

# Annual Security Report

## 10/1/2016 Crime Log:

2013 - 2015	Stewart Campus			Non-Campus Building or Property			Public Property			TOTAL		
	13	14	15	13	14	15	13	14	15	13	14	15
<b>OFFENSE</b>												
<i>Murder</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Manslaughter</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Forcible Sex Offenses</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	1	0	0	0	0	0	0	0	0	1
<i>Arson</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>												
<i>Race</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Gender</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Religion</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Sexual Orientation</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Ethnicity</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Disability</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>												
<i>Liquor Law Violations</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Drug Abuse Violations</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Weapon Law Violations</i>	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA</b>												
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0	0	0	0

Stewart School is a small campus located at 604 N. West Avenue in Sioux Falls, South Dakota. There have been no crime reports on campus.

- There were no reports of assaults on campus
- There were no reports of rape on campus
- Theft reports were negligible.

### Parking:

Stewart School has street parking for students. The street is by the school, as well as the area is well lit at night. Stewart School encourages students to go to their vehicles in pairs, to never walk alone at night.

### Student Safety:

Stewart School also provides speakers and programs for students on topics of rape awareness, physical and domestic abuse, drug and alcohol abuse and self-defense. These classes are made available during the student's regular schedule and they are required to attend at least one per academic year. To further protect our students, the school does not disclose full names, attendance status, or schedules of students. We also encourage them not to share their full name, schedule, or any other personal information with clients

### Protection Order/Restraining Order:

Any student or staff member is strongly encouraged to provide legal documentation regarding their safety to the school. As well we recommend giving the school a photo of the person the order is against to insure prompt identification.

### Reporting and Procedures for Crime Related Offenses:

Petty theft is addressed internally, but on occasion police intervention is used. Even though stealing is rare, it is inevitable with a large group. Stewart School provides locked lockers for student's personal belongings and has a printed policy discouraging borrowing and lending. Students are advised not to bring large sums of cash to school. Students caught stealing from the school, staff, students, or clients are terminated from school immediately.

### Emergency Notification Procedures:

Stewart School utilizes an overhead paging/intercom system to notify all students of any potential danger or announcements that may affect their safety in school. It is published in the Student Handbook that any non-school time announcements will be made over the radio or television stations. This is in regard to weather related situations, as well as student emergency issues.

### Emergency Response & Evacuation Personnel:

School Director: Angela Taylor 1-605-336-2775 ext. 3  
 Asst. School Director: Katie VanBallegooyen 605-336-2775 ext. 2  
 Curriculum Director: Caitlin Hoogland 1-605-336-2775 ext. 6

### How To Report an Emergency:

Call 911 from a landline phone and calmly state:

- Your Name
- The building and room location of the emergency.  
 Stewart School  
 604 N. West Avenue  
 Sioux Falls, SD 57104
- The nature of the emergency-fire, chemical spill, etc.
- Whether injuries have occurred.
- Hazards present, which may affect responding emergency personnel.
- A phone number near the scene where can be reached.  
 605-336-2775

### Timely Warning:

In the event of a situation, either on or off campus that in the judgment of Stewart School management constitutes an on-going or continuing threat to the college community a "timely warning" will be issued through the local media and using the in school overhead paging/intercom system. Local media, phone messages, text messages, Facebook and/or e-mail will be used if possible and deemed necessary.

**Evacuation Procedures:**

Stewart School has an evacuation procedure that is reviewed at orientation. Emergency and Fire evacuation routes are posted throughout the school. The overhead paging/intercom system is used to verbally notify the students in case of an emergency.

**Designated Safe Area:**

- Weather Emergency: Basics classroom, inner hallways, and student break-room
- Fire Emergency or Bomb Threat: Vacate the building through the nearest exit (exits posted throughout the school).
  - North Exit: Proceed across Lake Avenue to the park where emergency response and evacuation personnel will meet you.
  - East Exit: Proceed across Lake Avenue to the park where emergency response and evacuation personnel will meet you.
  - West Exit: Proceed across the frontage road to gather in the median between the frontage road and West Avenue where emergency response and evacuation personnel will meet you.

