

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Student Code of Conduct

NUMBER: 3:4

A. PURPOSE

To establish the expectations of student conduct, the process for determining when there is a violation of the conduct code, and the appeals process available when a violation is found.

B. DEFINITIONS

1. Advisor:

the student conduct process. The advisor may be a faculty member, staff member, student, attorney, family member, or anyone else. The advisor is limited to advising the student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing. Students should choose an advisor who is available to attend any scheduled meetings or hearings because advisor availability is not considered in scheduling meetings or hearings.

2. Appellate Board: Any person or persons authorized by the institutional president to determine whether a respondent has or has not violated the Student Code or from the conduct sanctions imposed by the Student Conduct Officer.

3. Board Policy: The written policies of the South Dakota Board of Regents contained in the policy manual.

4. Chair: The Student Conduct Officer or the senior student affairs officer who:

4.1. Is a member of the Student Conduct Panel;

4.2. Is responsible for the proper operation of the hearing; and

4.3. Has sole discretion to determine whether a Respondent has violated the Student Code, and if so, to impose appropriate sanctions.

5. Complainant: An individual who was allegedly injured by an alleged violation of the Student Code by a respondent.

6. Day: Monday

administrative offices are closed.

7. Faculty Member: Any person hired by the institution to conduct classroom or other academic activities.

8. FERPA: the Family Educational Rights and Privacy Act of 1974, as amended.

9. **Human Rights Violations:** Violence, Harassment, Stalking, Discrimination, and Retaliation under this Student Code not constituting Sexual Harassment as defined by section 2.4.6 below.
10. **Institution:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines and Technology, South Dakota State University, and University of South Dakota.
11. **Institutional Official:** Any person employed by the institution, performing assigned administrative or professional responsibilities.
12. **Institutional Premises:** All land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by, the Institution, including adjacent streets and sidewalks.
13. **Member of the Institutional Community:** Any person who is a student, faculty member, institutional official, any person employed by the institution, a volunteer, or guest. A officer.
14. **Notice:** Notice required by this Student Code shall be provided in writing via email to the sent by email.
15. **Organization:** Any student group that has been granted institutional registration or recognition.
16. **Policy:** The written regulations of the institution as found in, but not limited to, this Student Code, the Residence Life Handbook, the Graduate and Undergraduate Catalogs, and other official publications.
17. **Reasonable Person:** A reasonable person under similar circumstances and with similar identities as the complainant.
18. **Respondent:** A student or organization that is alleged to have violated the Student Code.
19. **Senior Student Affairs Officer:** That institutional official exercising primary authority over institutional student affairs programs and operations, or designee.
20. **Student:** All persons taking courses from the institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not.
21. **Student Code:** The Student Code of Conduct contained in this Board Policy 3:4.
22. **Student Conduct Panel:** The panel that hears formal hearings.
 - 22.1. This panel can take the following forms:
 - 22.1.1. Option 1 only the Student Conduct Officer;
 - 22.1.2. Option 2 the Student Conduct Officer and any institutional employee or employees or independent contractor authorized by the senior student affairs officer to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions;

22.2. For matters involving allegations of academic misconduct, the student conduct panel must include at least one faculty member or academic administrator appointed by the Provost in the form described in Option 2 above.

23. Student Conduct Officer: Any institutional official authorized by the Senior Student Affairs Officer to:

23.1. Informally resolve an allegation by determining the facts and, if a violation is found, imposing a conduct sanction without the assistance of a Student Conduct Panel;

OR

23.2. Serve as chair of the Student Conduct Panel;

23.3. Receive and consider the findings and recommendations of a Student Conduct Panel; and

23.4. Determine whether a respondent has violated the Student Code, and if so, to impose appropriate sanctions.

C. POLICY

1. Introduction

The Board of Regents and its institutions are committed to creating and maintaining a productive living-and-learning community that fosters the intellectual, personal, cultural, and ethical development of its students. Self-discipline and respect for the rights and privileges of others are essential to the educational process and to good citizenship.

1.1. Purpose of the Student Code of Conduct

The purpose of the Student Code is to educate students about their civic and social responsibilities as members of the institutional community. The primary focus of the student conduct process is on educational and corrective outcomes; however, conduct sanctions such as suspension or expulsion from an Institution may be necessary to uphold community standards and to protect the campus community. Extensive, organized, serious, or repeated violations of this Student Code are taken into account when determining conduct sanctions.

