

Campus Safety and Security Policy

INTRODUCTION:

This document has been designed to inform all students and employees about the school's safety and security procedures and policies. A copy of the policy is located on the school's website at <http://paulmitchell.edu/rapidcity> or a hard copy can be obtained from the School Director, Desaree Dargatz

The annual disclosure document is done each year by contacting the local police department and/or the building management to compile the statistics used in the report. All crimes are reported based on the calendar year in which the crime was reported to local police agencies or to the School Director/Campus Security Coordinator. The safety of our students and employees is an important concern of the school's administration. This document explains this school's policy regarding crime and accident prevention, public safety, criminal and accident reporting procedures, and fire safety. Read this document carefully, and ask questions if you are confused or uncertain.

During the first week of a new class, at orientation for new students and employees, as well as by October 1st of each year, each student and employee is informed of the school's campus security report, procedures, and safety practices. In addition, students and employees will receive a written notice that will include: 1) a statement of the report's availability; 2) a statement that a paper copy will be provided upon request and how to obtain one; 3) a brief description of the contents; and 4) the exact electronic address of the report. We also review with students and employees the need to be responsible for their own security and safety at all times. The orientation includes training on emergency procedures, preventing crime, how to protect oneself and
 Violence Against Women Act, and Title IX. In the October of each year, we bring a local law enforcement official into the school to review how to protect yourself against crime, how to be responsible for your own safety, and how to protect yourself against sexual assault.

Paul Mitchell the School Rapid City, herein referred to as "school" or "institution," uses the following policy and procedures:

DEFINITION OF CAMPUS:

For the purposes of reporting campus crimes, the definition of the school's campus includes:

Paul Mitchell the School Rapid City is located at 333 Omaha Street Suite 6 & 7 in the Tuscany Square, in Rapid City, South Dakota. The campus consists of 13,359 square feet of internal space which includes the clinic floor, classrooms, offices and other areas such as storage and restrooms. The school does not own or have full control of the parking area in the Tuscany Square. The campus does lease a parking lot 2 blocks away for our students to park in at 315 Main Street. The students and staff enter and exit through the door in the rear of the building.

CRIME & ACCIDENT PREVENTION

The school does not assume liability for stolen property. Therefore, students and employees should always keep their personal belongings locked in the student lockers, which have been provided. The school encourages students and staff not to bring expensive jewelry, money, or other valuables to the school. Such items should be left at home in order to reduce the chance of theft.

The school reserves the right to prosecute any student or employee to the full extent of state and United States federal law for any criminal violation committed on the school premises. The school will take into consideration the specifics of any student who may be accused of a crime on a case-by-case basis, which may include suspension or termination from school. Criminal violations may include, but may not be limited to the following:

- Murder
- Rape
- Forcible sex offenses
- Non-forcible sex offenses

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- Robbery/theft
- Simple or aggravated assault
- Unlawful consumption or possession of alcohol or other controlled or illegal substance
- Hate crime including larceny-theft, simple assault, intimidation, or vandalism
- Burglary — There must be evidence of both trespass and intent to commit a felony or theft.
- Larceny — Larceny is the illegal taking and carrying away of personal property belonging to another with the purpose of depriving the owner of its possession.

Further preventative measures include:

1. Students and/or employees shall **not** be permitted to consume illegal or controlled substances, including alcoholic beverages, during school hours or at school functions.
2. Students and/or employees shall **not** be permitted to have any illegal or otherwise dangerous weapons in their possession or on school property. Such a violation will result in the confiscation of the weapon, possible prosecution, and possible termination from enrollment or employment.
3. Students and/or employees must keep their property securely locked in the designated areas in order to prevent theft.
4. Students and/or employees must park in the designated areas and should always keep their cars securely locked.
5. Students and/or employees must never remain alone within the facility after closing without administrative approval. If approval has been given, the outside door must remain locked at **ALL** times, and the student/employee must not allow any unauthorized individual entrance.
6. All employees should make certain that the offices remain securely locked at **all** times. When leaving the office, employees **must** always check the door to ensure it is secure.
7. Employees should never lock the facility alone. Two people **must** always be present during locking procedures. The individuals should check to ensure that both have entered their vehicles safely upon leaving the school premises.
8. Students and/or employees shall report hazardous conditions (i.e., faulty or broken equipment, water leaks, chemical spills, exposed electrical wires, etc.) to the School Director for immediate attention.
9. The School Director shall handle all such hazards with appropriate caution and expedience. Proper procedures may require the School Director to notify the appropriate agencies (i.e., the poison control center, the fire department, the power company, etc.)
10. Students and/or employees shall not attempt to repair damaged electrical equipment or exposed wires. Instead, such problems should be reported to the administration.
11. Damaged or dangerous structural conditions shall be reported to the School Director immediately.
12. Students and/or employees should handle all equipment within the manufacturer's specifications. The school will not be responsible for accidents caused by the inappropriate or negligent use of any of its equipment.
13. Students and/or employees shall not be permitted to use unauthorized equipment. The school will not accept liability for accidents involving unapproved equipment.

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14. Students and/or employees with unusual or serious health conditions are encouraged to report such conditions upon admission or employment. Arrangements must be made with his or her physician for appropriate preventative measures. All such conditions **will** be kept confidential among school management.
15. Employees shall be required to attend a workshop on first-aid care. The workshop will be organized by the administration and will involve accepted professional organizations.

SECURITY AND ACCESS TO CAMPUS FACILITIES:

Only authorized individuals are permitted on the school premises, which includes students, staff, and service guests. Individuals who are not a part of the school or receiving a guest service will be considered trespassing and will be prosecuted. All students and staff have name badges that clearly identify who they are and their role. Service guests are permitted in the building; however, they must at all times be escorted by either a student or staff member and are limited to the clinic classroom and restroom facilities.

Maintenance personnel wear identification badges and have access during normal school hours and in the evening to clean the school or conduct maintenance of the facility. All non-staff service providers must check in at the service desk and have a badge clearly indicating their purpose on school premises.

Paul Mitchell the School Rapid City maintains its campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated. Trees and shrubberies are trimmed away from the walkway and buildings. The school works closely with the facilities management to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that are designed to enhance security.

CRIMINAL & ACCIDENT REPORTING PROCEDURES:

The school does not have individual campus security. All crimes are reported to the local police department for investigation and action. We encourage all students and employees to timely report all crimes to Desaree Dargatz, the School Director, who will promptly contact the local authorities to address the issue. Victims and witnesses are encouraged to report crimes, but it is solely on a voluntary basis. If you need to seek professional help after having been a victim of a crime, contact the following counseling center:

Behavior Management Systems
350 Elk Street, Rapid City, SD 57701
1-605-343-7262

1. In the event of a burglary or robbery:
 - a. Remain calm and agreeable with the culprit(s).
 - b. Do **not** attempt any heroic measures.
 - c. Report all burglaries to the local police.
 - d. When reporting a burglary or robbery:
 1. Indicate the name of the institution.
 2. Indicate your name.
 3. Indicate the date and time of the incident.
 4. Indicate any injuries if known.
 5. Indicate the number of suspects involved.
 6. Indicate any descriptive information.

