maintain ongoing communication with their families. When possible, University officials will attempt to communicate with the student before contacting family in order to discuss the possible benefits and challenges of the notification.

#### **4.19 Federal Education Rights and Privacy Act Notice to Students**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who attends a postsecondary institution regardless of the student's age.) These rights and the full policy is listed in the University Catalog.

#### **4.20 Fire Safety**

The Higher Education Opportunity Act (Public Law 110-315) requires all U.S. academic institutions to produce an annual fire safety report outlining fire safety practices, standards and all fire-related statistics pertaining to on-campus residence buildings.

##### **4.20.1 Campus-Wide Fire Safety Practices**

Fires result in serious injuries, deaths and property loss; all members of the University community must take precautions at all times to prevent a tragedy due to fire and smoke.

In the event of smoke or fire, calmly exit the building using the nearest exit. If the building's alarm system is not sounding, pull the fire alarm when exiting the building. All University buildings have posted exit diagrams and all building occupants should know the exit routes and be familiar with University fire evacuation procedures set forth in the

Emergency Response Plan. Failure to exit the building at the sound of a fire alarm or warning is a violation of University policy, as well as a violation of state law. Also, tampering with or falsely activating a fire alarm is a violation of University policy and state law.

#### **4.20.2 Campus Fire Safety Policies**

Smoking is not permitted in any form in the residence halls or University buildings. This includes the use of 'electronic cigarettes.' Also not permitted are any and all devices with an open flame or that produce heat, such as candles, incense, candle/wax warmers, hot plates, space heaters, toasters, toaster ovens, Crock-Pots, electric skillets, rice steamers, woks, deep fryers, or grills. Flammable liquids (e.g. bottles of propane gas, lighter fluid, and dangerous chemicals), and explosives (including fireworks) and/or any other such item that can produce heat are also prohibited. To meet all fire safety codes, students and employees are required to use only electrical cords that are surge protector types and approved power strips instead of conventional extension cords or grounded in-wall adapters in the residence hall rooms. Flammables, combustibles, and/or any toxic materials are not permitted in or around any University building. The University is subject to scheduled and regular inspections by the SD State Fire Marshal's Office. The State Fire Marshal's Office as well as the local fire department also perform unannounced spot checks on campus as part of their job duties. Violations discovered will be subject to fines, the cost of which will be passed on to the individual student or employee.

Fire safety training is provided each year to the resident assistants, resident directors, safety officers, and other members of the Residence Life Office and/or University community. From this training, the RAs and RDs educate all resident students on proper fire evacuation procedures. All fire and smoke alarms along with emergency lighting are checked on a monthly basis. Fire extinguishers are also checked on a regular basis and areas in the kitchen are checked in accordance with National Fire Prevention Association guidelines. Fire drills, both announced and unannounced, are performed during each semester.

In case of fire, individuals should call 911. For any type of alarm, or smoke, please contact Residence Life Office at 605-770-1593.

It is absolutely essential for the corridor separations and stairwell doors to be closed at all times. Fire doors retard the travel of smoke, heat, toxic gases and fire. Do not place any combustible material on these doors, absolutely no paneling, burlap, draperies, parachute netting, Styrofoam, nor any type of wood can be installed in the exit corridors or stairwells. Building fire equipment such as sprinkler heads, smoke detectors, fire hoses, extinguishers, stand pipes, and alarm boxes must remain in good working condition and must not be obstructed. Unauthorized use or tampering with this equipment will result in disciplinary and/or legal action.

#### **4.20.3 Fire Safety Training**

Resident directors and resident assistants, along with Campus Safety officers, receive fire safety training from the Mitchell Fire Department on an annual basis. In addition, procedures that should be followed in the case of a fire are set forth in the University's Emergency Response Plan, which is available to all students, faculty and staff. At the beginning of each academic year, the Office of the President sends students, faculty and staff an email reminding them to review the Emergency Response Plan.

#### **4.20.4 Campus Fire Statistics**

The Director of Student Life is responsible for collecting the following fire statistics for each on-campus student housing facility at Dakota Wesleyan University:

- The number of fires and the cause of each fire in a University student housing facility;
- The number of deaths related to the fire in a University student housing facility;
- The number of injuries related to the fire in a University student housing facility that resulted in treatment at a medical facility;
- The value of property damage related to the fire at the University student housing facility.

These statistics are published in the Annual Security and Fire Safety Report and on the University website. A fire, for the purposes of this policy, is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

## **4.21 Fundraising Activities**

To avoid conflicts, it is the policy of the University that no employee or University organization solicit an outright donation or gift-in-kind in the name of Dakota Wesleyan University without clearance in advance from the Development Office. This includes the solicitation of ads for ad books, sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a “donation.”

## **4.22 Gambling**

Playing or engaging in any non-University sponsored, illegal or unauthorized gambling activity or games of chance, including but not limited to gambling on University-athletic and professional sporting events, while on University property is not acceptable behavior or permitted. Violators shall be subject to appropriate disciplinary action. The Vice President for Institutional Advancement must approve all raffles and sales for charitable purposes.

## **4.23 Hazing**

The University prohibits hazing by individuals or groups and defines it as any reckless or intentional act, occurring on or off campus, that produces physical, mental or emotional pain, discomfort, humiliation, embarrassment or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group or organization. Hazing includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. Prohibited acts of hazing include those covered under South Dakota State law.

The following represents an illustrative, though not exhaustive list of typical (and prohibited) hazing activities:

- Any physical act of violence expected of or inflicted upon another;
- Any physical activity expected of or inflicted upon another, including calisthenics;
- Pressure or coercion of another to consume any legal or illegal substance;
- Making available unlawful substances;
- Excessive fatigue or sleep deprivation as a result of any activities;
- Forced exposure to the weather; kidnapping, forced road trips and abandonment;
- Required carrying of or possessing of a specific item or items;
- Servitude (expecting a new member to do the tasks of an experienced member);
- Costuming and alteration of appearance;
- Line-ups and berating;
- Coerced lewd conduct;
- Degrading games, activities or public stunts;
- Interference with academic pursuits;
- Violation of the University policies; and
- Assignment of illegal and unlawful activities.

Reported violations of this policy will result in campus judicial action and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, or is involved with or cooperates with the adjudication of hazing is strictly prohibited. Hazing that occurs in close-gendered groups may be subject to resolution under the Gender-based discrimination, harassment, and sexual misconduct policy.

There are two primary conditions that create a hazing dynamic.

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, consent to be hazed does not excuse hazing. Students have died or been seriously injured as a result of participating in activities to which they have “consented.” The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make the need to prohibit hazing conduct, to any degree, undeniably clear.
2. Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any

organization may expect to be trained, oriented or indoctrinated, but membership in any group that puts a new member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.

New members of groups and teams can expect to participate in educational and fun activities that build teamwork and camaraderie among all members of the group. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. Students should check with appropriate staff, advisers, sponsors and coaches if there is any question about whether an activity constitutes hazing.

#### **4.24 ID Cards**

All students are required to have a current photo ID. ID pictures are taken at the Financial Aid office in Rollins Campus Center. A fee may be charged for replacement ID cards. If a University ID card is broken or will not scan, the University will issue a new ID card free of charge. IDs must be used for admission to the dining hall, University events, checking out materials at McGovern Library, etc. It is recommended that students carry their University ID at all times when on campus.

Misuse of a University photo ID including, but not limited to transferring or/ or copying ID cards, possessing of another person's ID card, or using the ID card in a fraudulent manner, is considered a violation of the Student Code of Conduct.

#### **4.25 Missing Students**

Any student residing in a Dakota Wesleyan University residence hall who is determined to be missing for more than 24 hours must be reported immediately to one of the following:

- Residence Life staff
- Residence Life on-call phone (605) 770-1593
- Student Life Department (605) 995-2160
- Any other designated Responsible Employee

When a report of a missing residential student is made to the Student Life Department, that office will seek to clarify the student's status, if the student's status cannot be determined, the office will take whatever steps deemed necessary to determine the whereabouts of the individual. These steps include contacting the appropriate law enforcement agencies.

In addition to providing a general emergency contact, missing person contact information is also collected by the Student Life Department on an annual basis at the time the resident students move into the residence halls. The contact information will be kept confidential and will be disclosed only to authorized campus officials and law enforcement in furtherance of a missing person investigation or other appropriate purpose. The confidential contact person will also be notified within 24 hours if the student is determined to be missing. If a student is under the age of 18, Dakota Wesleyan University is required to notify a custodial parent or guardian within 24 hours of when the student is determined to be missing.

In situations in which the student has failed to designate a contact for missing student notification, the Student Life Department will continue to investigate utilizing established police investigative procedures, to include University resources and records. Family members, including those not formally identified by the student, may be contacted during the course of the investigation to resolve a report of a missing student.

#### **Issuance of Amber Alert**

Suzanne's Law requires law enforcement to notify the National Crime Information Center (NCIC) when someone between the age of 18 and 21 is reported missing, as part of the national "Amber Alert" bill.

#### **Resolution of Missing Student Status**

Missing student contacts will be advised of the resolution of a student's missing status. These contacts will further be advised of law enforcement options in cases in which the University is unable to locate or contact the student.

#### **4.26 Off-Campus Behavior**



Although the University is not responsible or liable for students' behavior off campus, it does reserve the right, in the interest of protecting students from harm, to take action in response to behavior off campus that violates University expectations and policies and/or when the University's interests as an academic community are clearly involved. Generally, the University expects its members to demonstrate respect and regard for the rights, property and dignity of all individuals; and to take responsibility for their own actions.

#### **4.26.1 Notification of Criminal Arrest**

A student is responsible for notifying the Director of Student Life of any off-campus arrest. When the Director of Student Life is informed of the arrest of a student, the University will send a letter to the student requiring him or her to make an appointment for an interview with a Student Life staff member. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the possible criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.

As outlined in the Student Disciplinary System, University disciplinary proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceedings. The alleged commission of a felony as named in local, state, or federal law is a serious violation of the Student Code of Conduct and may necessitate suspension, expulsion, or other appropriate disciplinary action on the part of the University.

When a Dakota Wesleyan University student is involved in an off-campus offense, Student Life staff may assist with the investigation in cooperation with local, state or federal law enforcement. Local law enforcement routinely work and communicate with Student Life on any serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. While the University offers minimal off-campus housing and no off-campus student organization facilities, some students live in the neighborhoods surrounding the campus. While law enforcement agencies have primary jurisdiction in all areas off campus, Residence Life staff may respond to student-related incidents that occur in close proximity to campus. As noted earlier, the Residence Life Office enjoys a close working relationship with local law enforcement when violations of federal, state or local laws surface. This cooperative team approach addresses criminal situations as they arise, as well as future concerns.

#### **4.27 Ownership of Student Intellectual Property**

For the most part, students own the intellectual property they generate in the course of their studies at the University. There are a few exceptions to this such as:

- If the student was paid by the University to produce the work in question, as part of University employment or through grant or contract funding secured through the University, then that intellectual property is the property of the University; or
- The student and the University entered in an agreement defining ownership of student intellectual property as being owned by the University. Such an agreement would need to have been entered into before any work started. This is done in certain cases where there is a corporate sponsor of student class projects. For such cases the student needs to be aware what rights they have to use the intellectual property they generate as part of the sponsored project.