1.2. Standards of Behavior

Attendance at an institution is optional and voluntary. When students enroll at an institution, they voluntarily accept obligations of performance and behavior that are consistent with the i

these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens.

By enrolling at an institution, students voluntarily accept responsibility for compliance with all Board of Regents and Institutional Policies, including but not limited to this Student Code.

1.3. Authority of an Institution over its Students and Organizations

- 1.3.1. Student conduct proceedings may be initiated in response to conduct prohibited by the Student Code:
 - 1.3.1.1. That occurs on institutional premises
 - 1.3.1.2. That occurs at events official sponsored by an institution
 - 1.3.1.3. That arises out of membership in the Institutional community: or
 - 1.3.1.4. That occurs elsewhere and that adversely affects an Institution, any Organizations, members or the Institutional community, or the pursuit of their lawful objectives.
- 1.3.2. Notwithstanding this Student Code, an institution reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The institution also reserves the right to extend any deadline contained in this Student Code for good cause with written notice to the parties of the delay and the reason for the delay.
- 1.3.3. For purposes of the Student Code, the default authority over the student for student conduct purposes will be determined as follows:
 - 1.3.3.1. For alleged misconduct that occurs on institutional premises, the institution where the alleged misconduct occurred;
 - 1.3.3.2. For alleged misconduct that occurs at events officially sponsored by an institution, the institution that sponsored the event;
 - 1.3.3.3. For alleged misconduct that occurs elsewhere and that adversely affects an institution, the institution adversely affected;
 - 1.3.3.4. For alleged instances of Academic Misconduct, the institution that offered the course.
- 1.3.4. For instances where multiple Institutions have a reasonable claim to authority over the student for student conduct purposes, the Senior Student Affairs Officer at the institutions with a reasonable claim to authority shall determine the appropriate institution to proceed with the Student conduct process. The decision should consider the location of the alleged incident, complainant, respondent, witnesses, and the practicality of conducting the student conduct process at the different Institutions having a reasonable claim to authority. If the Senior Student Affairs Officers cannot agree, the System Director of Student Affairs will make a final decision.
- 1.3.5. Where students are also employees, they may be subject to concurrent authority. Student conduct proceedings under this Student Code may be initiated irrespective of any action taken by an institutional employer. However, when the student employee has been subject to conduct proceedings as an employee, the findings that resulted from such proceedings will be considered in the student conduct process as long as the standard used in such proceedings was preponderance of the evidence or higher.

1.5. Relationship Between the Student Conduct Process and the Criminal Law Process

- 1.5.1. The student conduct process is independent of any criminal or civil process. Therefore, a student alleged to have engaged in conduct that would be a violation of this Student Code (whether such conduct could also be a violation of criminal or civil law) may face student disciplinary action regardless of any criminal or civil process or their outcomes.
- 1.5.2. When the alleged misconduct includes allegations of Human Rights Violations, the disciplinary process will not be delayed except when law enforcement requests a delay to conduct the fact-finding portion of its investigation.
- 1.5.3. Determinations made or conduct sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of this Student Code were dismissed, reduced, or resolved in favor of, or against, the criminal law defendant.
- 1.5.4. When a student is charged by federal, state, or local authorities with a violation of law, the Institution will not request or agree to special consideration for that student because of his or her status as a student.
- 1.5.5. If the alleged violation of law also gives rise to student disciplinary action under this Student Code, the institution may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled under the Student Code.
- 1.5.6. The institution will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of Student violators provided that the conditions do not conflict with any conduct sanctions imposed as a result of the student conduct process, this Student Code, or It proc6 ge2

- 1.6.2. Institutions must ensure that institutional interests do not interfere with the impartiality of the student conduct process.
- 1.6.3. Any question of interpretation regarding the Student Code shall be referred to the Senior Student Affairs Officer for final determination.
- 1.6.4. The Student Code should be reviewed periodically under the direction of the Senior Student Affairs Officers.
 - 1.6.4.1. If the review leads to a recommendation that Board Policy be modified, that recommendation and its supporting rationale shall be provided to the institutional presidents and, if approved, forwarded to the Executive Director.