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2. In the event of larceny:
 - a. Remain calm and agreeable with those involved.
 - b. Do not attempt to determine if any person is innocent or guilty.
 - c. Report all larceny to the local police department for investigation.
 1. Indicate the name and address of the school.
 2. Indicate your name.
 3. Indicate the date and time of the incident.
 4. Indicate any injuries if known.
 5. Indicate the name(s) of those involved or any witnesses.
 6. Indicate any descriptive information.
3. In the event of an accident:
 - a. Report the event to the School Director or manager on duty.
 - b. The School Director or manager on duty will do the following:
 1. Determine if emergency help is needed. If so, he or she will call the appropriate agency.
 2. Complete an accident report. Include the cause, the name(s) of those involved, the date, the time, the circumstances, and the explanation of any witnesses.
 3. Report all information to the management.
 4. If necessary, notify parents and family of the victim(s).
4. In the event of a general emergency within the school's premises, please notify the school's administration immediately and remain calm. The school personnel are trained in emergency response and evacuation procedures. The School Director will determine whether a significant emergency exists by evaluating the situation and consulting with local police authorities. ***If the School Director is not available, contact the Education Leader. If the Education Leader is not available, contact the Future Professional Advisor. If the Future Professional Advisor is not available, contact the Financial Aid Leader, Admissions Leader, or Operations Leader. If any of those individuals are not available, please contact a Learning Leader.***

If a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus exists in which students and staff are in danger, an immediate announcement will be made via the school's intercom system. by the School Director who will notify the student body and staff of the emergency and the steps to follow. The safety of our students and staff is of the utmost importance to us; if in the judgment of the police, it is better to postpone making the announcement in order to assist a victim, or to contain, respond to, or otherwise mitigate the emergency, we will do so until it is determined to be safe. Police authorities will be contacted for assistance. Do not exit the building unless you have been directly instructed to do so. It may be safer to stay in the school premises in a lockdown mode. Please listen to all announcements from the School Director and follow the directions given over the intercom; remain calm. The staff will direct you where to go in the event of an emergency in order to ensure your safety.

The school will review its evacuation plans and procedures during the orientation on the first day of class or hire, as well as yearly with the student body and staff. The school will also conduct announced emergency response and evacuation tests annually in order for the staff and students to clearly understand the procedures. Students and staff are expected to be present on those days. Each test will be documented in the school's records as to the date, time, and whether it was an announced or unannounced test.

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In the last reporting period the school conducted 1 announced and 1 unannounced emergency response and evacuation tests in order to ensure that students and staff are aware of the procedures to be used in case of a real emergency.

The test will be conducted by the School Director with the assistance of the school's staff in a minimum of once per calendar year. The tests will be documented in the school's permanent record and will include an indication of whether the test was announced or unannounced, the date, the time, and the duration of the test.

EMERGENCY PROCEDURES

In an emergency, evacuation of the school should proceed as rapidly and safely as possible. The plan accounts for two scenarios of evacuation, which are:

1. In-place evacuation: keeping students and staff members in place, but securing the location for the emergency at hand.
2. On-site evacuation: movement of students and staff members out of the building affected and relocation to another area near the school.

FIRE

1. Evacuate the area of the fire. (Always stay low as smoke and heated gasses collect near the ceiling first.)
2. Activate the fire alarm (if so equipped).
3. Call 911, indicating the need for assistance from the fire department and law enforcement. Other communication networks should be identified and utilized in the event that the fire has caused the telephone system to become out of order.
4. Evaluate the situation; determine quickly, if possible, the size, nature, and location of the fire within the facility.
5. Upon the arrival of the fire department, the School Director shall establish contact with the senior fire department official and coordinate subsequent activities with him or her.
6. Make certain that all students and staff members are accounted for and safe. Move to another location as required. A fire deemed in any way to be a threat to the safety of the students or the staff calls for evacuation to the outside area, away from the building.
7. Any of the steps above may be done simultaneously as the number of staff members on duty permits. The decision not to follow any of these steps is justifiable only when there is certainty that there is no imminent danger.
8. If the fire is small, any of the facility's fire extinguishers may be used to extinguish it, if the staff member has received proper training. Although there should be no hesitation regarding the use of fire extinguishers, the fighting of any fire by staff members should be undertaken only if there is no imminent danger.

ILLNESS OR INJURY

A. MINOR

1. Treat with medical supplies on hand.
2. Evaluate periodically to see if further medical attention is required.

B. MAJOR

1. Employ first aid techniques as trained, if needed.
2. Contact 911 if immediate medical attention is required.

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3. If an illness or an injury requires a doctor's care, but emergency services are not required, the staff members should then arrange for transportation to the emergency room, clinic, or hospital.

BOMB THREATS

1. Any bomb threat should be treated as real until proven otherwise.
2. Unidentified or suspicious objects should be reported to the authorities.
3. Evacuation should be to an outdoor area as far from the building as safely possible. The area to be evacuated should be searched quickly before evacuation.
4. Upon arrival of law enforcement authorities, the facility director, or designee, will assist with the search (i.e., unlocking doors, identifying strange or suspicious objects, etc.)
5. The appropriate authorities should be consulted prior to reentry into the building.

UTILITIES AND MAINTENANCE EMERGENCIES

A. GAS LEAK

1. If any staff member or student smells gas, act quickly.
2. Open windows immediately.
3. Call 911 and report the possible gas leak.
4. Do not turn any electrical switches on **OR** off. Eliminate all flames.
5. Check all gas taps and turn them off.
6. If necessary, turn off the gas main. The shutoff valve is next to the meter.
7. If the gas odor remains strong, evacuate the area immediately.
8. Do not return to the building until the fire department announces it is safe.

EMERGENCY EVACUATION

In the event of a fire, bomb threat, active shooter, electrical, chemical, or other emergency that would require the evacuation of the building, all staff members should adhere to the following:

1. Call 911, indicating the need for assistance from the local fire department and law enforcement.
2. Make certain all students and staff members are accounted for and are safe.
3. Evacuate all students and staff members to an area as far from the building as safely practical.
 - a. Adhere to predetermined evacuation routes, if possible; however, do not hesitate to adjust these routes to avoid dangerous areas.
 - b. All students and staff members with special needs are to be assisted as needed.
4. Conduct a second head count for students and staff members.
5. Notify the School Director as soon as possible.
6. Do not approach or reenter the building until consultation with the proper authorities.

TORNADO/SEVERE WEATHER WATCHES AND WARNING PROCEDURES

1. The safe place designated by the School Director is the Common hallway by the public bathrooms.
 - a. All students and staff will be moved to the designated location.
 - b. Maintain flashlight and voice contact among staff members at all times.

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Make sure to conduct a head count before moving to a safe place, after arriving at a safe place, and after leaving the designated area.

2. After there is absolute certainty that the storm has passed:
 - a. The staff members should conduct a head count.
 - b. Provide any necessary first aid and call 911 for any necessary response agencies.
 - c. Check the entire building for any damages such as fire, water, or structural.
 - d. Turn on and test utilities.
3. Notify the School Director as soon as possible with an update of conditions.
4. Notify any agents that services are needed.

The school encourages pastoral counselors and professional counselors, in instances where the student may need assistance in dealing with a particular situation, when appropriate. To avail yourself of this service, please contact Desaree Dargatz, the School Director, for assistance in obtaining help. We encourage students who may have been the victim of a crime to seek help. The counseling sessions are voluntary and confidential for the basis of inclusion in the annual disclosure of crime statistics.

Civil Demonstrations and/or Disturbances

This action plan is intended to assist Paul Mitchell the School Rapid City team members, Future Professionals, and guests in preparing for and responding to civil demonstrations and/or disturbances.

Definitions

Civil demonstrations or protests may involve organized or ad hoc groups who have a difference of opinion with a governing body regarding ethnicity, religion, civil rights, or cultural issues.

Civil disturbance is an activity arising from a mass act of civil disobedience in which the participants can become hostile toward authority, and authorities incur difficulties in maintaining public safety and order over the disorderly crowd.