**Building Evacuation:**

Upon hearing the announcement, or seeing a fire or dangerous situation inside building, begin evacuation procedures.

- Keep yourself and others calm, do not run! Crawl if overwhelmed by smoke.
- Quickly proceed to nearest exit, using the posted planned evacuation route, if necessary, to North, West or East exit door.
- Educators take your Attendance Book and a pen or pencil with you for a correct head count.
- Report immediately to the designated safe area so we can ensure everyone is accounted for.
- Wait for instructions from emergency response and evacuation personnel.  
Do not re-enter the building until told it is safe to do so.

**RACE:**

If you discover fire or smoke, do not panic!

- **Remove/Relocate** individuals away from danger if possible without endangering your safety.
- **Active Alarm** – Call 911.
- **Confine/Contain** fire and smoke by closing doors and windows.
- **Extinguish/Evacuate** – Extinguish fire only if trained and fire is small, using the nearest fire extinguisher and evacuate by the nearest safe exit.

**Go Bag:**

The go bag contains the following items:

- Diagram of the Building with safe rooms marked
- Keys to Locked Classrooms
- Keys to enter the building
- Call List
- Student Roster

**Building Safety Systems:**

Fire Extinguishers: Location of Extinguishers, as well as the types of extinguishers and location will be reviewed upon orientation and during yearly fire drill. Fire extinguishers are located throughout building. As well the location of fire extinguishers as well as nearest exits are posted throughout the building.

First Aid Kit (For minor injuries not requiring medical attention): There is a First Aid Kit in the dispensary.

**Hostage/Intruder Situation Plan:**

If an intruder(s) enters a classroom or enclosed area with a weapon and threatens to shoot or injure persons, this guideline should be followed:

**School Director/Designee**

1. Immediately notify Police/Sheriff and appropriate law enforcement agencies (911).
2. Initiate Action Secure Building by paging CODE RED
  - a. Lock down building, and do not let any students that are not in class enter the building.
  - b. Alert all rooms of the event.
  - c. Educators lock your classroom doors and do not let student leave the classroom until the police evacuate them.
  - d. Advise Students and others to stay off of their phone to prevent from locking down the phone system.
3. Monitor hostage situation the best you can without doing anything to exacerbate it.
4. Follow instructors of law enforcement officials who will take over when they arrive on site.

**Staff**

1. Remain calm. Talk with the individual(s) in a low-key, non-threatening manner. Do not argue with or antagonize the individual(s) in any way.
2. Keep your distance. Give the intruder(s) ample personal space.
3. Do not attempt to deceive or threaten the intruder(s).
4. Do not “buy into” the delusions of the intruder(s)
5. Suggest marching the students and /or staff quietly out the back door. Back off if this approach angers the intruder(s).

6. Constantly be alert and prepared for violence. Initial Action, Duck, Cover and Hold if the intruder(s) open fire.

Note: If the school becomes involved in a hostage situation, the primary concern must be the safety of students, co-workers, and guests. Individuals who take hostages are frequently emotionally disturbed, and the key to dealing with them is to make every attempt to avoid antagonizing them. Communication must be handled in a non-joking manner, always remembering that it may take very little to cause such persons to become violent. Any employee that is able to get out of the building, remember to grab the “go bag” and give it to law enforcement.

**If an individual(s) enters campus and acts in a threatening way (with or without a weapon) or begins firing a weapon, the following actions will be taken:**

**School Director/Designee:**

1. Inform staff supervising students in classrooms to initiate Action Duck, Cover, and Hold.
2. Immediately notify Police/Sheriff (911) and appropriate law enforcement agencies.
3. Work in coordination with supervisors of law enforcement agencies until the situation is resolved.
4. Initiate student release procedures and/or evacuation procedures only if it becomes necessary.
5. In classrooms, lock classroom and maintain Action Duck, Cover and Hold until the situation is resolved.
6. In open areas, move students to safer areas as quickly as possible. Only in extreme cases should it become necessary to initiate Action Drop, Cover and Hold; this should be done only when there is no chance for students to reach safer areas.
7. Students that are locked in safe rooms should remain there until police remove them.