1.7. Institutions may choose to adopt institutional policies that are consistent with this Student Code.

2. Prohibited Conduct

The following list describes actions that detract from the effectiveness of an i productive living-and-learning community. Any student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the student conduct process and conduct sanctions outlined in this Student Code. In instances where prohibited conduct contained in this policy is defined differently in another Board Policy or Institutional Policy, the definition contained in this policy shall be used to address prohibited conduct by a student.

2.1. Acts of Academic Misconduct or Dishonesty

Honesty and integrity are core values at all institutions. Faculty members and students are jointly responsible for maintaining academic standards and integrity in institutional courses. In addition to any conduct sanctions imposed under this Student Code, academic consequences for academic mi12 0 4FETQ8 *nBT7(irs O)-7(ff)JTJETQ0.0000091

Acquiring, without permission, tests or other academic material belonging to the instructor or another member of the institutional faculty or staff;

Engaging in any behavior prohibited by the instructor in the course syllabus or in class discussion;

Falsifying or misrepresenting data or results from a laboratory or experiment; or

Engaging in other behavior that a reasonable person would consider to be cheating.

2.1.1.2. Plagiarism includes, but is not limited to, the following:

Using, by paraphrase or direct quotation, the published or unpublished work of another person without full and clear acknowledgment;

Using materials prepared by another person or agency engaged in the selling of term papers or other academic materials without prior authorization by the instructor; or

Engaging in other behavior that a reasonable person would consider plagiarism.

2.1.2. Engaging in other conduct that a reasonable person would consider dishonesty relating to academic achievement, research results or academically related public service.

2.1.3. Furnishing false information or false representations to any institutional official, instructor, or office. Submission of false information or withholding information at the time of admission or readmission may make an individual ineligible for admission to, or continuation at, an Institution.

2.1.4. Forging, fabricating, altering, misrepresenting, or misusing any document, record, or identification, including misrepresentations of degrees awarded or honors received.

2.1.5. Tampering with the election of any organization.

2.1.6. Claiming to represent, or act on behalf of, the institution when not authorized to do so.

2.2. Disruption, Obstruction, or Interference with Institutional Activities

2.2.1. Disrupting or obstructing institutional activities.

2.2.2. Classroom disruption, which is behavior that a reasonable person would view class or the ability of other students to benefit from the instructional program.

2.2.3. Failure to comply with directions of institutional, law enforcement, fire department, public safety contractors, or other government officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

- 2.2.4. Obstruction of the free flow of pedestrian or vehicular traffic.
- 2.2.5. Abuse of the student conduct process, which includes, but is not limited to, any of the following:
 - Falsifying, distorting, or misrepresenting information provided;
 - Making false allegations;
 - Attempt to circumvent the Student conduct process;

any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes

2.4.7.2.

anguish that may, but does not necessarily, require medical or other professional treatment or counseling

2.4.8. Hazing, which includes, but is not limited to, an act that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or as a condition for continued membership in a group or an organization:

Is likely to, or would be perceived by a reasonable person as likely to, endanger the physical health of an individual or cause psychological discomfort or distress through treatment that a reasonable person would consider to be humiliating, intimidating, or demeaning;

Destroys or removes public or private property;

Involves the consumption of alcohol or other substances to excess; or

Violates any Board Policy or Institutional Policy.

2.4.8.1. The express or implied permission of the individual being hazed does not make the behavior acceptable. It is also a violation of this provision to solicit, aid, or attempt to aid another person in planning or committing Hazing.

2.4.8.2. Voyeurism includes, but is not limited to, any use of electronic or other

may maintain single-sex membership practices without violating antidiscrimination policies, as recognized by 20 U.S.C. 1681(a)(6), and the enforcement of such single-sex membership practices by students does not violate this provision.

- 2.5.2. Retaliation is conduct that would make a reasonable person feel intimidated, or that interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual reports or files a complaint alleging a violation of law, Board Policy, or Institutional Policy, or participates in any process in which the individual has a right to participate.

2.6. Housing and Living Groups

Violations of any rules imposed by institutional housing or living groups are also violations of this Student Code.