Action Plan

Most demonstrations are peaceful, and people not involved should attempt to carry on business as usual. Avoid provoking or obstructing demonstrators.

Planned or Unplanned Demonstrations

Demonstrations within 20 miles of the campus will be monitored closely. If necessary, the school may make the decision to close the facility for the day; release the staff and students early or delay the start of work/school; and/or have students and staff shelter in place.

If the demonstration turns confrontational or heated and starts to escalate, please call the police department at 605-394-4131 and provide the following information:

- The name of the group, if known
- The exact location
- The size of the group
- Weapons involved

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- What is the group doing?
 - Damaging property
 - Making threats
 - Holding signs
- Do they have shouting/chanting amplification devices?

General safety guidance:

- Remain calm
- Follow directions of authorities
- Do not become a spectator; remove yourself from the area
- Lock and avoid all windows and doors
- Close all blinds to prevent flying glass/debris
- Do not argue or enter into the debate with demonstrators
- Do not commit or become involved in any crimes

STUDENT RIGHT TO KNOW POLICY:

All criminal activity and accidents that occur on the school premises must be reported to the School Director who must keep a confidential file on the circumstances surrounding each incident. The School Director must make the information available to the employees and students, although he or she will keep personal information, such as names, confidential. The school may withhold information if there is clear and convincing evidence that the release of the Information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence. The school will only withhold that information that would cause the adverse effect described. The school will disclose any information withheld once the adverse effect described is no longer likely to occur. The School Director shall use the following procedures for informing students and employees of criminal activity and accidents:

1. Each week during weekly announcements, a general account of any criminal activity that may have occurred will be given.
2. Each week, a general account of any criminal incident and/or accident will be posted in the lounge for student access. Confidential information will **not** be available.
3. A confidential file will be kept that describes each accident and criminal incident in detail. The file must include dates, times, names, extenuating circumstances, agencies notified, etc.
4. During the announcements, emphasis **will** be placed on accident and crime prevention.
5. Statistics regarding the incidence of rape, burglary, drug violations, motor vehicle theft, murder, and simple or aggravated assaults that occurred within the institution will be available to any and all students and/or employees upon request.
6. Statistics concerning the number of arrests for on-campus crimes of murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, liquor law violations, drug law violations, illegal weapon possessions, arson, negligent manslaughter, and non-negligent manslaughter during the calendar years of 2018, 2019, and 2020 are listed.
7. The school will identify where on campus the crime occurred, such as in the school building, in front of the school, or in the parking lot.
8. The crime log for the most recent 60-day period is open to public inspection during normal business hours. Any portion of the log older than sixty days is available within two business days of a request for public inspection.

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A school's **campus** is defined as "(i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

Public Property is defined as "all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes."

Type of Crime on Campus	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Murder	0	0	0	0	0	0
Criminal Homicide	0	0	0	0	0	0
Sex Offenses: Rape	0	0	0	0	0	0
Sex Offenses: Fondling	0	0	0	0	0	0
Sex Offenses: Incest	0	0	0	0	0	0
Sex Offenses: Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Simple or Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0
Hate Crimes based on Race*	0	0	0	0	0	0
Hate Crimes based on Gender*	0	0	0	0	0	0
Hate Crimes based on Religion*	0	0	0	0	0	0
Hate Crimes based on National Origin*	0	0	0	0	0	0
Hate Crimes based on Gender Identity*	0	0	0	0	0	0
Hate Crimes based on Sexual Orientation*	0	0	0	0	0	0
Hate Crimes based on Ethnicity*	0	0	0	0	0	0
Hate Crimes based on Disability*	0	0	0	0	0	0
Hate Crimes based on Larceny**	0	0	0	0	0	0
Hate Crimes based on Theft (except motor vehicle)**	0	0	0	0	0	0
Hate Crimes based on Simple Assault***	0	0	0	0	0	0

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Type of Crime on <i>Campus Continued</i>	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Hate Crimes based on Intimidation***	0	0	0	0	0	0
Hate Crimes based on Destruction to Property****	0	0	0	0	0	0
Hate Crimes based on Damage to Property****	0	0	0	0	0	0
Hate Crimes based on Vandalism****	0	0	0	0	0	0
Hate Crime: Any Other Crime Involving Bodily Injury	0	0	0	0	0	0

The crimes listed above occurred on the following areas of campus:

NONE

Type of Crime on <i>Public Property</i>	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Murder	0	0	0	0	0	0
Criminal Homicide	0	0	0	0	0	0
Sex Offenses: Rape	0	0	0	0	0	0
Sex Offenses: Fondling	0	0	0	0	0	0
Sex Offenses: Incest	0	0	0	0	0	0
Sex Offenses: Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Simple or Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Murder and Non-Negligent Manslaughter	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0
Hate Crimes based on Race*	0	0	0	0	0	0
Hate Crimes based on Gender*	0	0	0	0	0	0
Hate Crimes based on Religion*	0	0	0	0	0	0
Hate Crimes based on National Origin*	0	0	0	0	0	0
Hate Crimes based on Gender Identity*	0	0	0	0	0	0
Hate Crimes based on Sexual Orientation*	0	0	0	0	0	0
Hate Crimes based on Ethnicity*	0	0	0	0	0	0
Hate Crimes based on Disability*	0	0	0	0	0	0
Hate Crimes based on Larceny**	0	0	0	0	0	0

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Type of Crime on <i>Public Property</i> Continued	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Hate Crimes based on Theft (except motor vehicle)**	0	0	0	0	0	0
Hate Crimes based on Simple Assault***	0	0	0	0	0	0
Hate Crimes based on Intimidation***	0	0	0	0	0	0
Hate Crimes based on Destruction to Property****	0	0	0	0	0	0
Hate Crimes based on Damage to Property****	0	0	0	0	0	0
Hate Crimes based on Vandalism****	0	0	0	0	0	0
Hate Crime: Any Other Crime Involving Bodily Injury	0	0	0	0	0	0

The crimes listed above occurred on the following areas of campus:

NONE

Public Property Hate Crime Arrests and Disciplinary Referrals

	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Hate Crimes	0	0	0	0	0	0
Hate Crimes based on Race*	0	0	0	0	0	0
Hate Crimes based on Gender*	0	0	0	0	0	0
Hate Crimes based on Religion*	0	0	0	0	0	0
Hate Crimes based on National Origin*	0	0	0	0	0	0
Hate Crimes based on Gender Identity*	0	0	0	0	0	0
Hate Crimes based on Sexual Orientation*	0	0	0	0	0	0
Hate Crimes based on Ethnicity*	0	0	0	0	0	0
Hate Crimes based on Disability*	0	0	0	0	0	0
Hate Crimes based on Larceny**	0	0	0	0	0	0
Hate Crimes based on Theft (except motor vehicle)**	0	0	0	0	0	0
Hate Crimes based on Simple Assault***	0	0	0	0	0	0
Hate Crimes based on Intimidation***	0	0	0	0	0	0
Hate Crimes based on Destruction to Property****	0	0	0	0	0	0
Hate Crimes based on Damage to Property****	0	0	0	0	0	0
Hate Crimes based on Vandalism****	0	0	0	0	0	0
Hate Crimes: Any other crime involving bodily injury	0	0	0	0	0	0

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Public Property Hate Crime Arrests and Disciplinary Referrals Continued

The crimes listed above (on page 11) occurred on the following areas of campus:

