Montana Tech/Highlands College
Annual Campus Fire & Security Report
Calendar Year 2019

Office of the Dean of Students
1300 West Park St | Butte MT 59701 Distributed
September 29, 2020
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Revision Notification 12.15.2020

Dear Campus Community,

Our Montana Tech Annual Security and Fire Safety Report has been revised. The revised document is attached as a PDF to this email and is available online at https://www.mtech.edu/campus-safety/files/annual-fire-and-safety-report.pdf

The report contains information regarding campus safety and security including topics such as: campus law enforcement authority; crime reporting policies; campus alerts (Timely Warnings and Emergency Notifications); fire safety policies and procedures; programs to prevent dating violence, domestic violence, sexual assault and stalking; the procedures the University will follow when one of these crimes is reported; and other matters of importance related to security on campus.

The report also contains information about crime statistics for the three most recent calendar years concerning reported crimes that occurred on campus; in On-Campus Student Housing Facilities; in Non-campus buildings or property owned or controlled by the University or a recognized student organization; and on public property within, or immediately adjacent to and accessible from, the campus. The report also contains fire statistics for any fires occurring in an On-Campus Student Housing Facility during the three most recent calendar years. The report applies to Montana Tech and Highlands College.

If you would like to receive a paper copy of the Annual Security & Fire Safety Report or have questions about the data within the report, you can stop by the Dean of Students' office in Engineering Hall, room 101. You can request that a copy be mailed to you by calling 406-496-4198 or emailing cvath@mtech.edu.

We are re-distributing the revisions to make it easier for the campus community to understand the previous revisions. The data has not been changed simply the format. We have included a revision notification section to the report.

Montana Tech Campus

Changes Made:
Fire Statistics: Residential Facilities
The Living Learning Center was added to the list of residential facilities. No fires occurred during CY2019
Date of Changes made: 12/15/2020
Reason for Changes: The Living Learning Center was excluded from the residential facilities list due to a clerical error.

Revision Notification 9.29.2020

Dear Campus Community,

Our Montana Tech Annual Security and Fire Safety Report has been revised. The revised document is attached as a PDF to this email and is available online at https://www.mtech.edu/campus-safety/files/annual-fire-and-safety-report.pdf
The report contains information regarding campus safety and security including topics such as: campus law enforcement authority; crime reporting policies; campus alerts (Timely Warnings and Emergency Notifications); fire safety policies and procedures; programs to prevent dating violence, domestic violence, sexual assault and stalking; the procedures the University will follow when one of these crimes is reported; and other matters of importance related to security on campus.

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We are re-distributing the revisions to make it easier for the campus community to understand the previous revisions. The data has not been changed simply the format. We have included a revision notification section to the report.

**Montana Tech Campus**

**Changes Made:**

**Arrests and Referrals for Disciplinary Action**

- **Offense:** Liquor law violation referrals for disciplinary action was changed from 8 to 57 in 2019 On-campus

**Date of Changes made:** 9/29/2020

**Reason for Changes:** A typo was made and the combination of residential facilities were not included in the on-campus count. The number of incidents remain the same.

**Notice**

This Annual Security Report (ASR) is always one (1) calendar year behind. Therefore, some of the policies and/or contact information in this report are reflective of what was in place/available between January 1, 2019-December 31, 2019.

For example, the policies and procedures the university will follow when a crime of domestic violence, dating violence, sexual assault and stalking is reported in this document are not reflective of the current policies and procedures (September 2020). Individuals are encouraged to visit the Montana Tech website (www.mtech.edu) to find the most recent contact information, policies, and procedures.
Preparing the Annual Security Report (ASR)

Montana Tech (MT) Clery Compliance Office compiles this institutional report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act or the Act), and is a disclosure for the three most recent calendar years concerning the number of specific crimes that occurred on or within MT’s Clery geography. This report is a collaborative and comprehensive effort that includes the cooperation of departments from all divisions within the institution, individuals designated as “Campus Security Authorities” (CSA) under the Clery Act, and local law enforcement agencies with concurrent jurisdiction over the campus’s Clery geography. Each entity is asked to provide crime statistics and/or information on their educational efforts and programs to comply with the Act. The policies and procedures within this report are current as of the publication, as MT recognizes this document is an immediate reference to possible current inquiries; however, the statistical data, as previously mentioned, is for the three previous calendar years.