**Severe Weather Plan:**

Severe weather includes Tornadoes, Severe Thunderstorms, Violent Snow Storms and Flooding. Weather Safe Area: Inner Hallways, Basics room, Student break room.

**Tornados/Severe Thunderstorms Watch:**

Definition of a Watch: A severe thunderstorm or tornado watch is issued by the National Weather service, when the weather conditions are such that a severe thunderstorm, a tornado or both, are more likely to develop and you should be prepared to move to a designated area.

If a tornado or a severe thunderstorm WATCH has been issued in an area that includes the campus:

- Monitor Local Emergency Alert Weather or the National Weather Service.
- Co-workers should be alerted to close all windows, inform students of building’s safe areas, and be ready to relocate to those areas in case the WATCH is upgraded to a WARNING.

**Tornados/Severe Thunderstorms Warning:**

Definition of a Warning: A severe thunderstorm or tornado warning is issued by the National Weather Service when a thunderstorm or a tornado has been sighted or indicated by weather radar. At this point the danger is very serious and you should move to a designated safe area.

If a tornado or severe thunderstorm WARNING has been issued in an area which includes the campus:

- Move students and co-workers to safe area IMMEDIATELY
- Close classroom, laboratory, and/or office doors.
- Educators move your students to designated safe areas and take attendance book with you.
- Remain in safe area until warning expires or until the all clear has been issued.
- Advise Students and others to stay off of their phone to prevent from locking down the phone system.

**Violent Snow Storm/Flooding:**

In the event of a violent snow storm or flooding, co-workers and students will be notified of early dismissal/school closing (or allowing students to stay till weather clears) by: Teachers announcement, phone call to the students, announcements to be made on local radio/television news channel and Facebook.

**Missing Student Notification & Procedure:**

Students must call in all absences prior to starting time for each absence. If a student does not report an absence, Stewart School will attempt to contact the student that day. Additionally, Stewart School requires each student to sign a release for an emergency contact in the event a student is unable to be reached.

**Registered Sex Offenders Information:**

Stewart School asks for full disclosure of any prior misdemeanor (other than minor traffic violations) or felony on the enrollment application to advise students of potential state licensing denial. This information, including sex offender registry, is kept in student’s confidential file. Beginning 2011, Stewart School will retain the right to perform background checks on all applications. Visit <http://sor.sd.gov> for a list of local registered sex offenders.

**Drug and Alcohol Policy:**

This statement is provided annually to students, faculty and staff of Stewart School in compliance with the requirements of the Drug-Free Schools and Communities Act, Public Law 101-226.

The unlawful manufacture/distribution/dispensation/possession and/or use of a controlled substance (drugs) and the unlawful possession or use, of alcohol are prohibited in and on property owned or controlled by Stewart School.

No employee or student is to report for work, attend class, or participate in a Stewart School activity while under the influence of illegal drugs, alcohol, or prescription drugs that would affect his/her performance.

**Stewart School Disciplinary Sanctions:**

Violation of the policies and laws referenced above by an employee or student will be grounds for disciplinary actions up to and including termination or expulsion in accordance with the applicable Stewart School policies. A referral may also be made for prosecution consistent with local, state and federal criminal laws. Disciplinary action taken against a student or employee by the School does not preclude the possibility of criminal charges being filed against that individual. The filing of criminal charges similarly does not preclude action by Stewart School.

Stewart School may conduct searches for illegal drugs or alcohol on School facilities at any time, without prior notice to employees and students. With regard to employees, School Facilities include, without limitation: offices, desks, drawers, cabinets, files, lockers, equipment, including computers, email and voicemail, School vehicles, and any area on the School’s premises. With regard to students, School Facilities include, without limitation: desks, drawers, lockers, and any area on the School’s premises. These examples are provided as an illustration only and do not create an expectation of privacy in locations not listed.

Students and employees should have no expectation of privacy with respect to items brought onto Company property and/or stored in company facilities. In addition, when Stewart School has a reasonable suspicion that a School policy is being violated that necessitates a search, employees and students may be required to submit to reasonable searches of personal vehicles, parcels, purses, handbags, backpacks, briefcases, lunch boxes, student kits or any other possessions or articles brought on to the company’s property.