2.7. Use and Misuse of Substances

- 2.7.1. The unauthorized manufacture, sale, possession, use, or consumption of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances by students.

- 2.7.2. However, possession, use, or distribution of alcohol, marijuana, or controlled substances is permitted on premises controlled by the Board of Regents when:

- 2.7.2.1. Needed in conjunction with approved research activities;

- 2.7.2.2. Alcohol is possessed, used, or distributed in a lawful manner inside a designated residence hall facility occupied exclusively by upper-division and/or non-traditional students who are at least twenty-one (21) years of age;

- 2.7.2.3. Alcohol is possessed, used, or distributed in a lawful manner on premises controlled by the Board of Regents that have been designated by the

distribution may be permitted, subject to such conditions as the

designation and conditions have been filed previously with the executive director of the Board of Regents; or

- 2.7.2.4. The possession, use, or distribution of the controlled substance is prescribed by a licensed health care professional authorized to prescribe such substances. For purposes of this section, a prescription does not include (s)9(e)22 19se

- 3.2.1.2.6. The investigator assigned must make findings of fact and conclusions as to whether the facts support a Human Rights violation.
- 3.2.2. The Student Conduct Officer shall make an initial determination whether the allegations, if true, would violate the Student Code. If the Student Conduct Officer determines that the allegations, if true, would violate the Student Code, the Student Conduct Officer shall conduct a pre-investigation inquiry to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation.
 - 3.2.2.1. The Student Conduct Officer must not have any actual or reasonably perceived conflicts of interest and biases for or against any party involved in the initial complaint. If the institution determines that an actual or reasonably perceived conflict of interest does exist, another individual must lead the investigation on behalf of the institution.
 - 3.2.2.2. As to off-campus conduct, the Student Conduct Officer shall determine whether the incident adversely affects the institution, any organizations, members of the institutional community, or the pursuit of their lawful objectives.
 - 3.2.2.3. Allegations of Academic Misconduct that are not informally resolved pursuant to Board Policy 2:33 will enter the student conduct process here.
 - 3.2.2.4. Allegations of Human Rights Violations that are not informally resolved pursuant to Board Policy 1:18 will enter the student conduct process here.
- 3.2.3. If the Student Conduct Officer determines that either (i) the allegations, if true, would not violate the Student Code or (ii) that the allegations are not credible, then the Student Conduct Officer should inform the complainant of this determination and inform the complainant that the allegations may be re-submitted should additional information become available.
- 3.2.4. If the Student Conduct Officer determines that the allegations, if true, would

A time to meet with the Student Conduct Officer to provide the respondent

ability of either party to discuss the investigation should be avoided, as they may inhibit the ability of either party to obtain and present evidence or otherwise to defend their interests. Written notice of interim measures shall be provided to the party to whom the interim measures are directed.

- 3.3.1.1. In circumstances involving allegations of stalking, interim measures must be provided upon the request of a complainant if such measures are reasonably avai

3.4.4. Informal resolution shall be final and the parties who agreed in writing to informal resolution waive any right to appeal otherwise available under Board Policy 3:4.

3.4.5. informally resolve

ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.

3.4.6. Informal resolution may be reached at any time before the Chair issues any findings, conclusions, and, when a violation is found, conduct sanctions it determines to be appropriate through the Formal Resolution process.

3.4.6.1. If an informal resolution is reached, the Student Conduct Officer shall prepare written findings and conclusions, and any sanctions resulting from a violation during the informal resolution process. If the complaint included more than one allegation of misconduct, each allegation must have a separate decision.

3.5. Formal Resolution

3.5.1. If the alleged misconduct is not fully resolved through informal resolution, any unresolved matter proceeds to a hearing.

3.5.2. The composition of the Student Conduct Panel shall be determined as follows:

3.5.2.1. For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:

3.5.2.1.1. Option 1 only the Student Conduct Officer; or

3.5.2.1.2. Option 2 the Student Conduct Officer and any institutional employee or employees or independent contractor authorized by the Senior Student Affairs Officer to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions,

3.5.2.2. For matters involving allegations of Academic Misconduct, the Student Conduct Panel must include at least one faculty member or academic administrator appointed by the Provost in the form described in Option 2 above.