All students and employees receive annual notice by University-wide email that informs them of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the campus website, the electronic address to access the report, and a statement on how to obtain a paper copy, if desired. Additionally, similar notices are provided to prospective students and employees on the Admissions and University Personnel web pages, respectively.

For more information, U.S. Department of Education Campus Safety:
https://www2.ed.gov/admins/lead/safety/campus.html

Compiling Crime Statistics

The following definitions will be used for reporting Clery crimes, which are derived from the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program and Department of Education regulations as follows:


ii. The definitions for Fondling, Incest, and Statutory Rape are excerpted from the “National Incident-Based, Reporting System (NIBRS) User Manual” from the FBI’s UCR Program.

iii. The definitions for Larceny-Theft (except Motor Vehicle Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program.

iv. The definitions for Dating Violence, Domestic Violence, and Stalking are from the Department of Education’s Clery Act implementing regulations at 34 C.F.R. § 668.46.

In addition to the crimes listed in (iii), hate crimes are also disclosed for those listed in (i). The statistics provide an overall picture of crime at MT from January 1 to December 31 for 2017, 2018, and 2019.

Crime statistics are collected annually from law enforcement agencies with concurrent law enforcement jurisdiction(s) surrounding MT and off-site properties or facilities owned or controlled by MT. These law enforcement agencies provide crime statistics they have collected for crimes occurring on on-campus
properties or public property immediately adjacent to MT properties or facilities. MT does not have any off-campus properties owned by student organizations.

Statistics regarding specific violations of law resulting in student disciplinary actions are collected from but not limited to the offices of Title IX & Human Resources, Residential Life, and the Dean of Students office. Clery Act statistics are also collected from individuals with significant responsibility for students and/or their student activities.

Crime statistics, for Clery crimes listed in (i) –(iii), are classified and counted pursuant to the guidelines as specified in The Handbook of Campus Safety and Security Reporting, 2016 edition and separated by the following geographical areas:

- On-campus;
- On-campus residential housing facilities;
- On public property (within and immediately adjacent to MT);
- In or on non-campus property (either owned or controlled by MT in direct support of or in relation to its educational purposes; or a building or property owned or controlled by an officially recognized student organization not reasonably contiguous to the core campus)

*The geographic breakdown definitions are from the Department of Education’s Clery Act implementing regulations at 34 C.F.R. § 668.46.(c)(4)

**See Appendix 1 for the Highlands College and Montana Tech Clery Geography

is important to consider the following when reviewing the MT crime data:

Counting Hierarchy

When counting multiple offenses in a single incident, MT used the FBI’s UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident, MT only counted the most serious offense. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and Violence Against Women Act (VAWA) Offenses. When applying these exceptions, MT must:

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident. When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
• Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.
• Include a Sexual Assault as Fondling only if it is the only Sexual Assault.
• Count both the Sexual Assault and the Murder if Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder.

The Hierarchy Rule does not apply to Hate Crimes. MT must count all of the offenses committed in a multiple offense incident that are bias-motivated, and include only the crimes that are bias-motivated as Hate Crimes in a multiple-offense incident. For any Criminal Offense that is also a Hate Crime, statistics will indicate the offense and also the offense with the category of bias. For example, if an Aggravated Assault is a Hate Crime, MT will include one Aggravated Assault in the statistics in the Criminal Offenses category and one Aggravated Assault motivated by (category of bias) in the Hate Crime category. The exception is when the Aggravated Assault is not included in the Criminal Offenses category because of Hierarchy Rule. For example, for a single incident involving both a Rape and an Aggravated Assault that were both Hate Crimes, MT's statistics would include only the Rape in the Criminal Offenses category and both the Rape and the Aggravated Assault in the Hate Crimes category.

Lastly, the Hierarchy Rule does not apply to VAWA Offenses (i.e. Dating Violence, Domestic Violence, and Stalking). Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, statistics reflect the original offense and the VAWA Offense.

