

# SOUTH DAKOTA BOARD OF REGENTS

## Policy Manual

**SUBJECT:** Housing & Meal Plan Requirements

**NUMBER:** 3.7.1

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### **A. PURPOSE**

To establish the expectations of student participation in institutional housing and meal plans as well as to set up a framework for conduct and safety requirements in the residence facilities.

### **B. DEFINITIONS**

- 1. Student:** All persons taking courses from the institution, both full-time and part-time, enrolled in undergraduate, graduate, professional or special topic courses, whether credit-bearing or not. For purposes of housing and meal plan requirements, 'student' also includes individuals who remain affiliated with the institution during break periods, during the time between academic terms, and during days immediately before or after the start of classes.

### **C. POLICY**

#### **1. Student Housing Requirement**

##### **1.1. Live On-Campus Requirement**

Students who are enrolled at a university for a minimum of six (6) on-campus credits are required to live in on-campus housing during the first two (2) years following their high school graduation. Institutions may grant waiver exceptions to the housing requirement based on the waiver exceptions.

##### **1.2. Waiver Exceptions**

Waiver exceptions to the housing requirement will ordinarily be granted:

- 1.2.1.** To students who are married;
- 1.2.2.** To students with dependent children who reside with them;
- 1.2.3.** To students who reside full-time during the academic year at the primary residence of the parent(s) or legal guardian(s) within a designated radius determined by each institution;
- 1.2.4.** To students living in Greek housing who have met campus housing release requirements;
- 1.2.5.** To students who are non-degree seeking;

- 1.2.6. To students who are veterans or current active-duty members of the U.S. Armed Forces including the National Guard or Reserve components who have completed at least one year of consecutive active federal or state military service beyond initial entry basic and job trainings (e.g., Basic Combat Training and Advanced Individual Training, Recruit Training and Infantry Marine course/Combat Training, Recruit Training and 'A' School, or Basic Military Training and Technical Training) as defined by the individual's branch of service. Acceptable documentation includes a DD Form 214, NGB Form 22, official active-duty orders, or a current Leave and Earnings Statement (LES) confirming qualifying service;
- 1.2.7. To students with documented disabilities or medical conditions that require specialized housing accommodations not available in campus facilities, as verified by the institution's student accessibility or disability services office, or designee. The institution will ensure compliance with ADA requirements to provide reasonable accommodations; however, if the university is unable to meet the documented accommodation needs, an exemption from the housing requirement may be granted;
- 1.2.8. To students participating in approved off-campus internships, clinical rotations, student teaching, or cooperative education programs that require them to live outside the radius determined by each institution consistent with 1.2.3;
- 1.2.9. To students who demonstrate significant financial hardship, as verified through FAFSA and institutional financial aid documentation, statement of financial support (for international students), or other applicable documentation. Institutions shall establish consistent processes or protocols for evaluating financial hardship, which may include review of income (AGI), the assessed student aid index (SAI), Pell eligibility, and other relevant financial indicators. These processes must be applied consistently and documented to ensure transparency and fairness in waiver decisions. The assertion that living off-campus is less expensive will not be accepted as evidence or justification for financial hardship;
- 1.2.10. When residence hall occupancy exceeds manageable capacity as determined by each institution;
- 1.2.11. To students who hold a currently valid written certification regarding the medical use of cannabis. For purposes of this section, a written certification is a document dated and signed by an authorized practitioner, stating that in the practitioner's professional opinion the patient (student) is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition; or
- 1.2.12. At the discretion of the institution, after considering the individualized circumstances and determining that the circumstances merit a waiver.

## **2. Meal Plan Requirement**

### **2.1. Meal Plan Requirement**

All students living in on-campus housing are required to have a meal plan. Institutions may grant waiver exceptions to dine elsewhere based on documented need or individual circumstances.

### **2.2. Waiver Exceptions**

Waiver exceptions to the meal plan requirement may be granted:

2.2.1. To students with documented medical conditions or dietary restrictions that cannot be reasonably accommodated by campus dining services, as verified by a licensed medical provider or the institution's disability services office.

- In such cases, the student and institution must work collaboratively with the campus food service provider to explore reasonable accommodations. If, after good-faith efforts, the food service provider is unable to meet the student's documented dietary needs, an exemption from the meal plan requirement may be granted.

2.2.2. To students with religious dietary requirements that cannot be reasonably accommodated by campus dining services.

- Students must provide documentation or a statement of religious observance, and the institution will work with the food service provider to determine whether accommodations can be made. If accommodations are not feasible, a waiver from the meal plan requirement may be granted.