Employees and students are expected to fully cooperate. Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. All employees must

cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including discharge.

As a condition of employment, Stewart School employees must consent to a drug or alcohol screening at any time during employment if the School has reasonable suspicion that the employee is under the influence of drugs and/or alcohol. The refusal to consent to testing may result in disciplinary action, including termination. Stewart School will cover the costs associated with such drug and/or alcohol screening.

**Local, State and Federal Sanctions:**

Local State and Federal laws prohibit the possession of alcoholic beverage by persons under age 21. No person may sell, give, serve alcoholic beverages to a person under age 21, and it is unlawful for a person under age to misrepresent his or her age in order to obtain alcohol.

It is a crime for any person to possess or distribute a controlled substance (drug).

The City of Sioux Falls has established ordinances regarding alcoholic beverages. The City regulates licensing and sales of alcoholic beverages. As well the City of Sioux Falls has ordinances that deal with the consumption of alcohol on public streets, sidewalks and/or alleyways. The violation is a petty offence resulting in a maximum of a \$500 fine and/or up to 30 days in jail.

**State Criminal and Civil Penalties for Unauthorized Possession or Distribution of Alcoholic Beverages:**

Offense	Penalty
SDCL 35-9-2 Purchase, possession, or consumption of beverage by person under twenty-one years prohibited--Exception--Misrepresentation of age--Violation as misdemeanor. It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume alcoholic beverages except pursuant to § 35-9-1.1 or when consumed in a religious ceremony and given to the person by an authorized person, or to misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.	SDCL 22-6-2. (2) Thirty days imprisonment in a county jail or five hundred dollars fine, or both
SDCL 32-12-52.4 Suspension for certain alcohol-related offenses by a minor. Upon a first conviction or a first adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle.  Upon a second conviction or a second adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle.	The court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of thirty days.  The court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period

Upon a third or subsequent conviction or a third or subsequent adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle,	of one hundred eighty days.  The court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of one year. For any offense under this section, the court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.
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**State of South Dakota Criminal and Civil Penalties for Possession or Distribution of Marijuana:**

A civil penalty, not to exceed \$10,000, may be imposed in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota Codified Law.

Offense	Penalty
SDCL 22-42-6 Possession of marijuana prohibited-- Degrees according to amount. No person may knowingly possess marijuana.  The possession of two ounces of marijuana or less.	Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.
The possession of more than two ounces of marijuana but less than one-half pound of marijuana.	Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.
The possession one-half pound but less than one pound of marijuana.	Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.
The possession of one to ten pounds of marijuana.	Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.
The possession of more than ten pounds of marijuana.	Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.
SDCL 22-42-7 Distribution or possession with intent to	Class 1 Misdemeanor; One year

distribute specified amounts of marijuana. The distribution, or possession with intent to distribute, of less than one-half ounce of marijuana without consideration.  The distribution, or possession with intent to distribute, of one ounce or less of marijuana.	imprisonment in a county jail or two thousand dollars fine, or both.  Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.
The distribution, or possession with intent to distribute, of more than one ounce but less than one-half pound of marijuana.	Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.
The distribution, or possession with intent to distribute, of one-half pound but less than one pound of marijuana.	Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.
The distribution, or possession with intent to distribute, of one pound or more of marijuana.	Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.
SDCL 22-42-11 Inhabiting room where controlled substances illegally stored or used as misdemeanor. Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of the following:	Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.
SDCL 22-42-16 Delivery or manufacture of noncontrolled substance represented to be controlled substance as felony. No person may deliver or possess with intent to deliver or knowingly manufacture any noncontrolled substance which the person represents to be a substance controlled under the provisions of this chapter. Any person who violates this section is guilty of:	Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.

**Federal Penalties for Illegal Possession of Controlled Substances:**

**21 U.S.C. 844 (a)**

1<sup>st</sup> conviction: Up to 1 year imprisonment and fined at least \$1000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2500 but not more than \$250,000, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1<sup>st</sup> conviction and the amount of crack possessed exceeding 5 grams.
- (b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeding 3

grams.

- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment (see special sentencing provisions re: crack.)

21 U.S.C 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a)

Civil fine of up to \$10,000 (pending adoption of final regulations.)

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to 1 year for first offense, up to 5 years for second and subsequent offenses.

**Health Risks Associated with use and abuse of Alcohol and Illegal Drugs:**

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. The use of even small amounts of alcohol by a pregnant woman can damage the fetus. Low to moderate doses of alcohol also increases the likelihood of a variety of aggressive acts.

Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person’s ability to learn and remember information. Heavy use may result in chronic depression and suicide, and may also be associated with the abuse of other drugs. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce effects described above for very high doses. Long-term, heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders and impairment of the central nervous system, all of which may lead to early death.

Repeated use of alcohol can lead to dependence, and at least 15-20 percent of heavy users eventually will become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions, which can be life threatening. The use of illegal drugs, and the misuse of prescription and other drugs, poses a serious health threat. For example, the use of marijuana (cannabis) may cause impairment of short-term memory, comprehension, and ability to perform tasks requiring concentration.

The use of marijuana also may cause lung damage, paranoia and possible psychosis. The use of narcotics, depressants, stimulants and hallucinogens may cause nervous system disorders and possible death as the result of an overdose. Illicit inhalants can cause liver damage.

There are significant risks associated with the use of alcohol and drugs. These risks include impaired academic or work performance; lost potential; financial problems; poor concentration; blackouts; conflicts with friends and others; vandalism, theft and murder, sexual assault and other unplanned sexual relationships; spouse and child abuse; sexually transmitted diseases; and unusual or inappropriate risk-taking which may result in physical or emotional injury or death.

The school maintains drug and alcohol education information that can be obtained from the Student Services Director.

Volunteers of America  
1401 West 51st Street  
Sioux Falls, SD 57105  
(605) 339-1199

Narcotics Anonymous  
4112 S. West Ave  
Sioux Falls, SD 57104  
(605) 334-5419

Alcoholics Anonymous  
4112 S West Ave  
Sioux Falls, SD 57105-6652  
(605) 332-9911

SD Network Against Family Violence & Sexual Assault  
1705 S. Cleveland Ave. Suite 5  
Sioux Falls SD 57109  
605-731-0041

Fire and Law Enforcement Emergency	<b>911</b>
Sioux Falls Police Department	605-367-7212
SD Highway Patrol	605-367-5700
Sioux Falls Fire Department	605-367-7000
Ambulance	911
National Suicide Prevention Hotline	800-784-2433
National Suicide Prevention Lifeline	800-273-TALK (8255)
Poison Control Center	800-222-1222
U.S. Department of Homeland Security	800-232-5378
American Red Cross	605-336-2448
Avera McKennan Hospital	605-322-8000
Sanford Hospital	605-333-4444
Employee and Family Services	605-336-1974

**Federal Drug Free Work-Place Requirements:**

The following are required of the Stewart School and its employees and students:

1. An employee or student shall notify his or her supervisor, or other appropriate management representative, of any criminal drug statute conviction for a violation occurring in the work place no later than (5) days after such conviction.
2. The School shall notify any federal contacting agency within ten days of having received notice that an employee or student engaged in the performance of such contract or grant has had a criminal drug statute conviction for a violation occurring in the work place.
3. The School will take appropriate action against any employee or student who is convicted for a violation occurring in the work place and will require the employee or student's satisfactory participation in a drug abuse assistance or rehabilitation program.

**Standards of Conduct:**

The Drug and Alcohol Prevention Program policy applies to all Employees/students. The unlawful possession, use, or distribution of elicits drugs and/or alcohol is strictly prohibited at this school. Employees/Students not complying with these standards will be subject to institutional sanctions. The prohibitions for use, possession, and distribution of illegal drugs or alcohol apply to all students on school property or as part of any school activity.

**Drug Violation-Financial Aid Eligibility:**

Federal Law prohibits illegal drug possession or sale.

A student who is convicted of either offense, while receiving Federal Financial Aid, will lose Federal Financial Aid eligibility, as follows:

**1. Possession of Illegal Drug**

Possession conviction results in loss of Federal Aid for 1 year from date of conviction; two possession convictions results in 2 years from conviction date.

