

# **SOUTH DAKOTA BOARD OF REGENTS**

## **Policy Manual**

**SUBJECT:** Safety in the Workplace and Educational Settings

**NUMBER:** 1.4.5

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### **A. PURPOSE**

The South Dakota Board of Regents seeks to provide for the safety of employees, students, visitors, and property by eliminating or reducing threats of workplace violence.

### **B. DEFINITIONS**

1. **Administration:** Any of the following offices: Business and Administration, Human Resources, Student Affairs, Academic Affairs, or President's Office.
2. **Chief Administrative Officer:** This is the respective Vice President, Principal, or other comparable institutional representative that has supervisory responsibilities over the respondent(s).
3. **Concealed pistol:** For purposes of this policy, concealed pistol is defined by SDCL 22-1-2(6) as "any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed."
4. **Dangerous weapons:** For purposes of this policy, dangerous weapons is defined by SDCL 22-1-2(10), "Dangerous weapon" or "deadly weapon," any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm.
5. **Firearm:** For purposes of this policy, firearm is defined by SDCL 22-1-2(16), "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word "gunpowder" includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges.
6. **Institutional Chief Executive Officer:** The respective President, Superintendent, or Executive Director of the institution.
7. **Police Department:** A full-service police or security department (City, County, or Institutional).
8. **Stun gun:** For purposes of this policy, stun gun is defined by SDCL 22-1-2(50) as "any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person."
9. **Threat:** A declaration of an intention or determination to inflict punishment, loss, or pain on the person or property of another or to injure another by some wrongful act.

- 10. Violence:** The term “crime of violence” means an offense that has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense (reference BOR Policy 3.4.1).
- 11. Witness:** One who has firsthand knowledge of an act, including a threat or act of violence.
- 12. Workplace:** The Regental system, including any agency (to include workplace or educational setting) under the control of the South Dakota Board of Regents, or the off-campus site of any Regental institutional-sponsored activity.

## **C. POLICY**

### **1. Policy and Procedures**

SDBOR will not tolerate workplace violence of any type, from any source. This includes, but is not limited to, threatening, destructive or violent actions directed against employees, students, visitors, or university/special school buildings, equipment, or property. SDBOR executives, administrators, managers, supervisors, and employees are responsible for observing and promoting measures to establish and maintain a non-violent workplace. Additional responsibility is vested in students and visitors to the university and special schools to observe institutional regulations designed to establish and maintain a non-violent workplace.

Incidents of workplace threats or acts of violence will be treated seriously by institutional personnel. Witnesses should report such acts or threats promptly to the Administration. Reported threats or acts of violence will be investigated promptly, and appropriate action will be taken to address each incident that is reported.

The institution will respond promptly, positively, and firmly to deal with threats or acts of violence. This response will include timely involvement of the Police Department. Violations of this policy will be dealt with in accordance with the policies and procedures, which govern the behavior of Regental employees and students.

Responses to threats or acts of violence may include dismissal from employment or from enrollment, arrest, prosecution, removal from institutional property, suspension, reassignment of duties or other sanctions as authorized by specific disciplinary policies. In addition, violations of this policy by any person, including non-Regental affiliated persons, may lead to action by the criminal justice system.

### **2. Responsibilities**

Every witness to a threat of violence or a violent action is responsible for reporting the incident to the Administration.

The Chief Administrative Officer or designee is responsible for coordinating the institutional response to workplace-related threats and acts of violence. Department heads, managers and supervisors will continue to have primary responsibility for monitoring and resolution of conflicts or disputes, for taking appropriate corrective action when potentially

violent situations develop, and for working with the Administration when threats or acts of violence occur.

Department heads, managers, and supervisors are specifically empowered to take immediate appropriate action to resolve or stabilize violent situations in the workplace. Supervisors will notify the Administration when a threat is made or a violent incident occurs. Supervisors and managers will take appropriate disciplinary responses to internal workplace violence and coordinate these efforts with the appropriate administrative office(s).