NONE

On Campus Hate Crime Arrests and Disciplinary Referrals

	Number of Occurrences			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Hate Crimes	0	0	0	0	0	0
Hate Crimes based on Race*	0	0	0	0	0	0
Hate Crimes based on Gender*	0	0	0	0	0	0
Hate Crimes based on Religion*	0	0	0	0	0	0
Hate Crimes based on National Origin*	0	0	0	0	0	0
Hate Crimes based on Gender Identity*	0	0	0	0	0	0
Hate Crimes based on Sexual Orientation*	0	0	0	0	0	0
Hate Crimes based on Ethnicity*	0	0	0	0	0	0
Hate Crimes based on Disability*	0	0	0	0	0	0
Hate Crimes based on Larceny**	0	0	0	0	0	0
Hate Crimes based on Theft (except motor vehicle)**	0	0	0	0	0	0
Hate Crimes based on Simple Assault***	0	0	0	0	0	0
Hate Crimes based on Intimidation***	0	0	0	0	0	0
Hate Crimes based on Destruction to Property****	0	0	0	0	0	0
Hate Crimes based on Damage to Property****	0	0	0	0	0	0
Hate Crimes based on Vandalism****	0	0	0	0	0	0
Hate Crimes: Any other crime involving bodily injury	0	0	0	0	0	0

The crimes listed above occurred on the following areas of campus:

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Clery Act Reporting allows a school not to include (or may remove) a reported crime from its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a formal determination that the crime report is false or baseless and, therefore, “unfounded.” In this case a school must report to the Department and disclose in their Annual Security Report statistics that include the total number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recently completed calendar years. Any crimes listed as unfounded have been identified below, indicating the year the crime was determined to be unfounded and the type of crime.

NONE

When listing crimes committed on the school campus, we will use the FBI’s UCR program and the Hierarchy Rule when more than one offense was committed during a single incident. If arson is committed, the school will always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime. If rape, fondling, incest, or statutory rape occurs in the same incident as murder, the school will record both the sex offense and the murder in its statistics. The school will also compile the crime statistics for murder, and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and Illegal weapons possession using the definitions of those crimes from the Summary Reporting System User Manual from the FBI’s UCR Program.

*The school will separately report any hate crimes by category of prejudice and by type of crime, if any are reported during the reporting period.

**The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included.

***To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

****To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

An incident must meet three conditions to be classified as a burglary. First, there must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry — no force are counted. Second, the unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. Finally, the unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is larceny.

The following number of students was referred to campus disciplinary action for the following violations:

Violations on Campus	Number of Incidents		
	2018	2019	2020
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

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Violations on Public Property	Number of Incidents		
	2018	2019	2020
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Violations on Non-Campus Buildings and Property	Number of Incidents		
	2018	2019	2020
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

On-Campus Arrests and Disciplinary Referrals	Number of Incidents		
	2018	2019	2020
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

The following Drug-Free Workplace Policy is to notify all employees and students that pursuant to the Federal Drug-Free Workplace Act of 1988 (Public Law 101-690) and [California Drug-Free Workplace Act of 1990], Paul Mitchell the School Rapid City prohibits being under the influence, the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on school property, or as part of any school activity. Paul Mitchell the School Rapid City similarly prohibits being under the influence, the unlawful use, possession, and distribution of alcohol in the workplace, on school property, or as part of any school activity, as well as any other unlawful conduct involving alcohol.

The drug-free workplace consists of all locations where Paul Mitchell the School Rapid City does business. This includes, but is not limited to, all lecture classrooms, parking lots, all administrative offices, corridors, storage rooms, and any space added to the school or school property.

Health Risks:

The abuse of narcotics, depressants, stimulants, hallucinogens, or alcohol can cause serious detriment to a person's health. The health risks associated with the misuse of the previously mentioned drugs vary, but may include, and are not limited to: convulsions, coma, paralysis, irreversible brain damage, tremors, fatigue, paranoia, insomnia, and possible death. Drug and alcohol abuse is extremely harmful to a person's health and interferes with productivity and alertness. Working while under the influence of drugs or alcohol could be a danger to the individual under the influence, coworkers, and students. Described below are additional dangers and symptoms relative to use and/or abuse.

Marijuana

Commonly known as "pot," marijuana is a plant with the botanical name of cannabis sativa. Pot is almost always smoked but can be ingested. Use causes the central nervous system to become disorganized and confused. Most users experience an increase in heart rate, reddening of eyes, and dryness of the throat and mouth.

Studies have proven that marijuana's mental effects include temporary impairment of short-term memory and an altered sense of time. It also reduces the ability to perform tasks requiring concentration, swift reactions, and coordination. Feelings of euphoria, relaxation, and bouts of exaggerated laughter are also commonly reported.

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Smoking “pot” may cause: brain chemical changes, an altered reality, physically damaged lungs, emphysema, chronic bronchitis, lung cancer, a weakened immune system, damage to sperm in males, irregular menstrual cycles in females, and reduced fertility and sex drive.

Regardless whether or not the state allows the use of marijuana or medical marijuana, at the federal level, marijuana remains classified as a Schedule I substance under the Controlled Substances Act, in which Schedule I substances are considered to have a high potential for dependency and no accepted medical use, making distribution or use of marijuana a federal offense. Therefore, regardless of the circumstance, marijuana cannot be brought to or used on the school’s campus.

Cocaine/Crack

Cocaine is a stimulant drug, which is derived from the coca plant. Street cocaine is available in the form of a powder or a “rock” of crack and is most commonly inhaled or smoked. Cocaine increases the heart rate and blood pressure and is highly addictive.

Crack is a form of smokable cocaine named for the popping sound it makes when burned. It is a mixture of cocaine, baking soda, and water. It is 5–10 times more potent than cocaine and is extremely harmful. It has been reported that addiction can occur with as few as two “hits.”

Some symptoms of cocaine/crack abuse are: personality changes; unexplained weight loss; excess sniffing and coughing; insomnia; depression; irritability; neglect of responsibility toward work, school, family, and friends; and panic attacks.

Alcohol

In small amounts, alcohol has a tranquilizing effect on most people, although it appears to stimulate others. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors; lowered self-control can lead to aggressive behavior. Alcohol use can also cause dehydration, coordination problems, and blurred vision.

In large amounts, alcohol can dull sensation and impair muscular coordination, memory, and judgment. Taken in larger amounts over a long period of time, alcohol can damage the liver, heart, and brain, and cause numerous other health and medical issues.

When anyone under age 21 drinks alcohol, it is considered underage drinking. Underage drinking is against the law, except in special cases, such as when it is part of a religious ceremony. Underage drinking is also dangerous. It can harm the mind and body of a growing adolescent in ways many people don’t realize. If caught by the police, you may be arrested, lose your driver’s license, or be required to attend an alcohol awareness program. If a student is caught drinking on the school’s campus or at a school-sponsored event, the student will be terminated from school.

Hallucinogens

Hallucinogens are also known as psychedelics. The effects vary; a user’s reactions can vary by occasion. Most users are affected by changes in time and space perception, delusions, and hallucinations. The effects may be mild or overwhelming, depending on the dose and quantity of the drug.

Physical reactions range from minor changes, such as dilated pupils or an increase in temperature and heartbeat, to major changes, such as tumors. High doses can significantly alter the state of consciousness. After taking a hallucinogenic drug, the user loses control of thought processes. Although many perceptions are benign, others may cause panic or may make the user believe he or she cannot be harmed. Such delusions can be dangerous.

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Heroin

Heroin is a narcotic, which relieves pain and induces sleep. Commonly known as “junk” or “smack,” heroin is a highly addictive depressant and has been attributed as the cause of many deaths. Symptoms include “pin-point pupils”; drowsiness, lethargy, and slurred speech; and an inability to concentrate. Related medications used to treat pain include oxycontin and oxycodone, methadone, and codeine. The abuse of painkillers ranks second only to the abuse of marijuana in the United States. Heroin users experience a higher rate of infectious disease due to a weakened immune system and sharing contaminated needles. Children can be born addicted or can become addicted as a result of heroin in the mother’s breast milk.