**2. Sale of Illegal Drug**

Conviction of the Sale of illegal drugs results in loss of Federal Aid for 2 years from date of conviction.

A student may reinstate Federal Financial Aid eligibility upon documented successful completion of an acceptable drug rehabilitation program, which includes at least two unannounced drug tests, and:

The program is qualified to receive funds from federal, state or local government or from a federally (or state) licensed insurance company or be administered or recognized by a Federal, State or local government agency or court, or federally or state-licensed hospital, health clinic or medical

**This policy will be distributed to all employees and students annually. We will review our Drug and Alcohol Policy for effectiveness at least once every two years. We will track the number of drug and alcohol related**

**disciplinary actions, treatment referrals, and incidents reported by police. We will also survey students, staff, and employees at least every two years about attitudes and perceptions about drug/alcohol problems at Stewart School. We will inform all new enrollees and hires upon start and annually thereafter of this policy.**

**Title IX - VIOLENCE AGAINST WOMEN ACT**

Sexual Assault and Reporting Policy

Stewart School is committed to providing a work and educational environment free of sexual harassment, including sexual violence, and to full compliance with Title IX of the Education Amendments Act of 1972 and other federal and state laws governing such conduct. Stewart School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law.

The following individuals have been designated as the Title IX Coordinators by Stewart School to handle inquiries regarding Title IX policies, including receiving and responding to information about any incident of sex discrimination.

**Title IX Coordinator:**

Angela Taylor, School Director  
604 N. West Ave  
Sioux Falls, SD 57104  
605-336-2775 ext. 3  
[angela.taylor@stewartschool.com](mailto:angela.taylor@stewartschool.com)

**Title IX Coordinator:**

Penny Thompson; Student Service Director  
604 N. West Ave  
Sioux Falls, SD 57104  
605-336-2775 ext. 3  
[penny@stewartschool.com](mailto:penny@stewartschool.com)

Stewart School educates the incoming and current student and employees about sexual violence, violence prevention, and all relevant policies and procedures during all orientations held for new and current students at the onset of a class and at least annually.

In addition, Stewart School conducts new and current employee training on these topics at least annually. The Title IX Coordinator is responsible for training all current students and employees about Stewart School policies

regarding sexual violence and for conducting the new student and employee training.

The training sessions include:

- A statement that Stewart School prohibits crimes of dating violence, domestic violence, sexual assault, and stalking;
- The definitions of those crimes under federal and state law;
- The definition of consent, in reference to sexual activity, if available under state law;
- A description of safe and positive options for bystander intervention;
- Information on risk reduction;
- Information contained in Stewart School's policies and procedures related to preventing, reporting, and responding to sexual offenses, including disciplinary procedures and victim rights; and
- A description of Stewart School's ongoing prevention and awareness campaigns for students and employees.

Information regarding sexual discrimination, including sexual harassment or sexual violence, may also be reported by anyone to: U.S. Office for Civil Rights by email at [ocr@ed.gov](mailto:ocr@ed.gov) or at the addresses provided at the following website: <http://ww2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Stewart School's anti-harassment policy applies to all persons involved in the operation of the School, and prohibits unlawful harassment by any employee of the School, as well as students, customers, vendors or anyone who does business with the School. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

As part of the Stewart School's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sexual harassment or sexual violence promptly and effectively. All students and staff of Stewart School are expected to report incidents of sexual discrimination (including sexual harassment or sexual violence) to the Title IX Coordinator. The school will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

## **Definitions**

**Sexual Harassment** is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

**Sexual Violence** is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

**Dating Violence** is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**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).

**Stalking** is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

**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.

## **Prohibited Conduct**

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:



- i. *submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;*
- ii. *submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment;*  
*or*
- iii. *it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.*

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

### **Complaint/Grievance Procedure**

If you are a victim of sexual violence, including sexual violence, dating violence, domestic violence, or stalking, your first priority should be to get to a place of safety. You should then obtain any necessary medical treatment. Information about the alleged offense should be provided to the Title IX Coordinator as soon as possible. Time is a critical factor for evidence collection and preservation.