### **3. Dangerous Weapons, Concealed Weapons, and Items of Self-Defense**

- 3.1. Dangerous weapons and firearms are prohibited within the boundaries of an institution or while in any building or structure owned or leased by the Board or an institution, unless specifically authorized by this policy or by an institutional chief executive officer or their designee.
- 3.2. The following are permitted, unless otherwise specified by this policy, within the boundaries of an institution or while in any building or structure owned or leased by the Board or an institution:
  - 3.2.1. Concealed pistols and compatible ammunition, by an individual holding an enhanced permit, a restricted enhanced permit, or a reciprocal permit issued in accordance with SDCL ch 23-7;
  - 3.2.2. A stun gun; or
  - 3.2.3. Mace, pepper spray, or other chemical irritant.
- 3.3. Each individual who possesses an item set forth in Sections 3.2.1 through 3.2.3 shall, at all times, have that item in the individual's custody or control, and shall be wholly and solely responsible for carrying, storing, and using the item in a safe manner and in accordance with the law, BOR policy, and institutional policy. When an individual is not carrying or in possession of any item set forth in Sections 3.2.1 through 3.2.3, the individual shall store the item in a locked case or safe.
  - 3.3.1. Individuals are responsible for the purchase and availability of the appropriate case or safe for weapons storage.
  - 3.3.2. Except in those instances where necessary for self-defense or transferring to safe storage, or as otherwise provided in this policy, concealed pistols may not be openly displayed.
- 3.4. An institution may restrict or limit the lawful carrying or possession of the items set forth in Sections 3.2.1 through 3.2.3 in the following circumstances:
  - 3.4.1. In a clearly designated portion of a building or structure, only if the following are present:
    - 3.4.1.1. More than fifty-five gallons of flammable liquid, as identified in 29 C.F.R. § 1910.106 (January 1, 2025);
    - 3.4.1.2. Significant quantities of hazardous materials classified as Category 3 or higher by the 704 Hazard Identification System of the National

Fire Protection Association;

- 3.4.1.3. K-size cylinders containing corrosive, reactive, flammable, toxic, or oxidizer gases classified as Category 2 or higher by the 704 Hazard Identification System of the National Fire Protection Association;
  - 3.4.1.4. L-size cylinders of acetylene gas; or
  - 3.4.1.5. Magnetic resonance imaging equipment or nuclear magnetic resonance equipment;
  - 3.4.2. In a room used for manufacturing or scientific research, if the concentration of airborne particles is controlled in order to maintain an environment with minimal pollutants;
  - 3.4.3. In a clearly designated portion of a building or structure to which a facility clearance applies or for which a federal security clearance is required;
  - 3.4.4. In a building or structure during a special event, provided metal detectors and armed security personnel authorized by the institutional chief executive officer or their designee are present at every public entrance to restrict the possession of any dangerous weapon.
- 3.5. Each institution shall create an internal registry of locations where the carrying or possession of the items set forth in Sections 3.2.1 through 3.2.3 will be restricted or limited pursuant to Sections 3.4.1 through 3.4.4. For each location listed, the institution shall include the rationale for the restriction.
- 3.5.1. An institution's registry will be created and maintained by the institutional chief executive officer or their designee, in consultation with the appropriate campus personnel.
  - 3.5.2. Registry entries shall be designated as one of the following categories:
    - 3.5.2.1. Permanent: A location in which items set forth in Sections 3.2.1 through 3.2.3 will be restricted or limited due to the constant presence of materials, equipment, conditions, or events that create circumstances under which restriction of a weapon is permitted under Sections 3.4.1 through 3.4.4.
    - 3.5.2.2. Temporary: A location in which items set forth in Sections 3.2.1 through 3.2.3 will be restricted or limited due to the short-term presence of materials, equipment, conditions, or events that create circumstances under which restriction of a weapon is permitted under Sections 3.4.1 through 3.4.4.
      - 3.5.2.2.1. Before institutional personnel place materials or equipment, or before the existence of conditions or an event, that will create a temporary weapons restriction under Sections 3.4.1 through 3.4.4., the designated institutional employee in charge of the institution's registry must authorize the temporary restriction.

- 3.5.3. The registry shall be updated at least annually.
  - 3.5.3.1. Temporary restricted location designations lasting more than 14 days shall be included on an institution's registry. Temporary restricted location designations lasting fewer than 14 days are not required to be included in an institution's registry.
- 3.5.4. An institution's registry is subject to final approval of the institutional chief executive officer. A copy of the registry shall be provided to the Executive Director by September 1 of each year.
- 3.5.5. Restricted locations appearing on the registry shall display signage at the entrance or doorway to the specific restricted portion or room within the applicable building or structure. The signage must be in a conspicuous location and contain an advisement sufficient to notify the public of the restrictions on weapons possession in the restricted spaces so that affected individuals can determine and locate appropriate storage as required by Section 3.3. Temporary restricted locations must have signage placed on the entrance or doorway to the specific restricted portion or room within the building or structure concurrently with the installation or entry of materials, equipment, conditions or events within that location that create the circumstances under which restriction of a weapon is permitted under Sections 3.4.1 through 3.4.4. Temporary signage must remain posted for the entire duration of any materials, equipment, conditions or events present within that location that creates the circumstances under which restriction of a weapon is permitted. All signage required by this section shall be approved by the Executive Director or their designee, and posted in a consistent manner across an institutional campus.
- 3.6. Institutions must make reasonable efforts to notify students prior to attending courses in a restricted location of the prohibition on items set forth in Sections 3.2.1 through 3.2.3.
- 3.7. Special events at which items set forth in Sections 3.2.1 through 3.2.3 will be restricted or limited pursuant to Section 3.4.4 are not subject to the registry requirement in Section 3.5.
  - 3.7.1. Special events exceptions must be designated at least 21 days prior to the date of the event and institutions must make reasonable efforts to notify participants or members of the public of the restriction on items set forth in Sections 3.2.1 through 3.2.3.
  - 3.7.2. An institution must seek prior approval from the Executive Director or their designee for designation of special events exceptions at least 21 days prior to the date of the event. The Executive Director or their designee may grant a designation for a special event exception with less than 21 days prior notice where circumstances are presented that do not allow 21 days prior notice to be given.