#### **Use of Student Intellectual Property**

The University cannot use student-owned intellectual property without first obtaining permission from the student other than, of course, reviewing and providing feedback and marking assignments the student submits as part of course and other project work.

#### **Students as Creators of DWU Intellectual Property**

There are situations where intellectual property developed by a student would be owned by the University. This would occur if the student was paid by the University to perform certain work and were the inventor or author of a creative work that came from that paid work. Students, as the inventor or author of University-owned intellectual property, would be covered by the University's Intellectual Property Rights and Ownership Policy in such cases.

#### **4.28 Pets**

Due to health and safety concerns, pets and other animals, with the exception of service or comfort animals, are not permitted in University buildings. This applies to all students and employees as well as visitors and guests. Visitors and guests should be made aware of the policy to prevent misunderstanding. All occupants of the room or unit housing an illegal pet will be subject to an immediate fine for deep cleaning charges (entire room/unit: carpet, tile floors, walls and furniture) with possible additional charges at checkout, depending upon the condition of the room or suite. Any pet “reappearances” will be subject to additional charges and possible contract revocation.

Fish are the only pets allowed in the residence halls. The following guidelines must be adhered to:

- Aquarium can be no larger than 10-gallon capacity.
- Proper upkeep of aquariums and fish must be maintained at all times.
- Marbles must be used instead of colored rocks or sand to cover the bottom of the aquarium. Piranha and game fish are not permitted.
- Residents must make appropriate care/feeding arrangements for their fish during breaks and when they will be off campus.

If these guidelines are not followed, the residence life staff will authorize the removal of the aquarium.

Pets (normally of the canine variety) are welcome on the grounds of the campus. As provided by city ordinance, they must be on a leash. The University does ask that owners clean up after their pets. Members of the University community are requested to report strays and violations to Office of Public Safety or the Student Life Department.

See the Disabilities Services Coordinator for required forms and policies regarding the use of emotional support animals or service animals on campus.

#### **4.29 Posting on Campus**

The University recognizes the rights of all individuals including freedom of expression. This policy establishes procedures for the posting of advertisements and all other types of printed materials on campus.

- All printed materials must be reviewed by the Student Life Department for approval prior to being posted.
- All printed materials must be posted on community bulletin boards.
- No printed material may be posted on departmental bulletin boards without departmental permission.
- The organization sponsoring the event will clear all community bulletin boards following the date of the program or activity.
- No posters, flyers or printed materials of any type may be posted on walls (interior or exterior), windows, doors, or stairwells of any campus buildings. Community bulletin boards are the only locations for the posting of materials in campus buildings. All improperly posted materials will be immediately removed and destroyed.
- No posting of any type of printed materials is permitted on trees, utility poles, signs, building exteriors, or any structure on the campus. Any materials posted in such areas will be immediately removed and destroyed. Those groups may also be penalized.
- All postings are subject to a standard of “not socially offensive” (such as no personal attacks or obscenity) and consistency with the University mission.
- Postings may not depict characterization of alcohol or other drugs or otherwise violate the University policy or local laws.
- The name of the sponsoring organization(s) must appear on the posted material.
- All pertinent information regarding the activity (who, what, when, where) must appear on the posted material.
- Individuals who post materials are responsible for removing these materials with 24 hours of the event’s conclusion or two weeks of posting, whichever comes first. The University will remove electronic postings in a timely manner.
- Courtesy dictates that organizations may not cover or remove any other approved poster(s) if the expiration date has not passed.

#### **4.30 Roof Access**

Students are strictly prohibited from going onto the roofs of residence halls or any other University buildings; nor may objects (bikes, chairs, etc.) be put on roofs. Students who allow others to access the roof from their room will also be held accountable. The University assumes no financial or legal responsibility for injury to this prohibited act.

#### **4.31 Service and Support Animals in Residence Halls**

While it is the University's policy to generally prohibit the privately owned animals on campus, the University reasonably accommodates persons with disabilities who require the assistance of service or support animals, as appropriate. Each request will be evaluated on a case-by-case basis, considering the needs of the individual and the concerns of the University community. This policy and the following requirements are designed to facilitate a process for assuring equal access while addressing health and safety concerns. Moreover, this policy supports the University's commitment to comply with state and federal laws, rules and regulation pertaining to the Americans with Disabilities Act of 1990, as amended and related laws, rules and regulations including, without limitation to, Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments. For more information, please refer to the required forms located with the Disabilities Services Coordinator, the Student Life Department, or the Human Resources Office.

Dakota Wesleyan University recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of "Assistance Animals" under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. DWU is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the University's programs and activities. DWU is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. This policy explains the specific requirements applicable to an individual's use of an Assistance Animal in University housing. DWU reserves the right to amend this policy as circumstances require. This policy applies solely to "Assistance Animals" which may be necessary in University housing. It does not apply to "service animals" as defined by the ADAAA.

Although it is the policy of DWU that individuals are generally prohibited from having animals of any type in University housing, DWU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Assistance Animal that is necessary because of a disability and is reasonable. However, no Assistance Animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

#### **Definitions**

##### **Assistance Animal**

"Assistance Animals" are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual's disability, but which are not considered Service Animals under the ADAAA. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but any animal may serve a person with a disability as an Assistance Animal.

1 It is important to note that animals that may be needed because of a disability may be identified by various names. For example, an individual may identify the animal as a companion animal, therapy animal, or emotional support animal.

The question in determining if an Assistance Animal will be allowed in University housing is whether or not the Assistance Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in University housing, an Assistance Animal is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, etc.).

##### **Owner**

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into University Housing.

##### **Disability Services Office**

The Disability Services Office collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all DWU programs and activities.

### **4.31.1 Procedures For Requesting Assistance Animals in University Housing**

The procedure for requesting Assistance Animals follows the general procedures set forth in the Housing Disability Accommodations section of this policy and the requirements set forth below. However, to the extent the requirements and procedures in this Policy conflict with the Housing Disability Accommodations section, this Policy shall control.

### **4.31.2 Criteria for Determining if Presence of the Assistance Animal is Reasonable**

- University housing is unique in several aspects including the mandatory assignment of roommates for many individuals and the mandate that individuals must share a room or suite in certain residence halls. To ensure that the presence of assistance animals is not an undue administrative burden or fundamental alteration of University housing, DWU reserves the right to assign an individual with an assistance animal to a single room without a roommate. However, for all requests for assistance animals, the Disability Services Coordinator shall nonetheless consult with the Director of Residence Life in making a determination on a case-by-case basis of whether the presence of an assistance animal is reasonable. A request for an assistance animal may be denied as unreasonable if the presence of the animal: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters University housing policies; and/or (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property.
- DWU may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Assistance Animals:
  - The size of the animal is too large for available assigned housing space;
  - The animal's presence would force another individual from individual housing (e.g. serious allergies);
  - The animal's presence otherwise violates individuals' right to peace and quiet enjoyment;
  - The animal is not housebroken or is unable to live with others in a reasonable manner;
  - The animal's vaccinations are not up-to-date;
  - The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others; or
  - The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

DWU will not limit room assignments for individuals with Assistance Animals to any particular building or buildings because the individual needs an Assistance Animal because of a disability.

### **4.31.3 Access to University Facilities by Assistance Animals**

#### **Assistance Animals**

An Assistance Animal must be contained within the privately assigned individual living accommodations (e.g., room, apartment) except to the extent the individual is taking the animal out for natural relief. When an Assistance Animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. Assistance Animals are not allowed in any University facilities other than University residence halls (e.g. dormitories, apartments, etc.) to which the individual is assigned.

#### **Dominion and Control**

Notwithstanding the restrictions set forth herein, the Assistance Animal must be properly housed and restrained or otherwise under the dominion and control of the Owner at all times. No Owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from University housing.

### **4.31.4 Individual's Responsibilities for Assistance Animal**

If the University grants an individual's request to live with an Assistance Animal, the individual is solely responsible for the custody and care of the Assistance Animal and must meet the following requirements:

#### **General Responsibilities**

- The Owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to

licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to request documentation showing that the animal has been licensed.

- The Owner is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by DWU.
- The Owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment or abuse may result in immediate removal of the Assistance Animal and/or discipline for the individual.
- DWU will not ask for or require an individual with a disability to pay a fee or surcharge for an approved Assistance Animal.
- An individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The Owner's living accommodations may also be inspected for fleas, ticks or other pests if necessary as part of the University's standard or routine inspections. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The university shall have the right to bill the individual's account for unmet obligations under this provision.
- The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g., cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).
- Assistance Animals may not be left overnight in University Housing to be cared for by any individual other than the Owner. If the Owner is to be absent from his/her residence hall overnight or longer, the animal must accompany the Owner. The Owner is responsible for ensuring that the Assistance Animal is contained, as appropriate, when the Owner is not present during the day while attending classes or other activities.
- The Owner agrees to abide by all equally applicable residential policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.
- The animal is allowed in University Housing only as long as it is necessary because of the Owner's disability. The Owner must notify the Disability Services Office in writing if the Assistance Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures in this Policy and the Housing Disability Accommodations section when requesting a different animal.
- DWU personnel shall ***not*** be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
- The individual must provide written consent for Disability Services to disclose information regarding the request for and presence of the Assistance Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Residence Life personnel and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

#### **4.31.5 Removal of Assistance Animal**

The University may require the individual to remove the animal from University housing if:

- the animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
- the animal's presence results in a fundamental alteration of a University program;
- the Owner does not comply with the Owner's Responsibilities set forth above; or

- the animal or its presence creates an unmanageable disturbance or interference with the University community.

The University will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in consultation with the Disability Services Coordinator and may be appealed following the student grievance policy in the student handbook. The Owner will be afforded all rights of due process and appeal as outlined in that process.

Should the Assistance Animal be removed from the premises for any reason, the Owner is expected to fulfill his/her housing obligations for the remainder of the housing contract.

#### **4.31.6 Non-retaliation Provision**

DWU will not retaliate against any person because that individual has requested or received a reasonable accommodation in University housing, including a request for an Assistance Animal.

#### **4.32 Sexual Misconduct**

All available University students, staff, faculty, and volunteers, as well as contractors, consultants, and vendors doing business or providing services to the University (third Parties) should be aware that the University will not tolerate any acts of sexual assault, dating violence, domestic violence and stalking (collectively referred to as “Sexual Misconduct”).

The University’s prohibition applies not only in the University’s educational and working environment, but also to all other University work-related and educational life settings, such as business trips and business-related social functions, as well as educational field trips, athletic trips, and internship placements. Further, the University reserves the right to respond to conduct that occurred off campus but not a University-sponsored program or activity if both parties are members of the University community when the off-campus conduct could have an on-campus impact, or impact a complainant’s ability to participate in University activities or programs.

If it is determined that sexual misconduct has occurred, the University will take appropriate disciplinary and responsive action. Allegations and incidents of sexual offenses will be investigated pursuant to the process outlined in the University’s Gender-Based Discrimination, [Harassment, and Sexual Misconduct Policy](#).

Students who are victims of a sexual offense incident are urged to get to a safe place as soon as possible seek immediate medical attention. To report the incident, complete the form on the DWU website (<https://www.dwu.edu/student-life/title-ix>) or contact the Title IX Coordinator, John Kippes, at 605-995-2160 or [john.kippes@dwu.edu](mailto:john.kippes@dwu.edu). See the University Gender-Based [Discrimination, Harassment, and Sexual Misconduct Policy](#) for additional information.