Crystal Methamphetamine

Crystal methamphetamine is a colorless, odorless, powerful, and highly addictive synthetic (man-made) stimulant. Crystal methamphetamine typically resembles small fragments of glass or shiny blue-white “rocks” of various sizes. Like powdered methamphetamine, crystal methamphetamine produces long-lasting euphoric effects. Crystal methamphetamine, however, typically has a higher purity level and may produce even longer-lasting and more intense physiological effects than the powdered form of the drug.

Crystal methamphetamine use is associated with numerous serious physical problems. The drug can cause rapid heart rate, increased blood pressure, and damage to the small blood vessels in the brain, which can lead to stroke. Chronic use of the drug can result in inflammation of the heart lining. Overdoses can cause hyperthermia (elevated body temperature), convulsions, and death.

Crystal methamphetamine users may experience episodes of violent behavior, paranoia, anxiety, confusion, and insomnia. The drug can produce psychotic symptoms that persist for months or years after an individual has stopped using the drug.

Crystal methamphetamine users who inject the drug expose themselves to additional risks, including contracting HIV (human immunodeficiency virus). Methamphetamine users also risk scarred or collapsed veins, infections of the heart lining and valves, abscesses, pneumonia, tuberculosis, and liver or kidney disease.

Depressants

Depressants are highly addictive; they are usually known as “downers.” A user may be drowsy and lethargic, suffer from memory loss, and have slurred speech. Many lawful drugs that have characteristics of depressants are from the family of drugs called barbiturates. More serious effects of the abuse of downers are liver damage, paradoxical anxiety and excited rage, coma, and death.

Ecstasy (MDMA)

Also known as XTC, X, and E, Ecstasy is a mind-altering drug with hallucinogenic and speed-like side effects. Often used at raves, it is taken to promote loss of inhibition, excitability, euphoria, energy, and sexual stimulation. Ecstasy increases the amounts of serotonin in the user’s brain, which causes increased energy and euphoria; it also contains anti-coagulative properties, which can cause the user to bleed to death if injured. Ecstasy can also cause serious brain damage in a short time. Side effects of ecstasy include: depression, increased heart rate and blood pressure, muscle tension, nausea, blurred vision, faintness, chills, brain damage, organ damage, and death. Similar “designer drugs” include MDEA and MDA (also known as “Adam” and “Eve”).

Ritalin

Methylphenidate (Ritalin) is a medication prescribed for individuals (usually children) who have an abnormally high level of activity or attention-deficit hyperactivity disorder (ADHD). It contains amphetamines and can be abused as a stimulant by those for whom it is not prescribed. When abused, the tablets are either taken orally or crushed and snorted. Some abusers dissolve the tablets in water and inject the mixture — complications can arise from injection as insoluble fillers in the tablets can block small blood vessels.

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GHB

Gamma-hydroxybutyrate is an intoxicating chemical with medical, recreational, and potentially dangerous uses. Its use is illegal for any purpose in the United States. Nicknamed the “date rape drug,” it is a clear liquid often mixed in drinks to promote relaxation or increased sociability. When taken, side effects can include: drowsiness, dizziness, vomiting, amnesia, decreased motor skills, slurring of speech, unrouseable sleep (coma), and death. GHB was used as a dietary supplement until banned by the FDA. GHB is now illegal in the United States. Common slang names for GHB are: G, Liquid X, GBH, Gamma-oh, Blue Verve, Grievous Bodily Harm, Goop, and EZLay.

Drug Conviction Notification and Imposed Sanctions:

- Any employee or student must notify Paul Mitchell the School Rapid City of any criminal drug statute conviction for a violation occurring in the workplace no later than **five** days after such a conviction.
- Within 30 days after receiving notice of an employee or student conviction, will impose corrective measures on the employee or student convicted of drug abuse violations in the workplace by:
 - ① Taking appropriate action against the employee or student up to and including expulsion or termination of employment and referral for prosecution and/or
 - ② Requiring such employee or student to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Laws Relating to Drug Violations:

Attached is a list of violation codes associated with the unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance. Any employee or student violating any of the described laws of the Health and Safety Code or the Business and Professional Code could be subject to fines and imprisonment.

Where can students go for help?

Addiction Recovery Centers of the Black Hills
1520 Haines Ave #6
Rapid City, SD 57701
605-716-7841

Where can staff go for help?

Addiction Recovery Centers of the Black Hills
1520 Haines Ave #6
Rapid City, SD 57701
Rapid City, SD 57701

Drug Abuse and Addiction Information and Treatment Centers

- | | |
|--|--------------|
| • Harm Reduction Therapy Clinic | 415-863-4282 |
| • National Institute on Drug Abuse | 301-443-1124 |
| • Alcohol Abuse | 844-247-3171 |
| • Alcoholics Anonymous World Services | 919-633-1777 |
| • National Institute of Alcohol Abuse and Alcoholism | 301-443-3860 |
| • Rapid Detox | 919-781-5507 |
| • Treatment Access Services | 919-833-8899 |
| • Alcoholics Anonymous (AA) | 919-873-6144 |
| • ACOA (Adult Children of Alcoholics) | 310-543-1815 |
| • AL-ANON (Family and Friends of Alcoholics) | 919-713-1516 |
| • The Center for Substance Abuse Treatment and Referral Hotline: | 800-662-4357 |

Paul Mitchell the School Rapid City has additional referrals you can contact.

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Policy Distribution Procedures:

Paul Mitchell the School Rapid City Drug-Free Workplace Policy will be distributed to all employees and students on an annual basis using the following procedure:

- Students will receive a copy of the Drug-Free Workplace Policy at the time of initial enrollment. The enrollment agreement signed by every student will acknowledge receipt of the Drug-Free Workplace Policy.
- Staff employees will receive a copy of the Drug-Free Workplace Policy with the initial employment agreement. It will be read, and the signature page will be returned with the employment agreement. Annually, the human resources department will be responsible for distributing the policy to current staff employees.

Biennial Review

The school conducts a biennial review of its Drug-Free Workplace Policy to determine the program's effectiveness, any needed changes, the number of drug- and alcohol-related violations and fatalities, and the number and type of sanctions imposed. Contact the School Director to request a copy of the biennial review.

Campus Safety and Security Policy

Federal Trafficking Penalties*

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4,999 grams mixture	<p>First offense: Not less than five years, and not more than 40 years. If death or serious injury, not less than 20 years or more than life imprisonment. Fine of not more than \$2 million if an individual, \$5 million if not an individual.</p> <p>Second offense: Not less than 10 years, and not more than life imprisonment. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p>	5 kilograms or more mixture	<p>First offense: Not less than 10 years, and not more than life imprisonment. If death or serious injury, not less than 20 years or more than life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual.</p> <p>Second offense: Not less than 20 years, and not more than life imprisonment. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.</p> <p>Two or more prior offenses: Life imprisonment</p>
Cocaine Base (Schedule II)	28–278 grams mixture		279 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kilogram or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 grams or more pure or 1 kilogram or more mixture		
Penalties				
Other Schedule I and II Drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p>First offense: Not more than 20 years. If death or serious injury, not less than 20 years, or more than life imprisonment. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second offense: Not more than 30 years. If death or serious injury, not less than life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	1 gram or more			
Other Schedule III Drugs	Any amount	<p>First offense: Not more than five years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	30 to 999 milligrams	<p>Second offense: Not more than 10 years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>		
All Other Schedule IV Drugs	Any amount	<p>First offense: Not more than three years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p>		
Flunitrazepam (Schedule IV)	Less than 30 milligrams	<p>Second offense: Not more than six years. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>		
All Schedule V Drugs	Any amount	<p>First offense: Not more than one year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second offense: Not more than two years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>		

