



**Annual Campus Safety  
& Security Report**

**September 28<sup>th</sup>, 2021**

*Prepared by*

**Angela R. Taylor  
School Director**

# Annual Campus Security & Safety Report

## 604 N. West Ave. Sioux Falls SD, 57104

### Introduction

Stewart School is committed to providing a safe environment for all students, staff and visitors. It is our priority to make certain that everyone in our organization is aware of and follows all policies and procedures in place.

This information is required under the *Clery Act, section 485(f) of the Higher Education Act of 1965 (HEA)*. Annually prior to October 1<sup>st</sup> this information is reviewed and updated as needed through correspondence between the school and our local law enforcement office. Upon completion, this report is distributed to all enrolled students and current employees during assembly, along with being updated on our website and with the Admissions Department. All prospective students are given a copy during their visit to our school, and we go over it again during our new start orientation.

The following information will provide you with campus security policies and statistics concerning the occurrence of criminal offenses on campus, as well as the public property surrounding the campus. This information may be accessed on-line at <http://www.stewartschool.edu> under "Consumer Information". A hard copy of this report is also available at any time through our Admissions Office or our Student Learning Resource Center on campus.

### Geography

Stewart School is located at 604 N. West Ave. Sioux Falls, SD in a park-like setting next to Covell Lake. We operate in a two-story building of 15,799 sq. feet. The main clinic floor is a two-story open clinic floor located on the south end of the building with the main entrance off Lake Avenue. The clinic floor features a mezzanine level that houses the Admissions office and the School Directors office. The classrooms are located on the north end, the student break room and lockers are centrally located in the building and the remaining offices are located on the north/west side. There are three doors to access the inside of the building, on each side except the south side. The door on the west and north side of the building are always locked from outside access, only allowing someone to exit through them. The main entrance located on the east side of the building is always unlocked during business hours but overseen by our front desk as.

Stewart School owns a parking lot to the east side of the school that stretches to the northeast and the southeast. There is public owned off-street parking on the west and east side of our building. The streets and the lots are well lit at night. There is a public sidewalk on the west side of the school. Stewart School encourages students to go to their vehicles in pairs, to never walk alone at night.

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## Crime Statistics & Collecting Statistics

The School Director is the Campus Security Authority and the official responsible for preparing and disclosing this information which is provided in this report. Stewart School does not have campus police/security department. Crime statistics in this report are provided by the Sioux Falls Police Department or our Administration team. This report provides statistics for the three most recent calendar years. Stewart School Administrative Team serve as the Campus Security Advisors (CSA):

Angela Taylor: [angela.taylor@stewartschool.com](mailto:angela.taylor@stewartschool.com)

Katie VanBallegooyen: [dowhatyoulove@stewartschool.com](mailto:dowhatyoulove@stewartschool.com)

Daniel Bouwman: [academicdirector@stewartschool.com](mailto:academicdirector@stewartschool.com)

The *Clery Act* requires that a school/institution include four general categories of crime statistics:

- Criminal Offenses: criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.
- Hate Crimes: any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias;
- Violence Against Women Act (VAWA) Offenses: any incidents of domestic violence, dating violence and stalking. (Note that sexual assault is also a VAWA offense but is included in the criminal offenses category for *Clery Act* reporting purposes); and
- Arrests and Referrals for Disciplinary Action for weapons carrying, possessing, etc. law violations, drug abuse violations and liquor law violations.

## Reporting

Immediately report any crimes or suspicious activity on campus by:

- Calling the school 605-336-2775
- Completing an Incident Report form and submitting to the College Administrator.
- Reporting to the College Administrator.

If you have any doubts about whether to report something that has occurred, report it. Victims of and/or witnesses to crimes may disclose them on a voluntary, confidential basis to a College Administrator, who can then determine whether the event constitutes a crime that must be collected and statistically reported. Your

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cooperation in timely reporting assists Stewart School in issuing equally timely warnings to the campus community. All crimes must be reported immediately.