#### **4.33 Smoking and Tobacco Use**

The University is committed to providing a safe and healthy environment for all members of the community. The University recognizes that smoking is hazardous to both the smoker and the nonsmoker. Smoking is not permitted inside any University buildings or at outdoor athletic competitions (with the understanding that, at athletic events, parking areas are designated smoking areas). It is also prohibited in University vehicles and golf carts. Smoking includes, but is not limited to the use of cigarettes, cigars, pipes, hookahs, and “electronic cigarettes.”

In addition, all University campus buildings are tobacco-free. “Tobacco use” is defined as the personal use of any tobacco product, whether intended to be lit or not, which shall include smoking as defined above, as well as the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any other form of loose-leaf, smokeless tobacco. Cigarettes, cigars, matches, tobacco, smokeless pouches, etc. must not be discarded on University owned or leased grounds.

Members of the campus community who ignore this policy may be fined and otherwise subject to appropriate progressive discipline. Please note that smoking is limited to the designated smoking areas – “walking and smoking” is prohibited and is also subject to fine and/or progressive discipline.

For support in quitting your tobacco use, visit [www.sdquitline.com](http://www.sdquitline.com) or call 1-866-SD-QUITS.

#### **4.34 Student Record Confidentiality**

Dakota Wesleyan University intends to comply with the Federal “Family Educational Rights and Privacy Act of 1974 (FERPA). Dakota Wesleyan University collects and retains information about students for designated periods of time. The

University recognizes the privacy rights of individuals in exerting control over what information may be disclosed, and, at the same time, attempts to balance that right with the institution's need for information. For more information see the University Catalog or visit the Office of the Registrar.

### **4.35 Student Transportation**

There is no public transportation to/from Mitchell. There is a Greyhound bus stop at the M&H Gas Station in Mitchell, approximately four blocks from campus. Visit the Greyhound ([www.greyhound.com/en/](http://www.greyhound.com/en/)) or Jefferson Lines ([www.jeffersonlines.com/bus-stops/south-dakota/](http://www.jeffersonlines.com/bus-stops/south-dakota/)) websites to book tickets and plan travel schedules. Nearest larger airports are Sioux Falls (FSD) and Rapid City (RAP). Smaller regional airports with limited flights are located in Brookings, Huron, and Pierre.

### **4.36 Student Travel**

The University seeks to promote safe travel to events and activities occurring beyond the boundaries of University property by currently enrolled students and recognized student organizations that are representing the University. As such, this policy applies to individual student and recognized student organization travel, both in cases where the travel is sponsored by the University and in cases where an individual student or recognized student organization travels on behalf of, or with the financial support of the University. This policy does not apply to travel undertaken by individual students attending out-of-town athletic/recreational events as a non-participant (except when traveling on behalf or with the financial support of a recognized student organization as described above), engaging in study abroad travel, student teaching, internships, observations or research, or participating in intercollegiate athletics competitions under the auspices of the Department of Athletics.

#### **4.36.1 Definitions**

**Currently Enrolled Student:** A student who is currently registered at the University, whether on a full- or part-time basis.

**Recognized Student Organization:** An organization that has been formed for educational, professional, social, recreational, or other lawful purposes, derives the majority of its membership and all of its leadership from the student body of the University, has been approved for recognition and maintain a current registration status with the Student Life Department.

**University Sponsored Event or Activity:** An event or activity that is initiated, actively managed, planned and arranged by a member of the University faculty or staff, or by members of a recognized student organization that has been granted sponsorship by the University, and is approved by the Student Life Department and/or an event or activity that the University actively manages, is involved with, or oversees financially, physically, or administratively.

#### **4.36.2 Travel Requirements**

All student and recognized organization related travel falling within this Policy must meet the following requirements:

- Recognized student travel must be consistent with the University and organization's mission statement.
- Travel must not create an undue interference with academic responsibilities.
- An individual student must register the proposed trip with the Student Life Department no later than five (5) business days before the scheduled trip. In the case of organizations and clubs, there must be concurrence by the department or division head and the Vice President for Student Affairs. A list of students participating in the above activities must be submitted to the Vice President for Student Affairs or a designee, no later than five (5) business days prior to departure. Any trip taken without formal approval as outlined above may result in individual and/or organizational discipline.
- All students traveling must complete and submit an executed Waiver of Liability Form to the Student Life Department no later than five (5) business days before the scheduled trip. The Waiver of Liability Form is available in the Student Life Department.
- Faculty or staff employees are encouraged to accompany students on off-campus trips covered under this Policy, but are not required to do so unless a University vehicle or a rental car is utilized.

- Participants in activities involving student travel are responsible for their own behavior and any resulting consequences. The University shall not be liable for any loss, damage, injury or other consequence resulting from a participant's failure to comply with University policies and procedures, the direction of University employees, or applicable law. Without limiting the foregoing, all trip participants are required to:
  - Comply with applicable University policies, procedures, rules and regulations, understanding that such compliance is important to the success of the trip and to the University's willingness to permit future similar activities; and
  - Conform their conduct to the standards surrounding the trip and assume responsibility for their own actions, understanding the circumstances of an off-campus activity may require a standard of decorum which may differ from that applicable on campus.
- Violations of the foregoing requirements may subject participants and sponsoring organizations to disciplinary action pursuant to the University's Disciplinary System.

Any trip taken without formal approval by the Vice President for Student Affairs or other violations of this policy may result in individual and/or organizational discipline.

The following additional guidelines also apply to all travel:

- **Pre-trip Meeting:** The faculty member, staff member, and/or recognized student organization in charge of the trip, whether sponsored or not sponsored, must hold a pre-trip planning meeting with all participants to discuss the planned itinerary, behavioral expectations, and transportation details.
- **Transportation:** The sponsoring department or student organization must be prepared to arrange for transportation by official University vehicle(s), rental vehicle(s), chartered service, regularly scheduled transportation service, or, if necessary, personal vehicles. The following rules apply to the use of vehicles:
  - **University Vehicles** - Only University employees can drive. If a University vehicle is utilized, a faculty or staff employee must chaperone the trip.
  - **Rental Vehicles** - If rented with University funds, only University employees can drive; all terms of the rental contract must be complied with.
  - **Contract Bus Service** - Adequate insurance coverage for the bus company must provide personal injury and property damage.
  - **Regularly Scheduled Carriers** - Regular scheduled transportation service providers (e.g., Greyhound) may be utilized for transportation.
  - **Personal Vehicles** - Personal vehicles should only be used on a voluntary basis. The owners/drivers must provide their own insurance coverage. All student participants choosing to ride in a private automobile do so voluntarily and at their own risk. The University shall not insure or accept liability for any damage, loss or injury resulting from the use of a private vehicle. The University does not provide comprehensive or collision (physical damage) insurance for private vehicles driven on University business, and the owner is responsible for primary liability insurance. The University does carry non-owner excess liability coverage to protect the University and employee in the event of a suit resulting from an automobile accident in which an employee was driving on University business.
- **Non-Student Participation:** Except with the permission of the Vice President for Student Affairs, friends and family of students are not eligible to participate in travel opportunities falling under this Policy.

### **4.36.3 Study or Travel Abroad**

A student who wishes to enroll in a University-sponsored course or program, either of which involves travel or study abroad, must first secure no less than \$50,000 of emergency medical, medical evacuation and repatriation of remains insurance coverage. The medical insurance policy must be in effect for the duration of the study abroad program in which the student is enrolled.

Proof of coverage must be presented to the sponsoring office and the Business Office at the time of payment for the study abroad or travel program. No student can matriculate in a course or a program involving study abroad or participate in a University-sponsored international activity until proof of insurance coverage is provided and until applicable tuition and fees have been paid.



Students are advised to consult personal and family medical insurance policies to determine whether such coverage is provided by their existing policy. In the absence of such coverage, the student must assume responsibility for obtaining the required coverage.

## **Orientation**

All study abroad programs and University-sponsored international activities involving students must include pre-departure orientation for all participants.

The department or division sponsoring the activity will conduct or arrange for the pre-departure orientation session and will ensure that all participants attend or receive the materials in written or electronic formats.

At a minimum, the pre-departure orientation must include a discussion of appropriate and expected behavior for participants; potential social, political, economic and legal risks involved in the experience; and emergency procedures in case of individual or group incidents. This includes providing emergency contact numbers.

Participants will be subject to the laws and customs of the locations they visit. The University is not responsible for the violation of any laws and customs by participants.

The Student Code of Conduct, Academic Honesty Code, and other academic policies or rules apply to all University-sponsored activities abroad.

Dakota Wesleyan University departments and divisions that sponsor international activities are required to provide re-entry orientation to students returning from abroad.

## **Emergencies**

In the event of an emergency while participating in a Dakota Wesleyan University international activity, the participant must immediately contact the nearest U.S. consular service for direct assistance and the Dakota Wesleyan University on-site program director or chaperoning staff member. If medical attention is needed, the injured Dakota Wesleyan University student or employee (or a designated emergency contact) must contact the international travel insurance provider.

### ***4.37 Use of University Logo***

Use of the University logo by students or student organizations must be reviewed and approved by the Office of Communications and Marketing.

### ***4.38 Vandalism/Damage/Restitution***

Vandalism is defined as destruction, damage to, or defacement of property belonging to the University whether intentional or unintentional. If vandalism is found to have occurred, Residence Life Office will be contacted, and the responsible person(s) will be subject to sanctions. Students may be asked to make restitution for the damage they have caused if deemed necessary by residence hall staff or administration as applicable. Examples of destructive behavior that may result in a student(s) making restitution include damages to property, stolen items, disruption in services, etc.

### ***4.39 Violence on Campus***

The University prohibits violence on its campus and in connection with University programs. Acts or threats of physical violence against members of the University community will not be tolerated. Appropriate disciplinary action will be administered up to and including dismissal or termination pursuant to the University's disciplinary systems as applicable.

- Conduct prohibited by this policy includes, but is not limited to: Intentionally injuring or attempting to injure another person physically;
- Engaging in verbal or physical behavior and/or communications (including by electronic means) that create(s) a reasonable fear of injury to an identifiable person or persons; threatening by any means to injure another person or person(s);
- Committing injurious or threatening acts related to sexual assault, stalking, dating or domestic violence or sexual or other prohibited harassment;
- Brandishing a firearm or other weapon;

- Retaliating against any individual who, in good faith, reports a violation of this policy, seeks help in addressing concerns about conduct that falls within the scope of this policy, or participates in a related investigation;
- Conspiring to inflict physical harm upon any person; or
- Taking any reckless, but not accidental, action that results in physical harm.

All students, faculty and staff should be committed to ensuring the safety and security of the campus and workplace environment. As such, anyone who believes that an individual has committed or may commit an act of violence, is engaging in behavior or making statements that generate concern about the potential for violence, or otherwise may pose an imminent threat to the health or safety of any member of the University community should call the Student Life Department immediately (605-995-2160) or local law enforcement by dialing 911.

#### **4.39.1 Voluntary Anonymous Reporting**

The University encourages anyone who is the victim or witness of any crime to promptly report the incident to the police, Student Life Department, or other campus authorities.