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Federal Trafficking Penalties — Marijuana*

Drug	Quantity	First Offense	Second Offense
Marijuana	1,000 kilograms or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life imprisonment. • If death or serious injury, not less than 20 years, not more than life imprisonment. • Fine not more than \$4 million if an individual, \$10 million if other than an individual. 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life imprisonment. • If death or serious injury, mandatory life imprisonment. • Fine not more than \$8 million if an individual, \$20 million if other than an individual.
Marijuana	100 kilograms to 999 kilograms mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than five years, not more than 40 years. • If death or serious injury, not less than 20 years, not more than life imprisonment. • Fine not more than \$2 million if an individual, \$5 million if other than an individual. 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life imprisonment. • If death or serious injury, mandatory life imprisonment. • Fine not more than \$4 million if an individual, \$10 million if other than an individual.
Marijuana	more than 10 kilograms hashish; 50 to 99 kilogram mixture more than 1 kilogram of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years. • If death or serious injury, not less than 20 years, not more than life imprisonment. • Fine \$1 million if an individual, \$5 million if other than an individual. 	<ul style="list-style-type: none"> • Not more than 30 years. • If death or serious injury, mandatory life imprisonment. • Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana	1 to 49 plants; less than 50 kilogram mixture	<ul style="list-style-type: none"> • Not more than five years. • Fine not more than \$250,000, \$1 million if other than an individual. 	<ul style="list-style-type: none"> • Not more than 10 years. • Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish	10 kilograms or less		
Hashish Oil	1 kilogram or less		

*From the U.S. Drug Enforcement Administration

The school monitors and records any criminal activity that takes place at a school event off campus by contacting local police agencies to ensure that all off-campus activities are conducted in safe and secure facilities. Each of these events is supervised by teachers and staff of the school.

Sex Offenders Registry

In accordance with the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. § 14071(j)), and the Adam Walsh Child Protection and Safety Act of 2006, we are notifying you that you can obtain information concerning registered sex offenders by visiting www.familywatchdog.us for a list of registered offenders near the school premises.

Campus Safety and Security Policy

VIOLENCE AGAINST WOMEN ACT

This document has been designed to inform all students and employees of the Violence Against Women Act and outlines Paul Mitchell the School Rapid City's commitment to the health and safety of its students and employees. The school strictly prohibits any student or staff member from engaging in any crime outlined under the Violence Against Women Act, including the crimes of dating violence, domestic violence, sexual assault, and stalking, and is committed to taking the necessary steps to investigate any allegations of wrongdoing. This annual disclosure document is done each year by contacting the local police department and/or the building management to compile the statistics used in the report. Victims or witnesses to a crime on the school premises may report the crime to the School Director/Campus Security Coordinator on a confidential basis for inclusion into the in the annual disclosure of crime statistics. This document explains the institution's policy regarding crime prevention, public safety, and criminal reporting procedures. This document will be provided to all prospective students and staff, as well as be reviewed with all students during orientation and with staff at the time of hire.

The school will provide training in October of each year when the new statistics are available. The training promotes awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and the prevention of crime, as well as gives options for reducing the risk of such offenses occurring, the warning signs of abusive behavior, and how to avoid potential attacks. Please read this document carefully, and ask questions if you are confused or uncertain. The school's Campus Security Coordinator is Desaree Dargatz.

To conduct the awareness program, we bring in a local law enforcement official and a representative from **Rapid City Police Department**, the local crisis center, into the school to provide our students and staff with knowledge, information, and resources to prevent violence, promote safety, and reduce risk by showing how to protect yourself against crime, how to be responsible for your own safety, and how to protect yourself against sexual assault. Paul Mitchell the School Rapid City is committed to making your school a safe place.

Some examples of safe and positive options for bystander intervention include:

- Checking in with a friend who looks very intoxicated when leaving a party or event, either alone or with someone else.
- Talking with friends, classmates, teammates, and peers about intimate violence as a serious issue in the community.
- Speaking up to a friend or someone else who says they had sex with someone who was very intoxicated or couldn't consent.
- Expressing discomfort when someone makes a joke about or minimizes sexual or domestic violence or stalking.
- Helping a friend get home safely if they seem very intoxicated.
- Interrupting a conversation when it looks like one person might be making another person feel uncomfortable or unsafe.
- Talking to a friend suspected of being in a relationship that is abusive or harmful to connect them to supportive resources.
- Calling for campus safety and security personnel or law enforcement to intervene in a situation that might be dangerous or unsafe.

Risk reduction refers to options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Campus Safety and Security Policy

What is consent?

Federal Definition:

Consent is informed, voluntary, and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats, or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Local Jurisdiction Definition:

Sexual contact without consent, for example; rape, sodomy (oral or anal sex), sexual battery, (e.g. grabbing breasts, buttocks, private areas, forcible fondling). One in five woman will experience sexual assault or attempted sexual assault during her time in college. One in six may experience sexual violence in their lifetime. In the majority of cases reported in SD state, the offender is someone the victim knows; frequently alcohol is involved as a perpetration method.

The following link contains the Codified Laws in South Dakota relating to Sexual Contact.

https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=22-22

What is domestic violence?

Federal Definition:

The definition of “**domestic violence**” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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Local Jurisdiction Definition:

Domestic Violence

The Pennington County State's Attorneys Office has a special prosecutor and victims advocate assigned to cases involving partner-related domestic violence. If you are a victim of domestic violence, please call 605-394-2191 to speak to the advocate.

Domestic violence is defined under SDCL 25-10-1. This includes violence perpetrated on any family or household member.

If Law Enforcement is summoned to a domestic violence call, several statutes apply (see SDCL 25-10-36). If Law Enforcement has probable cause to believe that a crime has been committed, the officer is required to arrest the person who is suspected of committing the crime.

National Domestic Violence Hotline: 1-800-799-7233

Procedures for Victims of Domestic Violence

If a student or staff member is a victim of domestic violence, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of domestic violence report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

The student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of domestic violence. The complaint should be filed as soon as possible after the occurrence of domestic violence has taken place.

If a student or employee is a victim of domestic violence, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures (such as how to file for a protective order) that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at Desaree Dargatz 333 Omaha Street Rapid City, SD 57701 or by e-mail at DesareeD@rapidcity.paulmitchell.edu of such a request for accommodation.

Campus Safety and Security Policy

Hearing Process

If a student is alleged to having committed domestic violence, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to domestic violence and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability and do not have a conflict of interest or bias for or against the accuser or the accused. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld. *Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

A student found guilty of violating the school's domestic violence policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

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The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of domestic violence, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

What is sexual assault?

Federal Definition:

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Local Jurisdiction Definition:

Sexual Assault: the sexual exploitation, forcible penetration, or an act of sexual contact on the body of another person, male or female, without his or her consent. Rape is an act of power and control, in which the victim is humiliated, degraded, and left with feelings of shame, guilt, and anger.

The following link has the complete list of Codified Laws

https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=22-22

The following link is a Resource for sexually abused persons.

https://www.sdlawhelp.org/sites/sdlawhelp.org/files/SexualAssultGuide_GrantNumber.pdf

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Procedures for Victims of Sexual Assault

If a student or staff member is a victim of sexual assault, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident. A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of sexual assault. The complaint should be filed as soon as possible after the occurrence of sexual assault has taken place.

