

- i. If the findings, conclusions, or recommended sanctions are rejected, the student conduct officer shall impose appropriate sanctions, or take such other action as deemed necessary, and provide the student conduct body with a written explanation for this action.
- ii. The student conduct officer shall determine the effective date of any sanctions imposed.
- n. The approved written findings and conclusions and sanctions, if any, shall be provided to a complainant entitled to receive such information under section B, below, and to the respondent.
- o. There shall be a single verbatim record of all formal evidentiary hearings before a student conduct body. The record shall be the property of the institution.
 - i. The record and its contents shall be held in confidence and may be used solely for purposes of appeal. Any person who unnecessarily discloses the contents of the record to parties not involved in the appeal shall be subject to conduct sanction.
 - ii. In the event of an appeal, the respondent shall be given access to the record for purposes of preparing the appeal. Access shall be provided at such places and times as the senior student affairs officer may direct.
 - iii. Except as required by the Americans with Disabilities Act, the institution shall not be required to change the form in which the record is maintained.
- p. No student may be found to have violated the Student Code solely because the student failed to appear before a student conduct body, unless the student has allegedly failed to obey the direction of a duly empowered student conduct body, student conduct officer or other institutional officer to appear. In all cases, the evidence in support of the allegations shall be presented and considered.

B. Sanctions

In each case in which a student conduct body determines that a student has violated the institutional Student Code, the sanction(s) shall be determined and imposed by the student conduct officer. Where a violation of Board Policy is established, and where a sanction is mandated under Board Policy, that sanction shall be imposed. In cases in which persons other than or in addition to the student conduct officer have been authorized to serve as the student conduct body, the recommendation of all members of the student conduct body shall be considered by the student conduct officer. The judicial student conduct officer is not limited to sanctions recommended by members of the student conduct body. Following the hearing, the student conduct body and the student conduct officer shall provide the accused in writing of the findings of fact, conclusions and recommendations, if any, reached by the student conduct body or student conduct officer and of the sanction(s) imposed, if any.

1. Complainants shall be informed of any sanctions imposed in the following circumstances:
 - a. When the sanction involves remedial action that directly relates to the complainant (for example, an order requiring the student harasser not to have contact with the complainant);
 - b. Where the allegations against the accused would constitute a crime of violence as defined in section 1(T), above, and committed a violation of the institution's rules or policies with respect to that crime.
2. Institutions may disclose the final results of a conduct proceeding when, at their discretion, they conclude that disclosure will serve a legitimate educational interest and determine through a conduct proceeding conducted under its student conduct code that the alleged student perpetrator committed a crime of violence or a nonforcible sexual offense that is a violation of the university's rules or policies with respect to such crime or offense. For purposes of this subsection, "final results" means the name of the student perpetrator, the violation committed, and any sanction imposed by the university on that student. Names of other students involved in the violation, such as a victim or witness, will be released only with the written consent of that other student or students.
3. Institutions may inform the parents or legal guardians of students under twenty-one years of age that the students have violated institutional policies concerning the use or possession of alcohol or controlled substances as follows:
 - a. When the infraction occurs under circumstances that suggest that the student suffers from a serious substance abuse problem or shows little regard for his or her own health or safety or that of others; or
 - b. When the student is found to have committed a second violation.
3. The following sanctions may be imposed upon any student found to have violated the institutional Student Code:
 - a. Warning – A conduct notice in writing to the student that the student is violating or has violated institutional regulations.
 - b. Censure – A written censure for violation of specified regulations.
 - c. Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
 - d. Loss of Privileges – Denial of specified privileges for a designated period of time.
 - e. Fines – Previously established and published fines may be imposed.
 - f. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service or monetary or material replacement.
 - g. Discretionary Sanction – work assignments, service to the institution or other related discretionary assignments.

- h. Residence Suspension – Separation of the student from residence facilities for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - i. Residence Expulsion – Permanent separation of the student from residence facilities.
 - j. Suspension – Separation of the student from the institution for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. A student who has been suspended from one Board institution may not be enrolled at another.
 - k. Expulsion – Mandatory separation of the student from the institution for a period of no less than six years. A student who has been expelled from one Board institution may not be enrolled at another until the period of expulsion has expired.
 - l. The privileges of continued participation in institutional activities, access to institutional facilities or residences may be conditioned upon participation in or completion of counseling, substance abuse, or comparable programs, at the student's expense.
 - m. More than one of the sanctions listed above may be imposed for any single violation.
 - n. Imposition of a sanction may be delayed, suspended, or held in abeyance on such conditions as the student conduct officer may prescribe.
4. The following sanctions are mandated for violation of Board policies:
- a. Conduct sanction for acts of aggression, sex offenses, or harassment shall be subject to the following conditions:
 - i. Conduct sanction on the first occasion may include expulsion, where appropriate, given the nature of the act of aggression, sex offense, or harassment;
 - ii. If there is a second occurrence of an infraction of the same nature at any time during the student's career in South Dakota public
 - b. Persons who make bomb threats or who aid or abet their making shall be expelled. Additionally, they shall be required to pay restitution to the institution for all direct and indirect expenses incurred as a result of the threat or threats.
 - c. Conduct sanctions for infractions of alcohol, marijuana, and controlled substances regulations:
 - i. Conduct sanction for the initial infraction shall be determined under local regulations which may provide for mandatory substance abuse assessment.
 - ii. If, at any time during their enrollment within the system, students commit a second offense under the alcohol, marijuana, and controlled substances policy, they shall be fined \$100.00 and placed on conduct probation.
 - iii. If, at any time during their enrollment within the system, students commit a third alcohol, marijuana or controlled substances offense, they shall either be suspended for one semester or, in compelling circumstances, be permitted to continue attendance subject to conduct probation while participating in an approved substance abuse treatment program at their own expense.
 - iv. The foregoing sanctions, together with such actions as may be imposed pursuant to local regulations for initial infractions, are minimum sanctions. The reference to them does not preclude the institution from imposing more severe sanctions at any level, including expulsion, where the facts and circumstances of the infraction warrant such action.
 - v. Where an infraction of Board alcohol, marijuana, or controlled substances policies appears also to constitute a criminal offense under South Dakota or federal law, the institution may refer the matter to law enforcement authorities. Where the facts suggest a felony offense, such referral shall be mandatory. Referral of a matter to law enforcement authorities shall not require suspension of conduct proceedings nor delay imposition of discipline.
 - d. The following sanctions may be imposed upon groups or organizations:
 - i. Those sanctions listed above in Section 3(B)(3)(a)-(g) and (l)-(n).
 - ii. Loss of all privileges, including institutional recognition, for a specified period of time.
 - iii. When an officially recognized student organization has violated any of the conditions of the recognition established under the alcohol, marijuana, and controlled substances policy, it shall be sanctioned as follows:
 - a) On the first offense the organization shall be required to forego the use of alcohol at any of its functions, to remove all alcohol from the residence or both for one calendar year from the date on which this conduct sanction is imposed. Additionally, the organization may lose the right to conduct social functions for a like period of time or, at the discretion of local officials, may incur additional sanctions including the loss of recognition.
 - b) A second offense within four years against any of the conditions of recognition or a violation of a sanction imposed following a first infraction shall result in the suspension of the privilege to solicit and to accept new members for one calendar year from the time the sanction is imposed and may result in the loss of recognition.
 - c) A third offense shall result in the loss of recognition.