Individuals, however, may anonymously report crimes, unethical behavior and/or violations of the University's administrative policies, procedures, or rules. Students are often encouraged to use this when reporting minor violations about other students. Confidentiality will be maintained. Anonymous reports may be filed pursuant to one of the following methods:

- File an anonymous complaint on the form contained on the University website;
- Call the Campus Conduct Hotline at 1 (866) 943-5787;
- Leave an anonymous voice message for the Director of Student Life, Director of Human Resources, or other campus authority;
- Mail an anonymous letter to Director of Student Life, Director of Human Resources, or other campus authority.

Reporting is encouraged in order to maintain and enhance the safety and security of the entire University campus and the surrounding community. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. With the exception of reports made to the campus nurse, counselor, and pastors, reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

#### **4.39.2 Weapons and other Dangerous Instruments**

The possession or use of firearms, fireworks of any description, explosive devices, or any dangerous weapon is prohibited on University premises or at any University-sponsored function. Dangerous weapons shall include, but are not limited to: firearms of any description, carbon dioxide and spring propelled guns, swords, dirks, knives, brass knuckles, blackjacks, bow and arrows or crossbows or other devices designed or intended to propel a missile of any kind, stun guns, stun batons, tasers or other electronic or electric weapons or other implements used for the infliction of serious bodily injury, or any other instrument deemed to be a weapon. This list is not intended to be exhaustive; the university reserves the right to determine what constitutes a weapon.

No students, staff, or faculty members and no contract workers, interns, volunteers or guests are allowed to bring a firearm to University-owned or leased property. However, a residential student is allowed to have an unloaded hunting rifle or shotgun that is locked inside the trunk of his or her vehicle or in the locked gun safe in Allen Hall for purposes of legally hunting game with a SD hunting license. Ammunition needs to be stored separately from the firearm. See the Residence Life Office to have a firearm stored. DWU assumes no responsibility for firearms stored in the gun safe or in your personal vehicle. Consult your renter's insurance policy for coverage details. Exceptions to this policy are active sworn law enforcement officers.

There may be theatrical productions, displays, props used in plays, props used in class presentations or educational workshops that may appear to violate the letter of this policy, but this is not the intent of this policy.

#### **4.39.3 Other Weapons**

The possession or personal use of fireworks of any description, explosive devices, or any dangerous weapon is prohibited on the University premises or at any University-sponsored function. Weapons and other dangerous instruments include,

but are not be limited to: swords, dirks, knives, brass knuckles, blackjacks, bow and arrows or crossbows or other devices designed or intended to propel a missile of any kind, stun guns, stun batons, tasers or other electronic or electric weapons or other implement for the infliction of serious bodily injury, or any other instrument deemed to be a weapon. This list is not intended to be exhaustive; the university reserves the right to determine what constitutes a weapon.

## **5 Residential Life Policies**

### **5.1 Residence Life Program**

#### **5.1.1 Residence Hall Staff**

Each residence hall has a full-time, live-in, trained resident director, who is responsible for the smooth operation of each residential facility. He/she supervises the building staff members, coordinates hall functions, provides counseling and disciplinary referrals when necessary, and performs administrative functions. Each floor of the residence hall has a designated resident assistant who serves as the primary resource to the residents for information and assistance. They help in planning programs for the floor and the building and work with residents and the Residence Life Office to create and to maintain an environment conducive to academic, personal, and social growth. Resident assistants are selected on the basis of academic achievement, leadership ability, and commitment to the benefits of on-campus living. All residence directors, and resident assistants report to the Director of Residence Life.

#### **5.1.2 Residency Policy**

The University is a residential institution that believes in the educational value of the residence life experience. For this reason, all traditional students (i.e., non-distance learners) are required to live on campus, except those students who:

- Are living at home with their parents (within 40 miles of campus),
- Are married,
- Have children,
- Have a documented disability and need facilities or accommodations the University is unable to provide,
- Are under the age of 18 or over 21 years of age,
- Have been disciplinarily dismissed or banned from the residence halls, or
- Are enrolled as a part-time student (in fewer than 12 credits).

Students who live off campus cannot receive more than \$12,000 in institutional aid. Application to live off campus is made, in writing, to the Residence Life Office. Approval to live off campus is granted on a case by case basis after review by the Student Support Team.

Undergraduate international students studying at DWU on an F-1 Student Visa are required to live on campus.

In order to be eligible for student housing, a student must be enrolled as a full-time student (minimum of 12 credit hours each for the fall and spring semesters) undergraduate degree candidate of the University, and be designated as a residential student. Part-time students who plan to become full-time may be allowed to live on campus pending space availability. Individual housing is non-transferable. The University does not offer housing for spouses or children.

A student who withdraws from the University or ceases to attend classes must vacate housing and cease using his/her meal card within 24 hours. A student who fails to do so may be held liable for the charges incurred after the withdrawal date or last date of attendance in classes. Any student who does not complete registration, fails to comply with University policies, fails to provide necessary documentation or health forms, or whose class load does not meet the University definition of a full-time student may be required to vacate his or her room immediately and will be responsible for any accrued charges. Assignment of a room and/or receipt of keys does not constitute acceptance by the University of a student's residency status.

In the spring and fall semesters, deadlines will be set 30 days before the last day of class for applications for off-campus housing to be submitted to the Residence Life Office. Students who live off campus should not expect the University to

assist them regarding any difficulties that may arise with landlords or other businesses.

Living off campus without proper approval will result in billing for board and the cost of double occupancy in the residence hall system.

The Residence Life Office assigns entering students to rooms. Students may mutually select their roommates and designate a preference for a particular residence hall. The Director of Residence Life, Resident Directors, and undergraduate Resident Assistants provide administrative, advising, and programming services in the residence halls. While these staff members have an important impact on the group living environment, the most significant influence comes from the residents themselves.

Resident Assistants assume responsibility for programming on their floor. This approach is designed to promote the development of an active learning community in the halls and encourage individual students to make responsible decisions about themselves and others. Student interest is the stimulus for most residence hall programming. Educational, recreational, and social activities are as varied as residents' interests and backgrounds. These events, both planned and impromptu, provide breadth and quality to the total learning experience.

## **5.2 Residence Life Services**

### **5.2.1 Housekeeping**

Housekeeping staff cleans common areas including bathrooms, lobbies, hallways and study/television lounges. The University provides no housekeeping services for individual students' rooms. Students are responsible for the cleanliness of their own rooms.

### **5.2.2 Laundry**

Washers and dryers are provided in each residence hall for the use of the residents. Please report any problems with the machines to the Department of Residence Life.

### **5.2.3 Maintenance Issues**

If a maintenance problem exists, students should contact the Department of Residence Life or their Resident Assistant. Please do not call the Maintenance Office directly. Students should report maintenance problems before they become emergency situations. Maintenance personnel prioritize repair problems based on the urgency of the situation. As a general rule, the maintenance staff is not able to inform students of the time the issue will be corrected. The maintenance staff reserves the right to enter students' rooms in order to fulfill maintenance and repair requests.

### **5.2.4 Storage**

The University does not provide storage facilities for students' belongings. Students must arrange to have their belongings stored off campus after student checkout.

## **5.3 Residential Life Policies and Procedures**

### **5.3.1 Check-in and Checkout**

Upon checking into the residence hall, residents will be given a Room Condition Report (RCR) initialed by a resident assistant. Residents are responsible for completing and signing the form. It is important to accurately complete the report as it will serve as the basis for any check-out charges.

Students must follow all University-established dates, deadlines and standards in regard to the check-out process. In order to check out properly, residents should first remove all personal belongings. Nothing is to be left in the room. All areas under contract must be cleaned thoroughly. Resident students are required to contact their Resident Assistant or Resident Hall Director who will inventory the room, collect keys, assess any damages, and issue a clearance receipt. Resident students who are not returning to the University will have their housing deposit refunded. Residents who fail to check out properly, clean their room, and/or cause billable damage to their room will forfeit their deposit and be responsible for any damage or loss in their residence.

### **5.3.2 Care of Rooms**

Residents are responsible for the cleanliness and care of their rooms. Each student will be held accountable for any damage beyond normal wear and tear and will be charged accordingly. Housekeeping will remove trash from the bathrooms and common areas of the residence halls.

It is the student's responsibility to keep his/her building and campus community clean and free from waste. Trash, food containers, and unsanitary situations can attract pests (rodents, cockroaches, ants, etc.), as well as create an unpleasant living environment for the community.

Residents and their guests are required to keep trash inside their rooms and units until proper disposal is made. Any trash (litter or in bags) in the hallway is a violation of this policy and will result in sanctions. Residents are required to transport personal trash to the nearest outdoor dumpster. Improper trash disposal may result in additional cleaning charges as well as disciplinary action.

### **5.3.3 Damages**

Resident students are responsible for their room and its furnishings. Rooms will be inspected prior to a student's arrival and departure. Cost of damages or cleaning will be charged to the resident student's account after final inspection. Cooking is permitted only in designed areas.

Should a common area within a residence hall be damaged, persons responsible will be billed for damages if they can be identified; otherwise a common fee may be assessed to all who reside within that specific building.

### **5.3.4 Emergencies**

In the residence halls, a toilet overflowing, or a fire alarm or smoke detector screaming represents an emergency. After the Residence Life office closes, students should contact the Residence Life on-call line at 605-770-1593 to report an emergency. If a light bulb burns out in student's room, that does not constitute an emergency. Please submit a work order, notify your RA, or wait until the next day to call the Residence Life Office.

### **5.3.5 Entrances and Exits at the Residence Halls**

Security cameras cover the entrances and exits of Allen, the apartments, Dayton, Koka, and Dakota residence halls. The fire alarm will sound if a fire door is opened. Each resident of the residence hall will receive keys and fobs to their rooms and residence hall. Allen Hall pod residents have the ability to lock their rooms as an additional security measure.

### **5.3.6 Entry of Resident Rooms and/or Vehicles by University Personnel**

The University reserves the right to enter and inspect any student's room or vehicle at any time. University personnel are authorized to enter a student's room to determine occupancy, inspect its contents for health and safety reasons, provide for maintenance and/or make repairs, and for routine and random inspections. Routine, scheduled institutional-wide maintenance programs will be announced to the campus community in advance.

University staff may also enter rooms if there is reason to believe a violation of University Policy or Code of Conduct is occurring or has occurred. Except in situations involving violation of policy, maintenance, or safety concerns which require immediate attention, the personal belongings of students are not disturbed. University staff may enter rooms when emergency situations exist or with law enforcement officials to determine whether a violation of law has occurred. The evidence gathered from this entry may be used in University disciplinary proceedings and in a court of law.

### **5.3.7 Fire Safety in Residential Housing**

Smoking is not permitted in any form in the residence halls or University buildings. This includes the use of 'electronic cigarettes.' Also not permitted are any and all devices with an open flame or that produce heat, such as candles, incense, candle/wax warmers, hot plates, space heaters, toasters, toaster ovens, Crock-Pots, electric skillets, rice steamers, woks, deep fryers, or grills. Flammable liquids (e.g. bottles of propane gas, lighter fluid, and dangerous chemicals), and explosives (including fireworks) and/or any other such item that can produce heat are also prohibited. To meet all fire safety codes, students and employees are required to use only electrical cords that are surge protector types and approved power strips instead of conventional extension cords or grounded in-wall adapters in the residence hall rooms. Flammables, combustibles, and/or any toxic materials are not permitted in or around any University building. The University is subject to scheduled and regular inspections by the SD State Fire Marshal's Office. The State Fire Marshal's

Office as well as the local fire department also perform unannounced spot checks on campus as part of their job duties. Violations discovered will be subject to fines, the cost of which will be passed on to the individual student or employee.