If a student or employee is a victim of sexual assault, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures (such as how to file for a protective order) that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at Desaree Dargatz 333 Omaha Street Rapid City, SD 57701 or by e-mail at DesareeD@rapidcity.paulmitchell.edu of such a request for accommodation.

Hearing Process

If a student is alleged to having committed sexual assault, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to sexual assault and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability and do not have a conflict of interest or bias for or against the accuser or the accused. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

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The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld.

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

A student found guilty of violating the school's sexual assault policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of sexual assault, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

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What is dating violence?

Federal Definition:

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Local Jurisdiction Definition:

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2) For the purposes of this definition,
 - a) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating violence does not include acts covered under the definition of domestic violence.

In South Dakota, a person commits domestic/dating violence (also called domestic abuse) by injuring, threatening, or attempting to injure a family or household member. It is also a crime in South Dakota to violate a restraining order.

Family and household members include spouses; former spouses; people related by blood, adoption or marriage; people who live together or have lived together; and people who have children together.

Under South Dakota's laws, a person commits domestic abuse by doing any of the following against a family or household member:

inflicting (or attempting to inflict) bodily injury or physical harm committing any crime of violence inflicting fear of bodily injury or harm, or violating a protective order.
(S.D. Codified Laws § 25-10-1.)

National Teen Dating Abuse Hotline: 1-866-331-9474

Procedures for Victims of Dating Violence

If a student or staff member is a victim of dating violence, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

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The school and police strongly advocate that a victim of dating violence report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident. A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of dating violence. The complaint should be filed as soon as possible after the occurrence of dating violence has taken place.

If a student or employee is a victim of dating violence, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures (such as how to file for a protective order) that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at

Desaree Dargatz 333 Omaha Street Rapid City, SD 57701 or by e-mail at DesareeD@rapidcity.paulmitchell.edu of such a request for accommodation.

Hearing Process

If a student is alleged to having committed dating violence, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to dating violence and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability and do not have a conflict of interest or bias for or against the accuser or the accused. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. The accuser and the accused are entitled

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to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld. Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

A student found guilty of violating the school's dating violence policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

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Any student or employee who reports to the school that he or she has been a victim of dating violence, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

What is stalking?

Federal Definition:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, *course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person's property. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily lead to professional treatment or counseling. For the purposes of complying with the requirements of this regulation, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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Local Jurisdiction Definition:

In South Dakota, the essence of stalking is that one person repeatedly acts towards another person in a way that would cause a reasonable person to experience substantial emotional distress or fear of being injured or killed.

The law specifically prohibits the following behavior:

Willfully, maliciously, and repeatedly follow or harass another person;

Making a credible threat to another person with the intent to place that person in reasonable fear of death or great bodily injury; or Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

The stalkers' actions can be as overt as making repeated threats to harm you or your family or as innocuous as simply showing up in the parking lot of your workplace every day and waiting for you.

If you feel you are being stalked and in immediate danger, call 911 for assistance.

Procedures for Victims of Stalking

If a student or staff member is a victim of stalking, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance if needed and/or to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of stalking report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, if needed, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of stalking. The complaint should be filed as soon as possible after the occurrence of stalking has taken place.

If a student or employee is a victim of stalking, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures (such as how to file for a protective order) that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid

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options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at Desaree Dargatz 333 Omaha Street Rapid City, SD 57701 or by email at DesareeD@rapidcity.paulmitchell.edu of such a request for accommodation.

Hearing Process

If a student is alleged to having committed stalking, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to stalking and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability and do not have a conflict of interest or bias for or against the accuser or the accused. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld. Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

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A student found guilty of violating the school's stalking policy could be criminally prosecuted in the state courts and may be reprimanded, sent to counseling, placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

What is rape?

Federal Definition:

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

Local Jurisdiction Definition:

South Dakota Code section 22-22-1: Rape

Rape is an act of sexual penetration accomplished with any person under any of the following circumstances:

- (1) If the victim is less than 13 years old
- (2) Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or against another person within the victim's presence, accompanied by the apparent power of execution
- (3) If the victim is incapable (because of physical or mental incapacity) of consenting to such an act
- (4) If the victim is incapable of consenting to the act because of an intoxicant, narcotic, anesthetic agent, or hypnosis, or
- (5) If the victim is at least 13 years old, but is less than 16 years old, and the offender is at least three years older than the victim

Definition of "Sexual Penetration"

Sexual penetration is an act, however slight, of sexual intercourse, cunnilingus, fellatio, anal intercourse, or the intrusion of a body part or an object into the genitals or anal openings of another person's body.

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Procedures for Victims of Rape

If a student or staff member is a victim of rape, inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

The school and police strongly advocate that a victim of rape report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will ensure that a victim receives the necessary medical treatment and tests, at no expense to the victim; and it provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later. It is important to preserve evidence for the proof of a criminal offense, so do not disturb the area surrounding the incident.

A student or staff member can file a complaint with the School Director/Campus Security Coordinator. The complaint should outline all details of the event and include a list of any witnesses or documentation to help support the allegations of rape. The complaint should be filed as soon as possible after the occurrence of rape has taken place.

If a student or employee is a victim of rape, he or she may request a change in his or her academic or work schedule, such as moving from night to day classes, or from a full-time to a part-time schedule; the school may also change the alleged perpetrator's schedule to prevent interaction with the victim until the complaint has been investigated thoroughly. The school will also help with transportation or housing issues to accommodate the alleged victim, or any other protective measures (such as how to file for a protective order) that may be deemed necessary. The school will make available to the student a leave of absence or opportunity to drop and reenroll at a later date without incurring any additional charges or penalties. The school's Financial Aid Leader will meet with the victim to discuss his or her options regarding loan repayment or financial aid options. These, as well as other options will be provided to the alleged victim in writing, regardless of whether or not the victim chooses to report the crime to the police or file a complaint with the school; please notify the School Director/Campus Security Coordinator in person at Desaree Dargatz 333 Omaha Street Rapid City SD 57701 or by e-mail at DesareeD@rapidcity.paulmitchell.edu of such a request for accommodation.

Hearing Process

If a student is alleged to having committed rape, that student will have the right to a prompt, fair, and impartial investigation and hearing before the School Director/Campus Security Coordinator and two additional employees of the school's administration, who have received annual training on issues related to rape and how to conduct an investigation and hearing process that protects both the safety of the victim and promotes accountability and do not have a conflict of interest or bias for or against the accuser or the accused. The accused and the victim will each be allowed to have others present, including an advisor of their choice to accompany them throughout the hearing. The standard of evidence in this case requires clear and convincing evidence that the incident more than likely occurred.

The school's policy is to investigate the allegations and conduct a hearing within thirty days of receiving the complaint. If necessary, the school's investigative team may need additional time in order to properly conduct a review of the alleged incident and to come to a fair conclusion; however, the school will make every effort to expedite the review process. If an extension of time is needed to conduct the investigation and hearing for good cause, the school will send a written notification to the accuser and the accused of the delay and the reason for the delay.

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The proceedings will be conducted in a manner that is consistent with the school's policies and is transparent to the accuser and accused, which includes timely notice of meetings at which the accuser or accused, or both, may be present; provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and that will be conducted by school officials who do not have a conflict of interest or bias for or against the accuser or the accused. Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. The accuser and the accused are entitled to the same opportunities to have an advisor of their choice present during the disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding. The school may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. The appropriate school officials will meet upon the conclusion of the hearing to discuss the facts of the complaint and to render a decision. Both the accuser and the accused will simultaneously be informed in writing of the outcome and any institutional disciplinary proceeding, the opportunity for appeal and the notification of the outcome of any appeal before the results become final, and when the results of the proceedings become final. The results include any initial, interim, or final decision by the school regarding any sanctions imposed, as well as the rationale for the results and any sanctions. In accordance with the Violence Against Women Act, the school is required to publish the results of the hearing(s); however, the names of the individuals involved will be withheld. Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

A student found guilty of violating the school's rape policy could be criminally prosecuted in the state courts and may be placed on probation, suspended, or expelled from the school for the first offense. Any information obtained during the school's investigation process will be shared with any parallel law enforcement investigation upon receipt of a court subpoena of the school's records.