Always use your eyes, ears, and telephone to keep campus officials advised of what you see and hear. Contact the College Administrator when you see:

- Strangers loitering in office areas, hallways, classrooms, or lounge areas, etc.
- Unsecured doors or windows in campus buildings that should be locked
- Anyone tampering with a motor vehicle or loitering in a parking lot
- Persons publicly displaying a weapon
- Persons loitering in dark or secluded areas
- Suspicious persons carrying articles, equipment, luggage, or other packages

The Campus security authority (CSA) is trained on how to handle a report of crime that falls under the Clery Act. The CSA will accurately disclose crime statistics and issue timely warning or emergency notifications of crimes that pose a serious or continuing threat to the campus community. All reports are document in detail of a reported incident for internal reporting records or to aid law enforcement in addressing and categorizing the crime and files for further review (if needed). The CSA crime reports should include personally identifying information if available. This is important for law enforcement purposes and to avoid double counting crimes. If a victim does not want the report to go any further than the CSA it is explained that the school is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Stewart School encourages all members of the school community to report information about any incident of crime or sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made through administration and/or law enforcement. We do encourage students to come forward, but we also let them know that confidentiality can only be guaranteed if the incident being report does not infringe on the safety of others.

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.

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 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 will be terminated from school immediately. Stewart School does not have Voluntary Confidential Reporting.

In the event of a situation, either on or off campus that in the judgment of Stewart School Administration 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

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paging/intercom system. Local media, phone messages, text messages, Facebook and/or e-mail will be used if possible and deemed necessary.

## Missing Student Notification & Procedure:

Students must call in all absences prior to starting time for each absence. If a student does not report and absence, The School Director will be alerted and 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. **If the student has not been reached through direct contact and/or through the emergency contact within 24 hours the School Director will contact the Sioux Falls Police Department.**

**If a student is under the age of 18 years of age and not emancipated the school will contact a custodial parent or guardian when the student is missing and unless the local law enforcement agency was the entity that made the determination that a student is missing, the school will contact the Sioux Falls Police Department to report the student is missing.**

## 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 [www.sor.sd.gov](http://www.sor.sd.gov) for a list of local registered sex offenders.

## **Training**

Stewart School also provides speakers and programs for students on topics of sexual assault and 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.

Employees of the school area also in attendance when we host speakers and programs to address the areas required for the *Clergy Act*. How to deal with reporting of crimes or suspected crime is taught to the employees during staff trainings. It is strongly expressed to all employees the importance of their role to help uphold the expectations within the Campus Security and Safety policies.

## **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 Catalog that any non-school time announcements will be made over the radio or

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television stations. This is regarding weather related situations, as well as student emergency issues. Stewart School conducts tests of emergency response, storm sheltering, and evacuation procedures annually.

### Emergency Response & Evacuation Personnel:

School Director	Angela Taylor 1-605-336-2775 ext. 3
Admissions Director	Katie VanBallegooyen 1-605-336-2775 ext. 2
Academic Director	Danielle Bouwman 1-605-336-2775 ext. 4

### 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

### 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.

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## 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.

## 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 (911).
2. Initiate Action Secure Building by paging CODE RED

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- 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 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.

***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 (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.

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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 Snowstorms 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 their phone to prevent from locking down the phone system.

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## Violent Snowstorm/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.

## **Title IX – Violence Against Women Act 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:

Danielle Bouwman; Academic Director  
604 N. West Ave  
Sioux Falls, SD 57104  
605-336-2775 ext. 4  
[academicdirector@stewartschool.com](mailto:academicdirector@stewartschool.com)

### Title IX Investigator:

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 Decision Maker:

Mathew Fiegen; School Owner  
604 N. West Ave  
Sioux Falls, SD 57104  
563-588-2379 ext. 308  
[fiegen@hotmail.com](mailto:fiegen@hotmail.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.

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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.

Stewart School engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity:

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement--through clear actions or words--to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of their actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on nonverbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining consent--it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity--at any time, a participant can communicate that they no longer consent to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

The following people are unable to give consent:

- Persons who are asleep or unconscious
  - Persons who are incapacitated due to the influence of drugs, alcohol, or medication (see "Resource Links" below for Iowa Code Section 709.1A, Incapacitation)
  - Persons who are unable to communicate consent due to a mental or physical condition;
  - Generally, minors under the age of 16.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.

#### *When & How to Intervene*

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is key in deciding when and how to respond to sexual

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violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. Some ideas on how to maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone. If you do not feel safe, contact the police.
  - When intervening, be respectful, direct and honest.
  - Group setting and sexual gestures made to a person in the group. Person becomes upset. An engaged bystander could tell the group to stop harassing the person or ask the person if they want to leave and tell an appropriate authority (Ex: Instructor or Supervisor.)
  - Group setting and a friend starts flirting with someone. The other person is not interested, but the friend will not leave them alone. An engaged bystander could approach the friend and start a conversation to distract them from the uninterested person.
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks. – See below Risk Reduction/Warning Signs of Abusive Behavior
  6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the distribution of educational materials to new students, participating in and presenting information and materials during student/employee orientation and through newsletters among other means of distribution through the year. The college also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

## Risk Reduction/Warning Signs of Abusive Behavior

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

### Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)

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7. Being monitored by your partner at home, work, or school.
8. Being forced to do things you don't want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.