Fire safety training is provided each year to the resident assistants, resident directors, safety officers, and other members of the Residence Life Office and/or University community. From this training, the RAs and RDs educate all resident students on proper fire evacuation procedures. All fire and smoke alarms along with emergency lighting are checked on a monthly basis. Fire extinguishers are also checked on a regular basis and areas in the kitchen are checked in accordance with National Fire Prevention Association guidelines. Fire drills, both announced and unannounced, are performed during each semester.

In case of fire, individuals should call 911. For any type of alarm, or smoke, please contact Residence Life Office at 605-770-1593.

It is absolutely essential for the corridor separations and stairwell doors to be closed at all times. Fire doors retard the travel of smoke, heat, toxic gases and fire. Do not place any combustible material on these doors, absolutely no paneling, burlap, draperies, parachute netting, Styrofoam, nor any type of wood can be installed in the exit corridors or stairwells. Building fire equipment such as sprinkler heads, smoke detectors, fire hoses, extinguishers, stand pipes, and alarm boxes must remain in good working condition and must not be obstructed. Unauthorized use or tampering with this equipment will result in disciplinary and/or legal action.

It is absolutely essential for the corridor separations and stairwell doors to be closed at all times. Fire doors retard the travel of smoke, heat, toxic gases and fire. All stairwell doors must be closed at all times. Do not place any combustible material on these doors, absolutely no paneling, burlap, draperies, parachute netting, Styrofoam, nor any type of wood can be installed in the exit corridors or stairwells. Building fire equipment such as sprinkler heads, smoke detectors, fire hoses, extinguishers, stand pipes, and alarm boxes must remain in good working condition and must not be obstructed. Unauthorized use or tampering with this equipment will result in disciplinary and/or legal action.

### **5.3.8 Housing Disability Accommodations**

The University is committed to providing accessibility to all residence halls for students with documented disabilities. To request accommodations, a student must contact the Office of Disability Services and submit required documentation. Students are encouraged to submit these materials as soon as an acceptance letter from the Admission Office is received. In addition, further information and recommendations from a medical professional are required to be submitted prior to the University's review process.

All documentation is kept confidential in accordance with guidelines set forth by FERPA. Each request is reviewed and determined on a case-by-case basis. Determinations are based on the documentation and information received. Complete applications should be submitted by the identified deadline date. An application that is incomplete or received after the deadline may result in a housing assignment that does not meet the applicant's need.

#### **Factors given consideration for special housing requests:**

- Is the request an integral component of a treatment plan prescribed by a medical professional for the condition in question?
- Is space available to meet the student's need?
- Can space be adapted without creating a safety hazard?
- Are there other effective means that would achieve similar benefits as the requested accommodation?
- How does meeting the documented need impact housing commitments for other students?
- Is the cost of meeting the need prohibitive?
- Was the request made by the deadline?

Analyzing these factors, the University then makes every attempt to find reasonable accommodations for those conditions that are covered under the ADA.

Students approved for housing accommodations must meet with the Residence Life Office staff annually to renew their request. All questions regarding this application process or accommodations should be directed to the Residence Life Office.

Any student currently enrolled at the University who believes he or she has been discriminated against or harassed on the

basis of disability by a University employee (e.g., administrator, faculty, staff, adjunct faculty, or other agent of the University) may contact the Title IX/Section 504 Coordinator at:

John Kippes  
Title IX/Section 504 Coordinator  
Director of Student Life  
Rollins Campus Center R104  
Office: 605-995-2160 Cell: 605-770-8089  
[John.kippes@dwu.edu](mailto:John.kippes@dwu.edu)

### **5.3.9 Leaving Campus Overnight**

Students are requested to advise their residence assistant when planning to be absent from the campus overnight when the University is in session.

### **5.3.10 Lockouts**

A resident locked out of his/her room should call his/her RA first, then RA on call, and if unable to reach either RA, the Residence Life on-call line at 605-770-1593. Habitual offenders may be subject to a fine.

### **5.3.11 Lost Keys and Access Devices**

The keys and access devices to rooms and hall entrances are the students' responsibility. They are not transferable. If a key is lost, notify the Director of Residence Life. Resident students will be assessed a fee for key or fob replacement.

### **5.3.12 Personal Property**

The University takes reasonable precautions to safeguard the private property of students in the residence halls. Dakota Wesleyan University assumes no liability for private property lost, damaged, or stolen. Please take reasonable care by locking dorm rooms and windows. Do not prop open the outer doors of the residence halls. Keep room doors, as well as exterior doors, closed and locked at all times. Residents should keep room their keys and/or fobs with them at all times.

### **5.3.13 Property Abandonment**

Items left in the residence hall room by a vacating resident will be removed at the resident's expense. Removal and storage fees may be charged to the student's account.

### **5.3.14 Quiet and Courtesy Hours**

Quiet hours in all residence halls will be from 11 p.m. until 9 a.m. Sunday through Thursday; and 2 a.m. until 9 a.m. Friday and Saturday. Excessive noise is inappropriate at any time as it disturbs others. Starting at midnight on the last day of classes before exams, 24-hours quiet hour are in effect.

Courtesy hours are in effect at all times. Noise should not be disruptively audible within the building or outside. During courtesy hours, a resident may ask another resident to reduce the noise. Compliance is necessary to ensure an environment for academic success.

### **5.3.15 Room Assignments**

Dakota Wesleyan University reserves the right to place all students and make all room assignments. Assignment of a room does not guarantee University acceptance. Assignments are based on room availability and determined on the basis of the dated receipt of application and deposit. The Residence Life Office cannot guarantee a student's first choice of room assignment or roommate, but requests will be honored when possible. Single rooms are limited and are assigned on an availability basis after room consolidation following the course drop/add deadline posted in the Academic Calendar. Notify your RA to request a single room. The University assigns roommates without regard to race, creed, sexual orientation, gender identity, or national origin. See the Assignment of Housing Spaces section of the Room & Board Contract for additional information.

### 5.3.16 Room Changes

No room changes are permitted during the first three weeks and last three weeks of the semester. At the beginning of the fourth week of classes, a Request for Room Transfer Form may be completed and submitted to the Residence Life Office. Students cannot move without first obtaining approval from the Residence Life Office. If a student moves to another room without prior approval, he/she will be subject to additional housing charges. First-year students must live with fellow first-year students for the first semester. At the start of their second semester, they may have an upper-class student move in with them, but they must still reside on a first-year hall.

Failure to follow the room change procedures may result in disciplinary action.

### 5.3.17 Room Consolidation

During the semester, in the event that one roommate moves to another room, the student remaining will be given 30 calendar days to make the following decision:

Elect to pay the single room rate and retain the room privately. This option is available only when sufficient space is available. Single room rates will be calculated on a pro-rated basis;

- Choose to move into another half-occupied room on campus;
- Find another resident in a half-occupied room who is willing to move into the current resident's room;
- Be prepared to accept a new roommate at any time by:
  - Keeping the unoccupied half of the room in such condition that would allow someone to move into the room on short notice.
  - Agreeing that the room may be shown to prospective occupants without prior notification and in his/her absence.
  - Displaying an attitude of cooperation and acceptance toward any resident who may examine the room while considering occupancy.
  - Agreeing to accept a roommate assigned by the Director of Residence Life.

If, at the end of the 30 calendar day period, a decision has not been made, the Residence Life Office reserves the right to assign a roommate to the room. Residents who refuse to accept an assigned roommate and/or do not keep the room ready for a roommate, may be automatically charged the single room rate prorated from the day of notification. Residents are not permitted to occupy or use any space in their unit to which they are not assigned. This includes bedrooms and/or a bathroom on an unoccupied side of a room or suite. Residents found in violation of this policy will be responsible for any and all charges necessary to return the room(s) to a move-in ready state by Residence Life standards.

### 5.3.18 Roommate Issues

Learning conflict resolution skills and learning self-awareness are two of many great reasons to have a roommate. However, sometimes it's hard to make that transition and you and your roommate just aren't going to be successful in the same room. The RA on your floor is the first person you should work with to resolve your roommate issues. Roommate Agreements are encouraged, and are helpful as you define expectations. Roommate Agreements are available through your RA. Your RD is also available to assist, and finally, together with your RD, the Director of Residence Life will make any final attempt at mediation before authorizing a roommate change.

### 5.3.19 Residency Over Breaks

Students may not stay on campus during semester breaks when the campus is closed. All residence hall agreements operate on a nine-month academic year and/or summer term basis. Select holidays and breaks are not included in the room and meal fees, as the residence halls officially close and meal plans are inactive during these particular University holidays. See the University Room & Board Contract for additional information.

Students who desire to stay in the residence halls during the break are required to submit a Request to Stay Form, which are due prior to the closing date published by the Residence Life Office.

**Fall Semester:** Only Resident Hall Assistants, athletes and athletic trainers required to report early, and those receiving specific permission are allowed to check-in earlier than the opening dates published by the Residence Life Office.



**Thanksgiving Break:** Residence halls are closed during Thanksgiving break.

**Christmas Break:** Residence Halls are closed during the Christmas break and students are expected to leave their rooms by the date published by the Residence Life Office. Residence halls will re-open for the spring semester.

**Spring Break:** Residence halls are closed during spring break.

**End of Spring Semester:** Residence halls are closed at the end of the spring semester for those students who are not graduating. Students must vacate their rooms by the date published by the Residence Life Office. For those students participating in or attending Commencement, the residence halls will close following the Commencement ceremony.

**Summer Term(s):** Students may apply to live on campus if they are enrolled for the fall semester.

There are no storage facilities available on campus. However, there are several located in the Mitchell area.

### **5.3.20 Unauthorized Occupancy**

Residence halls are for Dakota Wesleyan University students only. Additionally, a student may not occupy a room that has not been assigned to him or her.

### **5.3.21 Visitors Visitation Hours in Residence Halls**

We encourage guests to visit their family and friends living in the residence halls. We ask that guests abide by the guidelines we have established in order to protect the rights and privacy of our residents. Nonresidents may visit residents in the residence halls during open visitation hours, 10 a.m. to midnight Sunday through Thursday; 10 a.m. to 2 a.m. Friday and Saturday.

All nonresidents must sign in and out at the Dayton Hall front desk from 7 p.m. to midnight Sunday through Thursday and 7 p.m. to 2 a.m. Friday and Saturday. Nonresidents are expected to leave by midnight Sunday through Thursday and by 2 a.m. on Friday and Saturday. Guests must legibly write their first and last name and that of the resident they are visiting in addition to his/her room number. Non-DWU students must be escorted at all times within the hall. Visitors may be asked to leave ID before entry. Minors must leave photo ID, get permission from residence life staff to enter and/or visit residents, and be escorted by a resident while in the building unless accompanied by a parent or guardian. Residents are responsible for any visitors signed into their room.

Students in Dayton Hall will be found to be in violation of the DWU visitation policy if they have a visitor of the opposite sex in their room or are present in a room where visitation is being violated.

Allen Hall and Apartment residents have the privilege of 24-hour visitation for guests of the same gender as the room occupants. Normal visitation hours apply for the opposite gender. Guests may not spend more than two consecutive nights in the same room. Violations and abuses of this policy can and will result in the privilege being revoked.