Stewart School strongly advocates that a victim of sexual violence report the incident to police in a timely manner and, if requested to do so by the victim, Stewart School's Title IX Coordinator will assist the victim in contacting the police. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. The victim has the right at all times to decline to notify police of the incident.

If you believe that you have witnessed harassment or sexual violence, notify the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in

this policy. All complaints will be reported to the Title IX Coordinator for student-related complaints as well as complaints that involve an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. All complaints will be referred to the campus's Title IX Coordinator.

The School ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints could also be filed with an Instructor, these employees also receive training on the Stewart School's grievance procedures and other procedures used for investigating reports of sexual harassment.

Once the Title IX Coordinator receives a report of sexual violence, the Title IX coordinator will provide the individual making the report with written information regarding existing counseling, health, mental health, victim advocacy, legal assistance and other services available for victims in the community.

### **Investigation of Complaints**

In response to all complaints, Stewart School will conduct prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, the School will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning the School will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint.

During the investigation, the School will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved.

If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance

with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from the School’s disciplinary process. To the extent that an employee or contract worker is not satisfied with the School’s handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

### **Confidentiality**

Reports about sexual violence or other crimes may be provided informally and in confidence to Stewart School’s Title IX Coordinator, who will make every attempt to maintain privacy of the information in accordance with your request and Family Educational Rights and Privacy Act of 1974 (FERPA) regulations unless Stewart School is under an obligation to disclose your identity to protect the safety of others. You will be informed if the school cannot maintain the requested confidentiality of the information.

Stewart School strongly encourages victims of sexual violence who do not want to report an incident to police, or file a complaint using the school institutional procedures, to report the incident to the Title IX Coordinator voluntarily and on a confidential basis, solely to permit the inclusion of that information in the school’s annual crime statistics. With such information, the school can keep an accurate record of the number of similar incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Stewart School will make best efforts to maintain the privacy of that information and to comply with FERPA.

Stewart School is required to, and will, keep the identity of victims of sexual violence private in any public report of Clery Act crimes. Reporting to the institution will also enable the victim to receive protective measures. At the victim’s request, the school will maintain as confidential any protective measures provided to the victim, to the extent that making such information confidential does not impair the ability of the institution to provide those protective measures. The victim will be informed by the institution if providing a protective measure may reveal the identity of the victim.

### **Sanctions and Protective Measures**

Sanctions that may be imposed by Stewart School include, but are not limited to:

- Written warning;
- Mandatory counseling;
- Mandatory education and training;
- Changes in academic or working arrangements;
- Revocation of certain campus privileges;
- Suspension; or
- Expulsion.

The school has flexibility in the type and range of sanctions to impose on the perpetrator depending on the severity of the incident. Stewart School has a process in place to ensure that sanctions imposed are consistent with sanctions imposed in past incidents of similar conduct and are not imposed unequally based on gender or gender identity.

Protective measures that the school may utilize to protect the complainant included, but are not limited to:

- Changes to academic situations;
- Ensuring the complainant and perpetrator do not share classes or clinic together;
- Arranging for the complainant to restart with a different class with no academic or financial penalty.

When determining what protective measures to establish, Stewart School will consider a number of factors including the specific needs and requests expressed by the complainant; the severity or pervasiveness of the conduct; any continuing effects on the complainant; whether the complainant and alleged perpetrator share the same class or clinical times.

### **Retaliation Prohibited**

The School will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your Title IX Coordinator.

### **Reporting Requirements**

Victims of sexual misconduct should be aware that Stewart School must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

### **Additional Information**

Employees should contact the School Director for more information or any

questions related to this policy. Students may contact the Title IX Coordinator(s) with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights (“OCR”) investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>.