3.5.2.3. Both the Complainant and the respondent will be provided notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that (i) the Student Conduct Panel include additional members (Option 2), and/or (ii) a Student Conduct Panel member be replaced due to an actual or reasonably perceived conflict of interest. Such requests must be submitted, in writing to the Senior Student Affairs Officer no later than twenty-four (24) hours after the notice is provided to the party. The Senior Student Affairs Officer shall make a final decision as to these requests and will provide notice to both parties of the decision.

directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.

3.5.8. The Student Conduct Officer shall record the audio of the hearing.

3.5.9. Generally, the hearing will be conducted in the following order:

3.5.9.1. The Chair will ask each individual present at the hearing to identify him/herself by providing his/her name and role at the hearing (e.g., complainant, respondent, member of the Student Conduct Panel, etc.).

3.5.9.2. The Chair will remind the respondent:

Of the materials that the Student Conduct Panel received prior to the hearing;

Of the right to have an advisor present;

Of the right to refuse to speak as a witness against him/herself;

That the refusal to 012 Tf1 0 0 1muo0.0023.57 5

Any initial, interim, or final decisions by the institution; and

If a violation is found, recommendations of appropriate conduct sanctions and supporting rationale for the conduct sanctions.

3.5.12. The Student Conduct Panel shall forward its written findings to the Chair. The Chair has sole discretion to adopt or reject any portion of the written findings.

3.5.12.1. If any portion of the written findings are rejected, the Chair shall issue new written findings it determines to be appropriate for such rec)op c-2 0 1rovid-7(n)

conduct sanction(s). Where a violation of Board Policy is established, and where a conduct sanction is mandated under Board Policy, that conduct sanction shall be imposed.

- 3.6.1.1.1. Conduct sanction decisions must be made for the purpose of deciding how best to enforce the Student Code and should reflect a proportionate response to the violation.
- 3.6.1.1.2. In matters involving Human Rights Violations, the Chair should consider whether the sanctions are equitable and will end the misconduct, prevent its recurrence, and address its effects.
- 3.6.1.1.3. In matters involving Human Rights violations, the Chair should consider the impact of separating the respondent from his/her education before imposing a conduct sanction of suspension or expulsion.
- 3.6.1.2. In matters involving allegations of Academic Misconduct that are informally resolved pursuant to Board Policy 2:33, the Student Conduct Officer will receive the information from the faculty member and shall determine and impose appropriate conduct sanction(s).
- 3.6.1.3. Complainants shall be informed in writing and at the same time as the respondent of any outcome and conduct sanctions imposed in the following circumstances:
 - 3.6.1.3.1. When the conduct sanction involves remedial action that directly relates to the complainant (e.g., a directive requiring the respondent to not have contact with the complainant)
 - 3.6.1.3.2. Where the allegations against the respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA; or
 - 3.6.1.3.3. Where the allegations against the respondent would also constitute Human Rights violations. In this circumstance, the rationale for the result must also be included.
 - 3.6.1.3.4. Where the institution finds that a hostile environment exists, the Institution shall also inform the complainant of other steps the

has violated Institutional Policies concerning the use or possession of alcohol or controlled substances.

- 3.6.1.6. The following conduct sanctions may be imposed upon any respondent found to have violated the Student Code. More than one of the conduct sanctions listed below may be imposed for any single violation. Imposition of a conduct sanction may be delayed or suspended on such conditions as the Student Conduct Officer may prescribe.

Warning A statement to the respondent that the respondent has violated the Student Code of Conduct.

Probation Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the respondent is later found to have engaged in any additional violation(s) the Student Code during the probationary period.

Loss of Privileges Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities, access to Institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the student

Fines Monetary payments.

Restitution

Withholding Degree the institution may withhold awarding a degree otherwise earned until the completion of the student conduct process or the completion of all conduct sanctions imposed.

Revoking Admission and/or Degree the institution may revoke admission to, or a degree awarded from, the institution for violation of Institutional standards for obtaining admission or the degree, or for other serious violations of the Student Code committed by the respondent prior to graduation.