Guests planning to stay overnight must sign in and out with their host present. Guests who choose to stay overnight must be the same gender as the room occupants and may not stay more than two consecutive nights without permission from the their Resident Director or the Director of Residence Life. For the safety and comfort of all residents and guests a maximum of three guests per room may stay overnight. Minors are not allowed in the residence hall overnight without permission from parents and the director of residence life. Each resident is expected to limit overnight guests to six stays per semester. Students with exceptional circumstances must contact the director of residence life. Guests are expected to use gender specific restrooms.

Students who entertain guests in their residence hall have full responsibility for themselves, as well as for their guests, and for any damages and/or violations that may occur. It is expected that in regulating your visitation hours you will recognize that everyone deserves consideration. As such, no particular guest may stay more than 6 nights in any 30 day period. Nonresident guests are welcome in the residence hall provided they adhere to all university policies during their visit. If a guest is disruptive and/or fails to adhere to university policies, they may be asked to leave. Rights of residents supersede those of guests within individual residence hall rooms.

### **Overnight Visitation**

Students may not have any overnight guests without express written permission from the Resident Director. Requests must be made 48 hours in advance.

### **Children Visitors**

Students are not allowed to perform babysitting responsibilities in the residence halls or other buildings on campus nor

may minor children be admitted to the residence halls as “overnight guests” without the approval of Residence Life staff. Any student who babysits in the residence halls will be subject to disciplinary action.

### **Host Responsibilities**

Visitors are permitted only at the request of the residents, who then become responsible for their visitors’ conduct and familiarity with University policies and procedures. Residents are not permitted to assign or allow the use of any assigned space to another person and/or guests.

Visitors are expected to observe all University policies and procedures. Residents are expected to accompany their guests within the residential areas at all times. Authorized or unauthorized guests not in compliance with University’s policies and procedures may be removed from University property and issued a trespass warning.

Visitation privileges are to be exercised with concern for others’ rights to privacy. No student shall be denied access to his/her room at any time or be placed under undue hardship by the presence of a visitor. Visitors must use bathroom facilities designated for their gender. At no time may visitors use shower facilities or restrooms designated for the opposite sex.

Enforcement of the visitation policy is the responsibility of the resident students as well as the residence hall staff. Visitation privileges may be revoked for individuals or groups of residents who violate the visitation policy.

Any non-resident must be escorted within the building at all times by a resident of that facility. Guests must sign in and out when visiting all residence halls. Sign in sheets will be available at the front desk in the residence halls. Failure to sign a guest in or out may result in loss of visitation privileges.

## **5.4 Residence Life Standards of Conduct**

In a shared living environment, there exists a need for balance between the rights of individuals and the general order of the community. The establishment of approved policies, standards of conduct and behavioral expectations serve to maintain such a balance. With an eye toward creating and managing an environment that supports reasonable and responsible behavior, the following policies and standards of conduct have been established to protect the rights of all members of the University community. These policies and standards are published to provide students with general notice of accepted behavior. They should be interpreted broadly and are not designed to define conduct in exhaustive terms. Violations will be considered a violation of the Student Code of Conduct and may result in termination of the University Housing Agreement and/or any sanction(s) described in the Student Disciplinary System.

### **5.4.1 Alcohol and Drugs**

All students residing in the residence halls are required to comply with the University’s Alcohol and Drug Policy.

### **5.4.2 Amplified Instruments/Musical Instruments**

Students living on campus are entitled to an environment conducive to sleep and study. Amplified and all other musical instruments are not to be used or played in student rooms or public residential areas without prior approval.

### **5.4.3 Decorations**

Students are welcome to decorate their residence as long as they adhere to the following guidelines:

- Any decoration that violates South Dakota Fire Codes is prohibited;
- Alcohol bottles/cans may not be displayed;
- Students are not permitted to paint or paper the walls, woodwork or ceiling, nor refinish any of the furniture;
- Items may not be hung from the ceiling at any time or in any fashion;
- Contact paper is not permitted on any surface;
- Use or installation of wood paneling, wood structures and/or tile is prohibited;
- Plastic tape around window or closet areas is not permitted; staples/nails on doors, walls, ceilings, closets or any other surface are not permitted due to the damage caused upon removal;
- Live or cut trees are not allowed in student rooms;

- Smoke machines are not allowed;
- The use of tape, glue, paste, nails, tacks, chalk, markers, hooks, screws and other fixtures on the walls, ceiling, furniture, doors or glass that causes damage is prohibited. The use of blue painter's tape and Command Hooks are permitted.

Any exceptions to these policies must be submitted in writing to the Residence Life Office, or a designee, and approved prior to any changes. When making any public display that can be seen from the exterior of room doors or windows, a resident student may not have:

- Any clothing, towels, shoes, etc., hanging out of windows;
- Any signs, flyers or messages that slander, threaten, intimidate, harass or embarrass any member of the University community;
- Any message which elevates one group above another;
- Any message that stimulates violence, promotes sex or any harassment or "hate" language or symbols;
- Any message that promotes drugs or alcohol or use thereof;
- Any business, highway, city, state, community or University signs or property that has not been legally obtained; and
- Any commercially sold or personal business-related product advertisement or promotion.

The Residence Life Office will review any resident or staff complaints due to offensive or questionable decorations. Appeals of decisions will be at the discretion of the Director of Student Life.

#### **5.4.4 Doors**

All fire doors and exterior doors in all residence halls must remain closed. Door-propping can lead to problems with safety, pest control, and climate control. Offenders may face sanctions.

#### **5.4.5 Furniture**

All rooms are furnished, and residents are responsible for all furnishings provided in their rooms. Furniture owned by the University may not be removed from the room or from the lounge/lobby space of the dorms.

Alterations and/or damage to furnishings will result in charges for replacements or restoration to original condition. University furniture may not be placed outside the room. Waterbeds, pools, Jacuzzis, homemade lofts or homemade bunk beds are not permitted. Due to limited space and safety reasons, students are discouraged from bringing in additional furnishings. The University reserves the right to have students remove personal furnishings from a room if those furnishings are believed to pose a safety risk, create roommate conflicts, impede movement within the room, or pose a fire hazard. Community/lounge furniture may not be removed or relocated. Personal furniture may be allowed if space permits and with roommate consent.

#### **5.4.6 Gambling**

Illegal gambling, as outlined in the University's Gambling Policy, is not allowed in the residence halls. Any student found in violation may be mandated to seek counseling and/or face disciplinary action.

#### **5.4.7 Hall Meetings**

Hall meetings are held periodically and attendance is expected. Unexcused absences from a mandatory hall meeting may result in disciplinary action.

#### **5.4.8 Prohibited Items**

Large appliances such as refrigerators over 4.0 cubic feet, toaster ovens, and portable heaters are not permitted as they present too great a drain on the electrical circuitry. Window air conditioning units are strictly prohibited. Additionally, space heaters, waterbeds, hotplates, toasters, toaster ovens, slow-cookers, electric skillet, rice steamers, woks, deep fryers, grills, candles or candle/wax warmers, incense, firearms (including paintball guns, bb and pellet guns) or weapons of any kind, flammable liquids (e.g. bottles of propane gas, lighter fluid, and dangerous chemicals), and explosives

(including fireworks) are prohibited in the residence halls. Please note, to meet fire safety codes, students are only permitted to use surge protected power strips instead of extension cords or grounded in-wall adapters in the residence hall rooms. Extension cords in rooms are subject to removal by the fire marshal during random inspections. Cleaning game or fish on campus is prohibited.

#### **5.4.9 Railings, Balconies, Roofs, and Stairwells**

Sitting on, standing on, climbing or hanging from a balcony, railing, stairwell or roof is prohibited. Clothing, bikes, banners, signs, plants or other items may not be hung or placed outside of rooms including on balconies, roofs and/or windows.

#### **5.4.10 Repairs**

Student may not perform repair work on University property. Submit a work order so that Physical Plant may make the repairs in a timely manner.

#### **5.4.11 Restricted Areas and Items**

Some areas and items in the residential community are restricted and not intended for student use or tampering. These include electrical and mechanical closets, air conditioning units, cable and telephone units, wireless access points, and storage rooms. Trespassing in a restricted area or tampering with these items is a violation of the Student Code of Conduct.

#### **5.4.12 Room Alterations**

A student may not make any alterations to the interior or exterior of the residence areas without first receiving permission of the Director of Residence Life.

#### **5.4.13 Room Occupancy**

Residential students are not permitted to have more than eight people in their rooms at any one time (including the resident(s) of that assigned room).

#### **5.4.14 Sales, Solicitation, and Canvassing**

Door-to-door solicitation, sales, and canvassing are not permitted in any area within the residential community unless approved by the Director of Student Life. In addition, any fundraising activities by University students or student organizations in the residence halls must be approved by the Vice President for Institutional Advancement. Door-to-door distribution of flyers or leaflets or the placement of these items on cars is prohibited. Students may not engage in any sales or business activities in their room or within any public area of the residential community.

#### **5.4.15 Screens**

All window screens must remain in the assigned room windows at all times. Fines will be assessed for damaged or missing screens.

#### **5.4.16 Smoking**

DWU is a tobacco free campus. There is no smoking in or around the residence halls, campus green space, or parking lots – this includes, but is not limited to, the use of “electronic cigarettes.” Residents may smoke inside their own personal vehicles or anywhere off campus property.

#### **5.4.17 Sports and Activities**

In order to create a safe living environment, the playing or participating in sporting events or activities in rooms, hallways, balconies, courtyards, lounges and lobbies is prohibited. The use of athletic equipment in rooms is prohibited due to the disruption and damage it may cause. Bouncing or throwing athletic equipment at or off buildings is also prohibited.

#### **5.4.18 Windows, Balconies, and Hallways**

Throwing or hanging objects from windows, hallways, stairwells and balconies, or placing objects on the ledge outside

the window is hazardous and infringes on the rights of others.

## **6 Student Discipline Policies**

The Board of Trustees of the University has entrusted the President of the University with the responsibility and authority to develop and supervise the operation of a disciplinary policy. The President has designated the Provost as the primary officer in charge of maintaining and supervising the disciplinary policy as it relates to social conduct of students.

Academic standards are developed by the faculty and are also under the supervision of the Provost. Rare occasions may arise when conduct is so inherently dangerous to the individual and/or to others in the community, and/or so violates the fundamental ideals and standards of the University, that extraordinary action must be taken.

The University reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including disciplinary warning, disciplinary probation for a specific period, suspension, dismissal, and/or removal from campus. Should this type of action become necessary by the Provost, the President shall be informed prior to the action being taken. Any appeals of such extraordinary actions must be made in accordance with applicable appeal procedures.

*NOTE: Any allegation of sexual harassment, sexual assault, domestic violence, dating violence, sexual exploitation, and stalking made by or against a student of the University, regardless of where the alleged conduct occurred, will be investigated and resolved pursuant to the University's Gender- Based Discrimination, Harassment and/or Sexual Misconduct Policy.*

### **6.1 Student Warnings**

In keeping with best safe practices, and understanding that the University students deserve and need to grow in many different areas, the University has instituted a policy of progressive discipline for students. These warnings are issued for minor offenses and small administrative infractions. Initial warnings are to be utilized mainly for first-year students and beginning of the year situations where students are growing socially. These warnings are issued in an effort to familiarize the students with the University's policies, procedures, rules and regulations; but it is also an effort to turn a potentially unsafe situation into a teachable moment. These warnings can be issued by any Resident Assistant, Resident Director, and/or the Director of Residence Life. Students are encouraged to report potentially unsafe situations knowing there is a very good likelihood that a warning will be issued and no one will be subject to the disciplinary process. The University reserves the right to enforce Code of Conduct violations and the disciplinary process on first-time offenders if the offense is not considered minor in nature.