2.2.3. At the discretion of the institution, after considering the individualized circumstances and determining that the circumstances merit a waiver.

## **3. Process for Requesting Waiver from the Housing Requirement, Meal Plan Requirement, or Both**

Each institution shall create a process through which students can request a waiver from the housing requirement, meal plan requirement, or both. A system waiver request form is available electronically for this purpose. The waiver must be completed and submitted electronically in accordance with the procedures and deadlines established by the institution.

## **4. Denial of Exemption Requests and Appeal Process**

Requests for exemption from the housing requirement, meal plan requirement, or both are subject to electronic submission, review, and approval in accordance with institutional procedures. An institution may deny a waiver request if the student does not meet the established eligibility criteria, fails to provide required documentation, or submits an incomplete or untimely request.

Students whose requests are denied will be notified electronically and/or in writing of the decision and the basis for the denial.

A student may appeal the denial by submitting an appeal within the timeframe and in the manner specified by the institution. Appeals will be reviewed by a broader committee,

which may include representation from housing, dining services, and/or the campus senior student affairs officer or their designee. The appeal review shall consider additional information submitted by the student, as well as institutional policies and capacity considerations.

## **5. Disclosure Requirements**

### **5.1. Disclosure of Criminal History, Including Sex Offender Status**

Each student, student's spouse, dependents, or household members, who reside in a housing facility operated by the institution shall disclose on the application form the following:

- Whether he or she is required to register as a sex offender pursuant to law.
- Whether he or she has a criminal history of a felony offense, including:
  - A conviction, guilty plea, no contest plea, or suspended imposition of sentence that has not been discharged; or
  - Any pending felony charges for which a verdict, plea, or dismissal has not yet occurred.

For each felony offense or pending felony charge, the individual shall provide details identifying any jurisdiction, date of the offense or charge, circumstances, the sentence or parole conditions (if applicable), and other facts or circumstance that he or she believes to be relevant.

Disclosure is not required if the felony offense resulted in adjudication as a delinquent child or as a child in need of supervision.

## **6. Criminal History Resulting in the Loss of Privilege to Live in Institutional Housing**

The following typically result in the loss of an individual's privilege to live in institutional housing:

- 6.1. No person who is required by law to register as a sex offender may reside in any housing facility operated by the institution.
- 6.2. When a person has been convicted of a felony offense involving use or sale of illegal drugs or involvement in a crime of violence which did or could have resulted in injury to a person.
- 6.3. When a person has been convicted of a felony offense where the circumstances of the offense otherwise reasonably suggest that placement within a housing facility operated by the institution may place the individual into settings that are similar to those in which the original offense occurred.
- 6.4. Interim Measures for Pending Felony Charges

A pending felony charge shall not by itself result in loss of the privilege to live in institutional housing. However, where credible information indicates a significant and articulable risk to the safety of the campus community or to the integrity of the educational environment, the institution may impose interim, non-punitive measures

such as reassignment to alternative housing, restrictions on access, no-contact directives, or additional safety conditions based on an individualized assessment.

Interim measures shall be narrowly tailored, time-limited, and subject to prompt review upon request. The institution will provide the student with written notice of any interim measures, a brief statement of the reasons, and instructions for requesting prompt review. Interim measures do not constitute a disciplinary finding and will be periodically reviewed and adjusted or lifted as circumstances warrant.

#### **7. Denial of Institutional Housing**

The director of housing of each institution may deny an applicant for institutional housing. The denial notice shall identify the process to request a review of the determination.

#### **8. Review of Denial to Reside in Institutional Housing Facilities**

Any person, other than a registered sex offender, who has been denied residence in a housing facility operated by the institution may request a review of the determination by the Senior Student Affairs Officer or their designee and shall be provided an opportunity to submit such writings as the person deems necessary and helpful to explain why the institution should permit the person to reside in one of its housing facilities.

#### **9. Residence Hall Rooms and Apartments Private Places**

The students' individual residence hall rooms and individual apartments constitute private places to which the general public does not have an unrestricted access right.

#### **10. Institution Carries No Liability for Personal Effects**

The institution shall not carry insurance covering loss or damage to those students' personal effects and does not assume responsibility for such loss or damage. As such, it is suggested that students purchase renter's insurance to cover their personal belongings.