The school will protect the confidentiality of the victim(s) in accordance with the law. In some cases, the school may need to disclose some information about a victim to a third party to provide necessary accommodations or protective measures. The school will only disclose information that is necessary to provide the accommodations or protective measures requested and will carefully consider who may have access to this information to minimize the risk to a victim's confidentiality. The school will inform the victim before sharing personally identifiable information about him or her and only if it is necessary to provide an accommodation or protective measure. Compliance with these provisions of the Violence Against Women Act does not constitute a violation of Section 444 of the General Education Provision Act (20U.S.C. 1232g), commonly referred to as the Family Education Rights to Privacy Act of 1974 (FERPA).

Any student or employee who reports to the school that he or she has been a victim of rape, whether the offense occurred on or off campus, shall be provided with a written explanation of the student's or employee's rights and options. No officer, employee, or agent of the school shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his or her rights or responsibilities under any provision of the Violence Against Women Act.

Campus Security

The school does not have individual campus security. All crimes are reported to the local police department for investigation and action on school premises or vicinity. We encourage all students and employees to timely report all crimes to the School Director/Campus Security Coordinator, who will promptly contact the local authorities to address the issue. Victims and witnesses are encouraged to report crimes, but it is solely on a voluntary basis. If you are a witness to the crime, contact 911 for immediate assistance, and, if you feel it is safe to intervene on behalf of the victim, do so in the presence of others, if possible, or call out to the perpetrator that you have contacted the police and indicate that they are on their way; do not put yourself in danger as well.

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If you are a victim of a sexual assault, domestic violence, dating violence, or stalking at this institution or off the school premises, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. In the event of a rape or sexual violence on campus:

- a. Remain calm.
- b. Calm the victim; notify the School Director/Campus Security Coordinator.
- c. Inform the victim that he or she has the option to notify the appropriate law enforcement authorities, including the local police and for medical assistance. If the victim wants the School Director/Campus Security Coordinator to notify the authorities, he or she will call (911) for medical assistance and to alert the police. The School Director/Campus Security Coordinator and a representative from the police department will guide the victim through the available options and support the victim in his or her decision, including where applicable, restraining orders, orders for protection, no-contact orders, or similar lawful orders issued by a criminal or civil court.

If a victim chooses not to file a policy report at the time of the incident, we recommend that the victim use a forensic nurse, who would conduct a forensic examination to preserve evidence in case the victim seeks to file criminal charges or obtain a restraining order at a later date. If the victim chooses to use a forensic examination, it does not require him or her to subsequently file a police report. Please contact the School Director/Campus Security Coordinator for information on where to obtain the services of a forensic nurse.

- d. The school encourages victims of sex offenses to seek professional counseling. The school will ensure that the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault, domestic violence, dating violence, stalking, and crisis intervention, as well as health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both in the school and the community. If you need to seek professional help or pastoral counselors after having been a victim of a rape, sexual assault, domestic violence, or dating violence, you can contact the School Director/Campus Security Coordinator or contact one of the following counseling centers:

<http://www.ovw.usdoj.gov/statedomestic.htm>

Rapid City - Working against Violence, INC (WAVI)

527 Quincy Street Rapid City, SD 57701

Crisis Line: Domestic Violence: 605.341.4808 Toll Free Crisis Line: 1.888.716.9284 | Sexual Assault: 605.341.2046

The school educates the student community about sexual assaults and date rape through mandatory orientation. The police department offers sexual assault education and informational programs to students and employees. Literature on date rape education, risk reduction, and the school's response are available through the School Director/Campus Security Coordinator.

Reporting Crime to the School Community

In accordance with the Clery Act, schools must provide timely warnings in response to crimes that pose a continuing threat to the school campus. These warnings must be provided in a manner that is timely and that will aid in the prevention of similar crimes. Under the regulations, schools must not disclose the names and personally identifying information of victims when issuing a timely warning. However, in some cases to provide an effective timely warning, a school may need to provide information from which an individual might deduce the identity of the victim. The school will take each incident on a case-by-case basis, and will take all necessary steps to protect the identity of the victim whenever possible.

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Any records of the incident will be maintained by the School Director/Campus Security Coordinator. Only staff members who need to know will be apprised of the name(s) of the victim(s). The school is required to publish each year statistics for certain crimes that are reported to the school authorities or local police agencies, including incidents of sexual assault, domestic violence, dating violence, and stalking; however, the report only includes incidents and not the names or identifiable information about the victim(s).

Type of Crime On-Campus	Number of Incidents			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Sexual assault	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Domestic violence	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0
Stalking*	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Hate Crimes based on Dating Violence	0	0	0	0	0	0
Hate Crimes based on Domestic Violence	0	0	0	0	0	0
Hate Crimes based on Stalking	0	0	0	0	0	0

The crimes listed above occurred in the following areas of campus:

NONE

On-Campus Crimes Arrest and Disciplinary Referrals	Number of Incidents			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking*	0	0	0	0	0	0

The crimes listed above occurred in the following areas of campus:

Campus Safety and Security Policy

Public Property Crimes and Arrests and Disciplinary Referrals

	Number of Incidents			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking*	0	0	0	0	0	0

The crimes listed above occurred in the following areas of campus:

Non-Campus Buildings and Property Crimes and Arrest and Disciplinary Referrals

	Number of Incidents			Number of Arrests		
	2018	2019	2020	2018	2019	2020
Dating Violence	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Stalking*	0	0	0	0	0	0

The crimes listed above occurred in the following areas of campus:

**Stalking*—stalking which crosses calendar years should be recorded in each and every year in which the stalking is reported to a campus security authority or local police.

The following crime reports were considered “unfounded” and subsequently withheld from its crime statistics during each of the following three most recent calendar years. Identify the unfounded crime and the year it occurred.

NONE

All reported crimes must be reported. If the school has any crimes that were determined to be unfounded, the school must disclose that information. A school may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. Only a sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. The school will retain any documentation that would support the “unfound” report of a crime to review by the U.S. Department of Education. Crimes reported must indicate whether the crime was on campus, in a non-campus building or property, or on a public property. When recording reports of stalking that include activities in more than one calendar year, the school will record a crime statistic for each year in which the course of conduct is reported to the local police or to the School Director/Campus Security Coordinator. The school will record each report of stalking as occurring at only the first location within the institution’s Clery geography in which a perpetrator engaged in the stalking course of conduct or when the victim first became aware of the stalking. The statistics do not require the identification of the victim or the person accused of committing the crime.

Campus Safety and Security Policy

ACKNOWLEDGEMENT OF STUDENTS/STAFF:

I acknowledge that I have read and understand the policies and procedures explicated in this document titled: "Campus Safety and Security Policy." I also acknowledge that I accept the conditions and responsibilities outlined within this document.

Signature of Student/Employee: _____ Date: _____

Signature of Administration: _____ Date: _____

Campus Safety and Security Policy Daily Log

Nature of the Crime	
Date	Time
General Location	
Disposition of the Complainant	

Nature of the Crime	
Date	Time
General Location	
Disposition of the Complainant	