### **6.2 Violations of the Code of Conduct**

Violations of the Code of Conduct or other University policies may be dealt with by members of the Residence Life staff. Any Residence Life staff member can respond to a problem situation.

#### **6.2.1 Initiating a Complaint**

##### **Incident Reports**

Charges of a violation of the Code of Conduct or a request to investigate an alleged Code of Conduct violation may be filed in writing via a written Incident Report within a reasonable period following the alleged offense and forwarded to the Director of Residence Life. Charges alleging a violation of the University's Gender-Based Discrimination, Harassment and Sexual [Misconduct Policy](#) shall be reported in any manner listed in those respective policies to the Title IX Coordinator or Deputy Coordinator. All complaints involving incidents of gender- based discrimination, harassment, and sexual misconduct will be investigated and resolved pursuant to the University's Discrimination, Harassment and Sexual Misconduct Policy.

Incident Report Forms on which complaints may be filed are available in the Residence Life Office. In completing the form, as much detail concerning the alleged violation as possible should be included, as well as specific references to the part of the Code the reporting individual believes has been violated and current contact information. Perceived criminal activity should be reported immediately to the Residence Life Office, which will submit a report of a student violation to the Mitchell Police Department.

##### **Absence of a Formal Complaint**

Regardless of whether a formal complaint is filed (including those instances in which a complainant is unwilling to participate in the investigation process), if the University has credible notice – either direct or indirect – of a possible Code of Conduct violation, it will take immediate and appropriate steps to evaluate what occurred, determine if further action is required, and prevent any further recurrence. If the Director of Residence Life is unable to verify, with independent facts, the event that gave rise to the complaint, any response to such notice may be limited.

### **Violation of Law**

Any criminal violation of law (whether on campus or off campus) is at the same time a violation of the University's Student Code of Conduct. Therefore, any student charged with a criminal offense may become the subject of a Student Code of Conduct complaint. Conduct review proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceeding.

### **Administrative Action**

As stated in the University Administrative Authority Policy, the University reserves the right to take necessary and appropriate action to remedy serious academic or social problems, including disciplinary warning, disciplinary probation for a specific period, suspension\*, dismissal, and/or removal from campus. Should this type of action become necessary by the Provost, the President shall be informed prior to the action being taken. Any appeals of such extraordinary actions must be made in accordance with applicable appeal procedures.

*NOTE: During a suspension, a student will be denied access to the residence halls, and/or to the campus and/or all other University activities or privileges for which the student might be otherwise eligible, as the Provost or designee determines to be appropriate.*

### **Mediation**

Mediation is possible, with the approval of the University administrator charged with resolving the complaint as appropriate when all parties involved (accuser and accused) voluntarily agree to engage in the mediation process. If mediation fails, the case will be resolved under normal conduct resolution proceedings.

## **6.2.2 Review and Referral**

Disciplinary complaints are reviewed preliminarily by the Director of Residence Life to determine whether the complaint has merit and whether the alleged misconduct might result in suspension or expulsion from the University.

Following initial review and a determination that the complaint has merit, the appropriate Conduct Officer will issue a written notice to the accused student(s) or student organization ("student") informing the student of the charges. The notice will state the time and date of the occurrence. Additionally, the Director of Residence Life will arrange a meeting with the student to discuss the case.

During the initial conference with the accused, the charges will be discussed with the student. In addition, the Director of Residence Life will review the student's rights and responsibilities pursuant to the University's Disciplinary Process. If the student fails to attend the conference, the Director of Residence Life will refer the matter for resolution pursuant to the Provost.

If the student admits culpability during the conference, the Director of Residence Life will determine an appropriate sanction(s). If the sanction is accepted by the student, the matter is closed with no right of appeal. If the student rejects the sanction, but admits culpability, the student has the right to appeal the decision to the Provost. The initial appeal must be made within three (3) business days of the penalty being set. If the student does not admit culpability during the conference, the disciplinary case will be referred to either an Administrative Hearing or a Hearing panel as follows:

- If there is a possibility that a student may be suspended or expelled from the University, the case is deemed to involve a major infraction. In such cases, an administrative hearing conducted by the Provost (or designee) will occur.
- Students not subject to suspension or expulsion may be entitled to an administrative hearing, at the discretion of the Director of Residence Life.

### **Administrative Hearing**

An administrative hearing will take place after reasonable attempts to schedule all parties involved, but no later than ten (10) business days after the initial conference between the accused student and the Conduct Officer. Notice of the hearing will be issued by the Director of Residence Life and be delivered to the student either in person, via email or by campus or

U. S. Postal Service mail. ***There will be no second notice delivered to the accused. Computer problems or failure to check email, campus mail, or U.S. postal mail are not an excuse.*** The written notice will include:

- A description of the alleged acts of the accused;
- The particular section of the Student Code of Conduct alleged to have been violated; and
- The name(s) of any witnesses.

In the administrative hearing setting, a member of the Residence Life Staff may present the information collected concerning the incident to the Director of Residence Life or designee, who will serve as the Administrative Hearing Officer. If a charged student fails to appear for the scheduled hearing, the information and support of the charges may be presented by a Residence Life staff member and considered by the hearing officer. The Administrative Hearing Officer will conduct the hearing in accordance with procedural rules agreed upon prior to the hearing. At a minimum, the Administrative Hearing Officer will review all materials, hear all information pertinent to the case from the accused and any witnesses brought forth, clarify issues raised, and render a decision in writing based upon information presented. Student responsibility will be determined through the hearing by the Administrative Hearing Officer.

If the student is held responsible, the sanction will be set by the Administrative Hearing Officer, who will notify the accused student in writing. The student has the right to appeal the Administrative Hearing Officer's decision to the Provost. The initial appeal must be made within three (3) business days of the penalty being set.

### **Hearing Panel**

In this procedure, the student will be given the Student Life Policies and the Code of Conduct violations that will be presented. The case is represented according to the procedural outlines of the panel as set forth below.

*Hearing Panel Appointment:* The Hearing Panel will consist of three students, one member of the full-time faculty, and one full-time staff member as appointed by the Director of Student Life from the hearing pool. The selected panelists will have no program affiliation or other connection with the accused student. The panelists shall then select a Chair.

The hearing pool will be selected annually by the Director of Student Life and consist of six students, five full-time faculty members and five full-time staff members.

The accused student will be informed of the panel's constitution prior to the commencement of the hearing and may challenge a panel member's participation in writing if he or she believes that the panelist is acquainted or associated with the case in any way. This written challenge must be received by the Director of Student Life within three (3) business days after the notification of the Hearing Panel's constitution. If the Director of Student Life agrees a conflict exists, he or she may replace the panelist with another panel member. During certain times of the academic year (e.g. during break periods), the Hearing Panel may consist of senior-level administrators without a student, faculty or staff representative.

*Hearing Panel Procedures:* The procedure at the hearing shall be as follows:

- The Chair of the Hearing Panel calls the hearing to order and explains the procedures to be used during the hearing.
- The written specifications of the charges are read to the accused by a member of the Residence Life staff.
- The Residence Life staff member will first call the witnesses against the accused. The witness will be questioned by members of the Hearing Panel.
- After each witness testifies, the accused will be permitted to ask the witnesses questions (except in the case of the complainant directly questioning the accused.)
- After the witnesses against the accused are heard, the accused and his/her witnesses will testify. They also may be questioned by the Hearing Panel, as well as the complainant if any (except in the case of the complainant directly questioning the accused.)
- When the testimony is completed, the accused may present argument.
- After testimony and argument, all parties are dismissed.
- The Hearing Panel goes into private session where a secret ballot is cast for a decision.
- If the student is found responsible, the Hearing Panel discusses a recommended sanction(s) and votes on that as well. Majority rule prevails in the determination of finding a student responsible as well as the recommendation of appropriate sanction(s). A tied vote will result in a finding of "not responsible."

- The Hearing Panel will submit its decision to the Director of Residence Life. It will be the responsibility of the Director of Residence Life or designee to notify the student accused and University authorities of the panel's decision and any applicable sanctions. The Provost will also, upon written request, disclose to the alleged victim of a crime of violence, the results of the hearing. If the alleged victim is deceased as a result of the crime or offense, the University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

*Other Hearing Panel Guidelines:*

- The accused shall have the following rights at the hearing:
  - To have a personal advisor present during the entire length of the proceedings;
  - To question witnesses with the exception of the complainant;
  - To testify; however, the accused student will not be compelled against his/her wishes to testify or answer any questions. The student's silence will not be held against him/her;
  - To present witnesses on his/her behalf;
  - To make a summation at the end of the testimony;
  - Hearings shall be closed. The Hearing Panel, the representative from the Residence Life Office who is presenting the case, the accused, his/her advisor and, if applicable, the complainant are permitted in the hearing room during the hearing. All witnesses must remain outside the hearing room in a waiting area until called to testify.
- Names of witnesses, as well as any documentary evidence, must be submitted to the Hearing Panel at least three (3) business days in advance of the hearing.
- The Hearing Panel may use a recording device during any or all review proceedings. All recordings remain the property of the University; however, recording failures that occur notwithstanding good faith attempts shall not require a delay or affect the validity of the proceedings, but in such event the Hearing Panel chair will prepare a written summary of the hearing;
- In cases where the accused fails to attend a scheduled hearing, the Hearing Panel may proceed with the hearing despite the student's absence, make a final decision in the case, and recommend an appropriate sanction(s).
- All parties, including the accused and complainant (if applicable), will have equal opportunity to review preliminary information and to present evidence during the hearing.
- If witnesses or any parties are unable to appear for a hearing, a written statement may be read into the record. Alternatively, arrangements may be made for participation via alternate means (e.g. phone, video conferencing, etc.).
- Witnesses will be granted anonymity when there is reason to believe that a witness' physical or emotional health may be placed in jeopardy if his or her identity were revealed.
- Accused students and complainants (if any) will not be allowed to interview or "cross examine" each other personally. Both parties may ask the Hearing Panel to pose additional questions or inquire further into specific matters by submitting these requests in writing. If necessary, a brief recess may be granted to allow both parties an opportunity to prepare and submit such requests.
- Pertinent records, video-surveillance images, relevant exhibits, and written statements, and other evidence may be accepted as information for consideration by the Hearing Panel. The applicability and weight of such evidence is determined at the sole discretion of the Hearing Panel.
- All testimony and records of hearings are maintained by the Residence Life Office and may be released only to the Provost or to the President of the University.

**Official Notices:**

Students are expected to respond to official correspondence from faculty or administrative personnel. Failure to do so may jeopardize a student's current and/or subsequent enrollment.

**Standard of Evidence:**



The standard of evidence for proceedings before an Administrative Hearing Officer or a Hearing Panel is “preponderance of evidence” (“more likely than not”). For this reason, the student is found “responsible” or “not responsible,” as opposed to guilty or not guilty.