1. Consider making a report with the College Administrator and ask for a “no contact” directive from the college to prevent future contact.
2. Consider getting a protective order or stay away order.
3. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
4. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)

\*\*Try not to leave your drink unattended.

\*\*Only drink from un-opened containers, or from drinks you have watched being made and poured.

\*\*Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.

\*\*If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.

\*\*If you suspect you have been drugged, go to a hospital and ask to be tested.

\*\*Keep track of how many drinks you have had.

\*\*Try to come and leave with a group of people you trust.

\*\*Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

\*\*Traveling to and from campus and outside the campus building make sure your cell phone is easily accessible and fully charged.

\*\*Take major, public paths rather than less populated shortcuts if walking to and from the college.

\*\*Avoid dimly lit places and talk to the College Administrator if lights need to be installed in an area.

\*\*Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

\*\*Carry a noisemaker on your keychain.

\*\*Carry a small flashlight on your keychain.

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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: <https://www.hhs.gov/civil-rights/filing-a-complaint/index.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 harassment is any unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access.

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).

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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. “**Cyber stalk**” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. A person, who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree.

**Credible threat** means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to carry out the threat. 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.

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## **Complaint/Grievance Procedure**

If you are a victim of sexual violence, including sexual harassment; to include 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 reports 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 always has the right 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.

The Sioux Falls Police Department has jurisdiction over the city of Sioux Falls where Stewart School is located. Their contact information is:

320 W. 4<sup>th</sup> St  
Sioux Falls, SD 57104  
605-367-7272

**In an emergency dial 911!**

## **Grievance Process:**

- All parties will be given written notice of the allegations, an opportunity to select an advisor, and an opportunity to submit and review evidence throughout the investigation.

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- All parties will be provided at least 10 days to inspect, review, and respond to all evidence directly related to the allegations prior to the completion of the investigative report.
- Trained Title IX personnel will objectively investigate all reports of sexual harassment.
- An investigative report will be created that summarizes the relevant evidence.
- All parties will be given at least 10 days to review and provide a written response to the investigative report.
- There will be a live hearing.
- A presumption of innocence will be given to the respondent during the grievance process and utilize **either** a preponderance of the evidence or a clear and convincing evidence standard in making findings. The institution will use the same standard for all formal complaints of sexual harassment.
- The burden of proof and the burden of gathering evidence will be on the institution, not the parties.
- The investigator is a different person than the final decision maker in a formal complaint.
- Inappropriate questioning about prior sexual history and protect the privacy of a party's medical, psychological, or similar treatment records is prohibited.
- A written determination with an analysis as to how the conclusion was reached will be provided.
- An opportunity to appeal a final determination will be offered. An appeal can be filed on the following bases: procedural irregularity, newly discovered evidence, and/or bias of the Title IX personnel that affected or could affect the outcome of the matter. A covered entity may also add other rights to appeal, so long as the other bases are available to all parties.
- Protection from retaliation for any individual that participates in a Title IX grievance process will be provided.
- All Title IX training materials are posted on the school's website.

Covered entities may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the institution, or if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint. Further, if the conduct alleged would not constitute sexual harassment under Title IX if proved, did not occur as part of an education program or activity, or did not occur in the United States, the institution must dismiss the formal complaint for the purposes of sexual harassment under Title IX, but the dismissal does not preclude the institution from taking action under its code of conduct or policies.

## 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 evidence and witnesses at a live hearing (conducted in person or virtually). Cross-examination of the complaining and responding parties, as well as any witness, during a live hearing led by institution officials will be allowed. Cross-examination will be conducted by advisers for parties, including legal counsel, but not the parties themselves. If a party does not have an advisor present one will be provided a not cost. The time necessary to investigate will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The school will provide evidence related

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to the allegations to parties and advisers at least 10 days prior to requiring a response, and parties will not be prohibited from speaking about the allegations. 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 about 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.

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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

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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*

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- 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,

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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](mailto: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 <https://endsexualviolence.org/>
- Rape, Abuse & Incest National Network <https://www.rainn.org/get-help>
- Sexual Assault Hotline: 800-656-4673

### **Drugs & Alcohol**

Stewart School is committed to providing a campus environment free of the use of alcohol and illegal drugs. To strengthen that commitment, Stewart School has adopted and implemented a program that seeks to prevent the abuse of alcohol and drugs by its employees and students. The School's policies concerning the use of alcohol and drugs are outlined below. 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

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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 underage 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--	SDCL 22-6-2. (2) Thirty days imprisonment in a county jail or five hundred dollars fine, or both

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<p>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.</p>	
<p>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.</p> <p>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.</p> <p>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,</p>	<p>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.</p> <p>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 hundred eighty days.</p> <p>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.</p>

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.