Unfounded Crimes
In accordance with 34 C.F.R. § 668.46, MT may only exclude a reported crime from an upcoming annual security report, or remove a reported crime from its previously reported statistics, after a full investigation by sworn or commissioned law enforcement personnel have made a formal determination that the report was false or baseless and the crime report was therefore “unfounded.” This does not include a District Attorney who is sworn or commissioned. A Campus Security Authority who is not a sworn or commissioned law enforcement authority cannot “unfound” a crime report either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not “unfound” a crime. The findings of a coroner, court, jury (either grand or petit), or prosecutor do not “unfound” crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A case cannot be designated “unfounded” if no investigation was conducted by sworn law enforcement personnel or the investigation was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

If a crime is “unfounded”, it will not be included in the Clery Act statistics for the associated crime category, and will be removed from any previously reported statistics for that crime category. The “unfounded” crime will be included in the total count of “unfounded” crimes for the year in which the crime was originally reported.

Crime statistics concerning this campus and others can also be found on the U.S. Department of Education website: https://ope.ed.gov/campussafety/#/.
Crime Statistics
Crime statistics can also be found online at: [https://www.mtech.edu/campus-safety/securityreports.html](https://www.mtech.edu/campus-safety/securityreports.html)

Montana Tech

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*Residential Facility crime statistics are a subset of the On-Campus category, i.e., they are counted in both categories.

Highlands College

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Unfounded Crimes
If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”. Only sworn or commissioned law enforcement personnel may unfound a crime.

Montana Tech and Highlands College
2019: No Unfounded crimes reported
2018: No Unfounded crimes reported
2017: No Unfounded crimes reported

Hate Crimes
Montana Tech and Highlands College
2019: No Hate crimes reported
2018: No Hate crimes reported
2017: No Hate crimes reported

Montana Tech Annual Security Report and Annual Fire Safety Report

Crime Reporting
Criminal action or student emergencies are to be reported to 911, Campus Security, 406-496-4357 (HELP), and/or the Associate Vice Chancellor of Enrollment Management/Dean of Students (Dr. Carrie Vath: 406-496-4198 (w), 352-682-2492 (c)). Policy relating to procedures and facilities for students and others to report criminal actions or other emergencies on campus is published in the Student Handbook under Student Code of Conduct.

Response to a Report
Montana Tech offers three primary means of reporting a crime: (1) If it is an emergency contact 911 (2) if it is a non-emergency you can complete the online reporting form: https://www.mtech.edu/studentconduct/index.html (3) you can contact one of the following individuals/offices Campus Security (available 24 hours) 406-496-4357; Dean of Students (Dr. Carrie Vath: 406-496-4198 (w),352-682-2492 ). In response to an online reporting form or call, the responsible party will take the required action, either dispatching an officer or asking the victim to report to Montana Tech Campus Security to file an incident report. All reported crimes within the campus jurisdiction will be investigated by the university or by Butte-Silver Bow police department and may become a matter of public record. All Montana Tech Campus Security incident reports are forwarded to the Dean of Students Office for review and for potential action, as appropriate. If assistance is required from the Silver-Bow Police Department or the Silver-Bow Fire Department, Montana Tech Campus Security or Dean of Students will contact the appropriate unit. If a sexual assault or rape should occur,
staff on the scene, including Montana Tech Campus Security, will offer the victim a wide variety of services.

**Reporting to Meet Disclosure Requirements**

Members of the community are helpful when they immediately report crimes or emergencies to the Campus Security and/or Campus Security Authorities (CSA) for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

Crimes should be accurately and promptly reported to the Campus Security or Butte-Silver Bow Police Department, when the victim of a crime elects to, or is unable to, make such a report.

**Campus Security Authorities (CSA)**

Montana Tech encourages all members of the campus community to contact Campus Security when they have been the victim of or have witnessed criminal actions. Still, members of the campus community may notify one of the other Campus Security Authorities (CSA) about a crime. The Clery Act requires certain individuals that are designated as Campus Security Authorities (CSAs) to promptly report allegations of Clery qualifying crimes that occur within a campus’ Clery Geography reported to them for inclusion in the ASR and to help inform whether a timely warning or emergency notification to the campus community is warranted.