### 6.2.3 Appeals

An appeal of the decision by the Director of Residence Life or the Hearing Panel may be made by either party within three (3) business days after receipt of the official written notification of the Director of Residence Life or Hearing Panel’s decision. A student must make such a request in writing via the Residence Life Office.

The student must state the specific grounds for the appeal. These grounds are limited to:

- The original Administrative or Hearing Panel hearing was inconsistent with the established procedures;
- Evidence is now available that could not have been obtained at the time of the hearing; or
- The sanction is excessive or inconsistent with the nature of the offense.

If the Provost determines there is merit for an appeal, the facts of the incident will be reviewed with the student within ten (10) business days of receiving the student’s written appeal. Appeals can result in one of the following ways:

- The student will be found not responsible for the violation of the Student Code of Conduct.
- The student’s original sanction will be upheld.
- The student’s original sanction will be modified.

The standard of preponderance of evidence will be used in all decision-making. Once the Provost has rendered a decision, the student will receive a written notice of the outcome.

Pending the Provost’s decision, the University reserves the right to enforce the original imposed sanctions pending the outcome of the appeals process.

Only in cases of suspension or expulsion will the student have the right to appeal to the President. This final appeal may be filed in writing with the President within three (3) business days of the student’s receipt of the Provost’s decision. The appeal will then be reviewed/considered by the President. The President’s decisions will be rendered within ten (10) business days after the receipt of the appeal and the President’s decision shall be final.

NOTE: The timeframes in this policy may be extended by the Residence Life Office based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks, and complexity of the complaint.

### 6.2.4 Sanctions

The Director of Residence Life or the Provost may impose a single or multiple sanctions for violations of the Student Code of Conduct. Factors to be considered when determining sanctions include: present demeanor and past disciplinary record of the student/organization/team, penalties resulting from a corresponding court case, the nature of the violation, and the severity of any damage, injury or harm resulting from it as perceived by the victim and/or appropriate University officials. There will be no refund of tuition/fees/housing deposit/escrow/meal plan fees if suspension or withdrawal from courses and/or University Housing is affected because of violations of the Student Code of Conduct. The following sanctions may be imposed upon any student/group/team found to have violated the Student Code:

**Official Written Warning:** A written notice to the student indicating a violation of the Student Code of Conduct has occurred and a warning that a subsequent violation will likely be treated more severely.

**Service Hours:** Completion of required service hours, either on or off campus as designated.

**Educational Task:** Completion of tasks that benefit the individual, the campus and/or the community.

**Fine:** The student is required to pay a fine within a specific period of time as designated.

**Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.

**Suspension of Residence Hall Visitation Privileges** for a defined period of time.

**No Contact Order:** A signed agreement between two parties to cease all forms of communication, including physical, verbal, written, electronic, through any third parties, as well as any other means. A violation of this order may result in suspension from the University.

**Disciplinary Probation:** A defined period of time (minimum of one term) indicating that the student is no longer in good social standing within the University. A student on Disciplinary Probation may face specific restrictions on his or her participation in University events, organizations or representation in an official University sponsored organization or team. Any subsequent violation while in this status may result in suspension or expulsion from the University.

**Residence Hall Disciplinary Probation:** A defined period of time indicating that the student is no longer in good social standing within the Residence Halls. A student who is put on Residence Hall Disciplinary Probation may not reside in the residence halls during any University break period.

**Residence Hall Suspension/Expulsion:** The student's privilege to live in University-owned housing and to visit the residence areas of campus is suspended for a defined period of time or permanently.

**Suspension:** Separation of the student from the University for a defined period of time (minimum of one semester). During this period, the student may not be registered for classes, may not attend classes, may not receive grades from the institution, may not be present on campus nor at a University sponsored event for any reason whatsoever.

**Expulsion:** Permanent separation of the student from the University. The student may never again register for classes or attend classes or receive grades from the institution. The student may never be present on campus or at a campus sponsored event for any reason whatsoever.

**Minimum Mandatory Sanctions for Alcohol and Other Drug Violations:** It is University Policy to enforce the alcohol and other drug policies with a series of *minimum mandatory sanctions*. These sanctions are designed to educate the student and emphasize the serious consequence of alcohol and drug abuse on the individual and the community. The minimum mandatory sanctions for alcohol and other drug violations are set forth in the University Alcohol and Drug Use Policy.

## 7 Information Technology Acceptable Use Policy

See the Consumer Information page on the DWU website for the Acceptable Use Policy.

## 8 Student Activities, Organizations and Clubs

### 8.1 Student Activities

#### 8.1.1 Campus Extracurricular Activities

Through involvement in extracurricular activities, students have opportunities to develop leadership skills to supplement and enrich their academic experiences. In fact, the University has many opportunities for students to become involved in significant activities that determine its direction. The student voice can be strong if students choose to exercise it.

Students who are interested in writing or photography may become staff members on the Prairie Winds, the DWU literary magazine.

Students are also active in the community by becoming involved with local festivals, activities, and service projects. Working through local churches, civic groups or campus organizations, students have served as tutors, been involved in a variety of programs, and sponsored fund-raising campaigns for worthy causes.

#### 8.1.2 Creative Arts

At the University, the fine arts complement the liberal arts. Through the College of Arts and Humanities, the University offers students the opportunity both to exercise creativity and to appreciate it. The University's digital graphic design program encourages students to exhibit their work on and off campus. The University Choir tours locally and regionally, performing a broad range of music for small ensemble in various styles and genres. All students have the opportunity to participate in one of the plays produced each year in the Black Box Theater.

The larger community of Mitchell affords further cultural resources. In town, a community theater stages several productions a year, and the city is home to regular events, such as the Corn Palace Festival, which every year boasts national entertainers, local performers, and a Main Street carnival.

### **8.1.3 Volunteer and Service Activities**

There are many opportunities for students to volunteer both on and off-campus. The University students have a long history of volunteering and have assisted the local community with city- wide organizations and activities. See the McGovern Center for more information.

## **8.2 Student Clubs and Organizations**

The University has many clubs and organizations that enable students to get involved. Clubs include those with an emphasis on academics, community service, entertainment, special interest and student government.

### **8.2.1 Campus Club Accounts**

The University is committed to student involvement and self-management. Likewise, the University is also dedicated to high standards of fiscal responsibility for all revenues received and distributed by the University. Therefore, this policy is implemented with the intention of assisting student led clubs and organizations in the pursuit of their activities.

Clubs and organizations receiving funding through student association fees are required to utilize the services offered by the Business Office for accumulation and distribution of funds. All fundraising efforts can be acknowledged and separated from Student Senate distributed funds to allow for building funds for larger projects. This would take place through two related accounts that are maintained in the name of the organization but administered individually.

All Student Senate distributed funds must meet the following criteria (additional criteria developed by the Student Senate may add limitations but cannot supersede these guidelines)

- Funds can be obtained in the form of a check request presented to the Business Office. This form is used to obtain a cash advance, reimbursement for expenses incurred, or request payment to a vendor. Check requests should be submitted at least 7-10 business days prior to the expressed need.
- Cash advance – Only one cash advance per organization is allowed at any given time. Once a cash advance is cleared (receipts & cash totaling the advance amount) another is possible.
- Reimburse for expense – Receipts are required. On the occasion that a receipt is lost a written statement can suffice but this cannot be a regular occurrence.

Charge to vendors – certain vendors accept purchase orders from the University for required purchases of materials and supplies and/or services. With proper planning, a club/organization or advisor may submit a purchase order to a vendor. Invoices will then be processed through the University's Accounts Payable department when received from the vendor.

### **8.2.2 Current Student Organizations**

The following list includes recognized campus organizations.

- Athletic Training Club
- CHAOS (Science Club)
- Entrepreneurship Club (E-club)
- Future Teachers (FTO)
- Intramurals
- Math Club
- McGovern Engagement Group (MEG)
- Music
  - Dakota Wesleyan Choir
  - The Highlanders
  - Singing Scotchmen/Women's Chamber
- Choir
  - Wesleyan Bells
  - LyricWood String Orchestra
  - Wesleyan Band
  - Tiger Pep Band
- Prairie Winds literary journal
- Psychology Club
- Student Activities Board (SAB)
- Student Ambassadors
- Student Diversity Council
- Student Nurses (SNA)

- Student Ministry Council (SMC)
- Student Senate
- Third Freedom/Universities Fighting World Hunger (UFWH)

### **8.2.3 Student Senate**

The Student Senate is the representative body of the student body and is responsible for selecting students to serve on shared governance groups. Its composition and responsibilities are outlined in its Constitution and Bylaws, which is available on the learning management system. The Student Senate reports its advisory recommendations to the Provost.

### **8.2.4 Approval of New Student Organizations**

Each student organization must have an advisor who is a faculty member or staff member and at least five student body members to charter the organization. The full list of requirements to start a club is available on the learning management system.

#### **Student Organization Code of Conduct**

All students and student organizations are subject to applicable University policies, including the Student Code of Conduct. Moreover, all organizational activities must be consistent with the organization's overall mission and goals. Violations may result in revocation of recognition by the University.

#### **Discrimination**

Membership must be nondiscriminatory. No club or organization may possess a title that makes use of words and/or symbols generally understood to be indicators of bias.

#### **Hazing**

The University opposes and will not tolerate any form of hazing by any student organization.

#### **Apparel, Publicity, Logos and Publications**

Logo approval from Communications and Marketing is required prior to ordering any apparel or publication of other printed materials. Student organization members must also be familiar with the University's Communications Standard Manual.

#### **University Liability**

The University shall not be liable for any loss, damage, injury, or other consequence resulting from weather or acts of nature or a student organization participant's failure to comply with University rules and regulations, the direction of University employees, or applicable law.

#### **Advisors' Responsibilities**

Recognized student organizations are required to have an advisor who is a faculty member or permanent full-time staff personnel. Advisors are an important asset to student organizations and can assist the group in obtaining its goal by providing support and leadership. Advisors must assume the following responsibilities:

- Mentoring of students;
- Meeting with the organization's officers, as needed;
- Attending all events and trips;
- Auditing finances;
- Assisting with election concerns;
- Discussing and approving goals, objectives, and mission statement;
- Keeping members motivated.

#### **Student Leadership Roles**

The following is a list of criteria for holding a leadership office of a student organization:

- Students may be nominated for or hold only one office within an organization and must meet the requirements as stated by the position description or constitutional requirements.
- Officers must meet and maintain a minimum grade point average requirement of a semester grade point of 2.0 and

a cumulative grade point of 2.2. Student organizations may require higher grade point averages for officers and membership.

- Officers should not be involved in any disciplinary or academic suspensions. Should a suspension or dismissal occur, the student organization will designate another student to fill the existing position in accordance with its bylaws.

### **Organizational Report**

The president of each student organization is responsible for the composition of an Organizational Report, which must be submitted annually to the Student Senate. This report must include:

- A recap of the events and fundraisers that were held during the year;
- A recent list of all members;
- An accounting of all revenue and expenses for the year;
- Preliminary plans for events and fundraising activities for the next school year;
- The name of the advisor.

### **8.3 6.8.4 Student Role in University Governance**

The governance system of the University promotes student participation in determining the academic and social policies of the University. As they weigh issues of student life and institutional direction, students prepare themselves to act responsibly as leaders in a democratic society. Students elect representatives to the Student Senate, which has jurisdiction over student activities and organizations and manages an activities budget. Students meet twice yearly (as invited) with the Board of Trustees to express opinions, ask questions, and discuss common concerns.