#### **11. Housing During Official Institutional Breaks**

Students living in on-campus housing are permitted to remain in their assigned residence during official institutional breaks (excluding summer break) as part of their standard housing payment, provided they submit notice of intent to remain in housing no later than 10 calendar days prior to the start of break. Students who fail to provide notice by the stated deadline may experience interruption or unavailability of access to their assigned room during the break.

Students must be registered for spring semester coursework to remain in on-campus housing during the break between the fall and spring semesters.

Students should be aware that the full suite of services and staffing typically available during the academic term may not be available during break periods. Dining options and other services (i.e., Student Health and Counseling Services) will be severely limited. Housing office staff will continue to assist students with additional needs as appropriate, based on availability.

#### **12. Early Arrival Housing**

Institutions may authorize student move-in up to five (5) calendar days prior to the start of the student's housing contract without assessing additional housing charges.

12.1. Eligibility for Early Arrival – early arrival may be granted for:

- Institutional programs requiring students to be on campus before the official opening date (e.g., orientation leaders, band, athletics, early-start academic programs, approved student employment):
- Students traveling long distances or with documented personal circumstances requiring early housing access; or
- Other campus-approved needs as determined by the institution.

12.2. Institutional Capacity and Discretion – approval of early arrival requests is subject to space availability, facility readiness, and staffing coverage.

- Campuses may deny early arrival requests when housing units are not yet prepared for occupancy, when facilities work is ongoing, or when staffing levels are insufficient to safely support early move-in operations.
- Institutions may limit the number of early arrivals or restrict dates to maintain operational capacity.

12.3. Required Conditions – students approved for early arrival must:

- Be enrolled for the upcoming term;
- Occupy their assigned residence hall room only during the approved early-arrival window; and
- Comply with all residence hall polices and staff directions during early opening operations.

12.4. When Additional Charges May Apply – institutions may assess prorated housing charges when a student requests arrival earlier than five (5) days before the official opening date.

12.5. Campus Oversight – each institution retains authority to manage early-arrival timelines, establish request procedures, and set operational limits to ensure student safety and adequate preparation for semester opening.

12.6. Early Arrival Notification Requirement – students requesting early arrival must submit notice of their intent to arrive no later than ten (10) calendar days prior to their requested arrival date.

- Requests submitted after this deadline may be denied based on facility readiness, facility capacity, or other operational constraints.
- Confirmation of approval must be issued by the institution before the student may check in early.

### **13. Administrative Guidelines**

The Board authorizes the development of systemwide guidelines to implement and manage all exemptions and operational processes under this policy.

## **14. Conduct Expectations**

The institutions shall establish and publish institutional conduct or behavior regulations that ensure responsible and orderly campus life and promote the general welfare.

14.1. Alleged violations of these regulations shall be processed through the established institutional disciplinary procedures.

## **15. Residence Hall Security**

Each institution shall develop and implement residence hall security policy statements that are designed to provide the reasonable security of residents and institutional property. Institutional security measures must include the following:

15.1. Signage that designates that residence halls are for the exclusive use of residents and their guests.

15.2. Designation of public and restricted areas and access regulations related thereto.

15.3. Planned educational programs aimed at education of residents regarding their security responsibilities.

15.4. One or more of the following security monitoring measures during all hours when access to public areas is unrestricted:

- Locked entryways to restricted areas.
- Staff or mechanical monitoring of public entryways.
- A consistently applied and enforced escort policy.

15.5. Signage or handbook statements that notify residents that if an individual intends to possess or carry a concealed pistol, stun gun, or mace/pepper spray as permitted by BOR Policy 1.4.5, that the individual:

- For possession of a concealed pistol, must have the applicable permit (an enhanced restricted, temporary enhanced restricted permit, or reciprocal permit), as required by South Dakota law,
- Is required to store the pistol, stun gun, or mace/pepper spray in a locked case or safe when said item is not being carried or in possession of the individual,
- that the institution will not provide cases or safes in the residence halls, and that it is the individual's responsibility to ensure the provision and use of adequate storage facilities, and
- that failure to do so could result in discipline up to and including removal from a residence hall or expulsion.

15.6. Other measures deemed necessary and appropriate by the President of each institution.

**FORMS / APPENDICES:**

None

**SOURCE:**

RR, 12:04, 1977; BOR June 1978, BOR September 1979; BOR April 1987; BOR March 1993; BOR December 1995; BOR May 2006; BOR December 2010; BOR August 2019; BOR June 2021; October 2023 (Clerical); SDCL 13-53-56 to 13-53-57 (SL 2025; ch 86, §4); BOR July 2025; BOR April 2026.