### **Rights and Options of Victims of Sexual Violence**

Within 24 hours of a Title IX Coordinator receiving a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student’s or employee’s rights and options. That notice will contain the following information:

This document outlines your rights under Title IX. You may have additional rights under other federal and state laws. Title IX of the Education Amendments of 1972 prohibits sex discrimination—which includes sexual violence—in educational programs and activities. All public and private schools, school districts, colleges, and universities receiving federal funds must comply with Title IX. If you have experienced sexual violence, here are some things you should know about your Title IX rights:

#### *Your School Must Respond Promptly and Effectively to Sexual Violence*

- You have the right to report the incident to your school, have your school investigate what happened, and have your complaint resolved promptly and equitably.
- You have the right to choose to report an incident of sexual violence to the school or local law enforcement, but a criminal investigation does not relieve your school of its duty under Title IX to respond promptly and effectively.
- Your school must adopt and publish procedures for resolving complaints of sex discrimination, including sexual violence. Your school may use student disciplinary procedures, but any procedures for sexual violence complaints must afford you a prompt and equitable resolution.
- Your school should ensure that you are aware of your Title IX rights and any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.

- Your school must designate a Title IX coordinator and make sure all students and employees know how to contact him or her. The Title IX coordinator should also be available to meet with you.
- All students are protected by Title IX, regardless of whether they have a disability, are international or undocumented, and regardless of their sexual orientation and gender identity.

#### *Your School Must Provide Interim Measures as Necessary*

- Your school must protect you as necessary, even before it completes any investigation. Your school should start doing this promptly once the incident is reported.
- Once you tell your school about an incident of sexual violence, you have the right to receive some immediate help, such as changing classes. When taking these measures, your school should minimize the burden on you.
- You have the right to report any retaliation by school employees, the alleged perpetrator, and other students, and your school should take strong responsive action if this occurs.

#### *Your School Should Make Known Where You Can Find Confidential Support Services*

- Your school should clearly identify where you can go to talk to someone confidentially and who can provide services like advocacy, counseling, or academic support. Some people, such as counselors or victim advocates, can talk to you in confidence without triggering a school’s investigation. Because different employees have different reporting obligations when they find out about sexual violence involving students, your school should clearly explain the reporting obligations of all school employees.
- Even if you do not specifically ask for confidentiality, your school should only disclose information to individuals who are responsible for handling the school’s response to sexual violence. Your school should consult with you about how to best protect your safety and privacy.

#### *Your School Must Conduct an Adequate, Reliable, and Impartial Investigation*

- You have the right to be notified of the time frames for all major stages of the investigation.
- You have the right to present witnesses and evidence.

- If the alleged perpetrator is allowed to have a lawyer, you have the right to have one too.
- Your school must resolve your complaint based on what they think is more likely than not to have happened (this is called a preponderance-of-the-evidence standard of proof). Your school cannot use a higher standard of proof.
- You have the right to be notified in writing of the outcome of your complaint and any appeal, including any sanctions that directly relate to you.
- If your school provides for an appeal process, it must be equally available for both parties.
- You have the right to have any proceedings documented, which may include written findings of fact, transcripts, or audio recordings.
- You have the right not to “work it out” with the alleged perpetrator in mediation. Mediation is not appropriate in cases involving sexual violence.

#### *Your School Must Provide Remedies as Necessary*

- If an investigation reveals that sexual violence created a hostile environment, your school must take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.
- Appropriate remedies will generally include disciplinary action against the perpetrator, but may also include remedies to help you get your education back on track (like academic support, retaking a class without penalty, and counseling). These remedies are in addition to any interim measures you received.
- Your school may also have to provide remedies for the broader student population (such as training) or change its services or policies to prevent such incidents from repeating.
- If you want to learn more about your rights, or if you believe that your school is violating federal law, you may contact the U.S. Department of Education, Office for Civil Rights, at (800) 421-3481 or (800) 421-3481 or ocr@ed.gov. If you wish to fill out a complaint form online, you may do so at <http://www.ed.gov/ocr/complaintintro.html>.

#### *Resources Available in the Community*

- South Dakota Network Against Family Violence and Sexual Assault  
<http://www.sdnafvsa.com/legalservices.php>
- National Alliance to End Sexual Violence  
<http://endsexualviolence.org/forsurvivors>
- Rape, Abuse & Incest National Network <https://www.rainn.org/get-help>
- Sexual Assault Hotline: 800-656-4673