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Offense	Penalty
<p>SDCL 22-42-6 Possession of marijuana prohibited--Degrees according to amount. No person may knowingly possess marijuana.</p>	<p>Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.</p>
<p>The possession of two ounces of marijuana or less.</p>	<p>Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.</p>
<p>The possession of more than two ounces of marijuana but less than one-half pound of marijuana.</p>	<p>Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.</p>
<p>The possession one-half pound but less than one pound of marijuana.</p>	<p>Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.</p>
<p>The possession of one to ten pounds of marijuana.</p>	<p>Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.</p>
<p>The possession of more than ten pounds of marijuana.</p>	
<p>SDCL 22-42-7 Distribution or possession with intent to distribute specified amounts of marijuana. The distribution, or possession with intent to distribute, of less than one-half ounce of marijuana without consideration.</p>	<p>Class 1 Misdemeanor; One-year imprisonment in a county jail or two thousand dollars fine, or both.</p>
<p>The distribution, or possession with intent to distribute, of one ounce or less of marijuana.</p>	<p>Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.</p>
<p>The distribution, or possession with intent to distribute, of more than one</p>	<p>Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.</p>

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<p>ounce but less than one-half pound of marijuana.</p> <p>The distribution, or possession with intent to distribute, of one-half pound but less than one pound of marijuana.</p> <p>The distribution, or possession with intent to distribute, of one pound or more of marijuana.</p>	<p>Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.</p> <p>Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.</p>
<p>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:</p>	<p>Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.</p>
<p>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:</p>	<p>Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.</p>

### 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 \$250,00, 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.

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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) 3<sup>rd</sup> 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,

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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 57105  
(605) 731-0041

Fire and Law Enforcement Emergency	911
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

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## **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 workplace 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 workplace.
3. The School will take appropriate action against any employee or student who is convicted for a violation occurring in the workplace 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 result 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

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## Crime Statics Report

There were no reports of criminal offenses on campus for the most recent year of 2018.

CRIMINAL OFFENSE	Stewart School Campus			Public Property			TOTAL		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
<i>Murder</i>	0	0	0	0	0	0	0	0	0
<i>Negligent Manslaughter</i>	0	0	0	0	0	0	0	0	0
<i>Forcible Sex Offense</i>	0	0	0	0	0	0	0	0	0
<i>Non-Forcible Sex Offense</i>	0	0	0	0	0	0	0	0	0
<i>Robbery</i>	0	0	0	0	0	0	0	0	0
<i>Aggravated Assault</i>	0	0	0	0	0	0	0	0	0
<i>Burglary</i>	0	0	0	0	0	1	0	0	1
<i>Motor Vehicle Theft</i>	0	0	0	0	0	0	0	0	0
<i>Arson</i>	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
<i>Religion</i>	0	0	0	0	0	0	0	0	0
<i>Sexual Orientation</i>	0	0	0	0	0	0	0	0	0
<i>Gender</i>	0	0	0	0	0	0	0	0	0
<i>Disability</i>	0	0	0	0	0	0	0	0	0
<i>Ethnicity/National Origins</i>	0	0	0	0	0	0	0	0	0
<b>ARREST</b>									
<i>Weapons Law Violations</i>	0	0	0	0	0	0	0	0	0
<i>Drug Abuse Violations</i>	0	0	0	0	0	0	0	0	0
<i>Liquor Violations</i>	0	0	0	0	0	1	0	0	1
<b>DISCIPLINARY ACTION</b>									
<i>Weapons Law Violations</i>	0	0	0	0	0	0	0	0	0
<i>Drug Abuse Violations</i>	0	0	0	0	0	0	0	0	0
<i>Liquor Violations</i>	0	0	0	0	0	0	0	0	0
<b>VAWA REPORTS</b>									
<i>Domestic Violence</i>	0	0	0	0	0	0	0	0	0
<i>Dating Violence</i>	0	0	0	0	0	0	0	0	0
<i>Stalking</i>	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>									

# Annual Campus Security & Safety Report

## Campus Safety and Security Survey Completion Certificate

The Campus Safety and Security data for  
**Stewart School**  
(219453)  
were completed and locked on **September 22, 2021**.

Thank you for your participation in the 2021 data collection.  
This certificate was prepared on **September 22, 2021**