- 3.6.1.7. Conduct sanctions shall not be made part of the respondent's academic record, but shall become part of the respondent's conduct record. The respondent's conduct record, other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the Student Code. The respondent's conduct record containing any of the four conduct sanctions above shall be maintained permanently. Where restitution is required of a respondent, the institution reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.
- 3.6.1.8. Students enrolled in one institution shall be held accountable for their conduct while visiting or enrolled at other institutions. Students may be required, as a condition of continued enrollment, reenrollment, or transfer or admission to another institution, to appear at the institution where the alleged misconduct took place, at their own expense, for a conduct hearing and to answer allegations based on their conduct while at that institution.
- 3.6.1.8.1. Any conduct sanction imposed by one institution shall be effective at all other institutions. A respondent suspended at one institution shall not be able to enroll at another institution until the period of

- 3.7.1.1. The respondent may appeal a decision reached by the Chair. In matters involving allegations of Human Rights violations, the complainant may also appeal a decision reached by the Chair. The appeal must be in writing and must be submitted to the Senior Student Affairs Officer no later than five (5) days after n received.
- 3.7.1.2. The written appeal must cite at least one (1) of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.
 - 3.7.1.2.1. The original hearing was conducted unfairly to the point that it substantially and materially affected the outcome;
 - 3.7.1.2.2. Using the facts found by the Chair, the conclusion regarding whether there was a violation(s) of the Student Code was incorrect;
 - 3.7.1.2.3. The conduct sanction(s) imposed were not appropriate for the violation of the student Code that the respondent was found to have committed; and/or
 - 3.7.1.2.4. New information that was unavailable at the time of the hearing has been discovered and could substantially and materially affect the outcome.
- 3.7.1.3. An appeal shall be limited to a review of:
 - The verbatim record of the initial hearing;
 - Supporting documents submitted as part of the initial hearing; and
 - Supporting documents submitted in support of the appeal reason(s)
- 3.7.1.4. The Senior Student Affairs Officer will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.
- 3.7.1.5. The Senior Student Affairs Officer will provide the Appellate Board with the materials submitted. The Appellate Board will review the materials submitted and provide a written recommendation to the Senior Student Affairs Officer as soon as practicable. The Senior Student Affairs Officer has sole discretion to adopt or reject the recommendation.
 - 3.7.1.5.1. In instances where the respondent appeals a decision reached by the Chair, sanctions or conditions may not be increased, introduced for the first time, or extended.
 - 3.7.1.5.2. If the recommendation is rejected, the Senior Student Affairs Officer will provide the Appellate Board with a written explanation for his/her decision.
 - 3.7.1.5.3. The Senior Student Affairs Officer shall determine the effective date of any conduct sanctions imposed. The effective date of any conduct sanctions shall not be delayed pending any further appeals.

3.7.1.6.

ten decision shall be provided to

3.7.1.6.1. The Senior Student Affairs Officer may return the matter to the hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

3.7.2. Appeal to the President of the Institution

3.7.2.1. The respondent may appeal a decision reached by the Senior Student Affairs Officer. In matters involving allegations of Human Rights violations, the complainant may also appeal a decision reached by the Senior Student Affairs Officer.

3.7.2.2.

Office no later than five (5) days after notice of the Senior Student Affairs

Coordinator for additional investigation, in light of the written decision.

- 3.7.3.5.2. If no informal resolution has been effected within the fifteen (15) working days, the Executive Director will refer the matter to a hearing examiner for reconsideration pursuant to SDCL § 1-26 using the contested case proceedings. At the conclusion of the contested case proceedings, the hearing examiner will provide a recommendation to the Executive Director for the disposition of the matter by the Board.
 - 3.7.3.5.2.1. Contested case proceedings may be conducted under protective orders entered pursuant to SDCL §§ 1-26-19 and 15-6-26(c).
 - 3.7.3.5.2.2. The Board may return the matter to the President, Senior Student Affairs Officer, or hearing panel for reconsideration or to the Title IX/EEO Coordinator for additional investigation, in light of the written decision.

FORMS / APPENDICES:

None

SOURCE:

BOR February 1969; RR, 12:06, 1977; BOR 1980; BOR April 1987; BOR June 1990; BOR December 1994; BOR October 1996; BOR December 1999; BOR March 2006; BOR December 2006; BOR August 2009; BOR August 2011; BOR December 2013; BOR June 2014; BOR August 2015; BOR May 2016; BOR August 2016; BOR December 2017; BOR December 2018; September 2015; BOR