- 3.7.3. Designations for special events exceptions must be for a specified period of time, lasting no longer than 24 hours prior to the start of an event and 24 hours after the conclusion of the event.
- 3.7.4. Institutions may designate special event exceptions as individual occurrences (such as speakers, concerts, or performances) or as a series (such as all home games for a team or venue).
- 3.8. Possession of Dangerous Weapons by Institutional Employees or Independent Contractors
  - 3.8.1. Employees are not prohibited from carrying or possessing items set forth in Sections 3.2.1 through 3.2.3. However, no employee is permitted to use or discharge any item set forth in Sections 3.2.1 through 3.2.3 in furtherance of their assigned duties unless specifically authorized by an institutional chief executive officer in accordance with this policy. Use or possession of other dangerous weapons remains prohibited.
  - 3.8.2. Employees who may be authorized by an institutional chief executive officer to use items set forth in Sections 3.2.1 through 3.2.3 in the scope of their employment are:
    - 3.8.2.1. Certified law enforcement officers employed as university police officers, who are trained and authorized to carry authorized firearms, dangerous weapons, and ammunition, and use them strictly within the bounds of the law, their training, and scope of duties;
    - 3.8.2.2. U.S. military and other military officials, in conditions designated by applicable legal authority, may possess firearms, dangerous weapons, and ammunition on campus during times of local, regional, or statewide crises, times of war, or other times identified by said legal authority; and
    - 3.8.2.3. Reserve Officer Training Corps (ROTC), acting in their ROTC capacity, may possess, securely store, remove, and use firearms and ammunition or other dangerous weapons in accordance with policy and procedure set forth by ROTC and federal guidelines in ROTC facilities.
  - 3.8.3. If an institution utilizes armed security for a special event as set forth under Section 3.4.4, the institution may utilize certified law enforcement officers employed by the institution or by another BOR institution, or retain contracted armed security as approved by the institutional chief executive officer or their designee. Contracted armed security must hold appropriate insurance and comply with all applicable BOR policies and state and federal laws and regulations, including, but not limited to, those required under the Jeanne Clery Campus Safety Act (20 U.S § 1092(f); 34 CFR 668.46).

### 3.9. Reporting

- 3.9.1. If an individual discharges or witnesses the discharge of an item set forth in Sections 3.2.1 through 3.2.3, whether intentionally or inadvertently, the individual or witness should immediately report the discharge to campus safety, in order for campus authorities to address potential health or safety issues impacting individuals or facilities resulting from the discharge. Injuries or immediate threats to life or safety should be reported to 911.
- 3.9.2. Threats or disturbing behavior should be reported to campus security pursuant to Sections 1 and 2 of this policy, and BOR Policy 1.4.7.

### 3.10. Sanctions

- 3.10.1. Violations of this policy may result in disciplinary sanctions.
  - 3.10.1.1. Students found to be in violation of this policy may be subject to discipline in accordance with BOR Policy 3.4 and/or institutional policies.
  - 3.10.1.2. Employees found to be in violation of this policy may be subject to discipline up to and including termination, in accordance with BOR and/or institutional policies.
  - 3.10.1.3. Members of the public found to be in violation of this policy may be subject to exclusion from institutional premises pursuant to BOR Policy 1.4.8.
- 3.10.2. Violations of state law will be reported to applicable law enforcement units.
- 3.11. Nothing in this policy may be interpreted to require individuals who lawfully possess an item set forth in Sections 3.2.1 through 3.2.3 to use such item in defense of others.
- 3.12. Nothing in this policy may be construed to abrogate any other applicable state or federal law or regulation.

## **FORMS / APPENDICES:**

None

## **SOURCE:**

BOR March 2005; October 2023 (Clerical); SDCL 13-53-56 to 13-53-57 (SL 2025; ch 86, §4); BOR July 2025.