A Campus Security Authority (CSA) is defined as “An official of an institution who has significant responsibility for student and campus activities, including by not limited to, student housing, student discipline, and campus judicial procedures.” Individuals may be designated as CSAs if their official job responsibilities involve significant interaction with students and or campus/activities, serve as formal or unofficial mentors to students, serve as a member in an office or of a committee to whom students are instructed or informed to report or discuss crimes, allegations, or crimes and other troubling situations; or have oversight for disciplinary procedures. The *Handbook for Campus Safety and Security Reporting* indicates that persons serving in any of the following positions (outside of a police or security department) are generally considered to be CSAs (though this is NOT an exhaustive list):

- dean of students who oversees student housing, a student center or student extracurricular activities;
- a director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- a faculty advisor to a student group;
- a student resident advisor or assistant;
- a student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- a coordinator of Greek affairs;
- a Title IX coordinator;
- an ombudsperson (including student ombudspersons);
- the director of a campus health or counseling center;
- victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.;
- members of a sexual assault response team (SART) or other sexual assault advocates; and
- officers from local law enforcement who are contracted by the institution to provide campus safety-related services.
For contact information regarding personnel in these various positions, visit Montana Tech’s Directory at [mtech.edu/directory](http://mtech.edu/directory). Montana Tech reporting offices, mandated and confidential alike, share resources to encourage victims of crime to report to the structure they feel is best for them. Confidential resources also encourage reporting parties to report crimes to Campus Security.

**Anonymous Reporting**

If you are a victim of a crime and do not want to pursue action within the University System or the criminal justice system, you may still want to consider making an anonymous report at [https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31](https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31).

Butte-Silver Bow Law Enforcement (406-497-1120) encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because most police reports are public records, the Law Enforcement Department cannot hold reports of crime in confidence. Confidential reports for the purpose of inclusion in the annual disclosure of crime statistics can generally be made at [https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31](https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31).

Campus “Pastoral Counselors” and “Professional Counselors,” when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

**Pastoral Counselor**

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. Montana Tech does not employ pastoral counselors. However, victim or witness to any crime are encouraged to seek off campus pastoral counseling support as desired.

**Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

- Montana Tech’s Licensed Professional Therapists are not considered to be a campus security authority, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They will, if they deem it appropriate, inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics.

**Timely Warnings, Emergency Notification, and Public Safety Advisories**

In the event a crime is reported or a situation arises, within the Montana Tech Clery Geography (on Campus, Public Property and Non-campus property), that, in the judgement of the Dean of Students or designee and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide “timely warning”, “emergency notification” or “public safety advisory” will be issued.
Depending on the circumstances of the crime, the campus safety alert may be posted on a bulletin board in each building, at the doorway to each campus building, or electronically through Regroup. This holds true for all situations that potentially pose an ongoing threat to students, faculty, staff, and visitors present on campus during the time the campus safety alert is issued, and the surrounding community.

Timely Warning Notifications

Timely Warning Notifications are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger UMW community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Title IX Coordinator or designee).
  - In cases involving sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
  - Sometimes cases involving sexual assault are reported after a significant amount of time has passed, thus there is no ability to distribute a “timely” warning notice to the community
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Dean of Students or designee

Montana Tech may decide to issue Timely Warning Notices for other crime classifications and locations, even though not required by law.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning Notices are typically written and distributed by the Director of Marketing and Public Relations or designee in consultation with the Dean of Students or designee.

The institution is not required to issue a Timely Warning Notice with respect to crimes reported to a pastoral or professional counselor.

Emergency Notifications

Emergency Notifications are typically issued for immediate threat(s) to health and safety to those on campus including: Clery-reportable crimes as well as other types of emergencies (i.e., currently happening or will be happening very soon). Examples may be a gas leak in a campus building, an active shooter on campus, approaching tornado, an armed robbery that just occurred, etc.

Emergency Notifications are issued upon confirmation of an emergency (when possible).

Emergency Notifications are typically written and distributed by the Director of Marketing and Public Relations or designee in consultation with the Dean of Students or designee.
Public Safety Advisories

Public Safety Advisories are issued at the discretion of Montana Tech.

Public Safety Advisories are safety or security situations that do not meet the threshold for distributing a Timely Warning or Emergency Notification. Examples may be series of bike thefts on campus, multiple reports of identity theft, etc.

Typically, circumstances that warrant campus safety alerts are crimes reported to the Dean of Students, other campus security authorities, and/or the Butte-Silver Bow Police Department (DPD). The University has requested the BSBPD inform Montana Tech when crimes are committed on or near campus that might be potential or ongoing threats to the Montana Tech community. This will assist Montana Tech in determining the need for potentially issuing campus safety alerts.

Individuals with information they believe warrants a campus safety alert should immediately report it to one of the individuals below:

The Dean of Students
- in person, Engineering Hall room 102
- by calling 406-496-4198 during regular business hours or after hours at 352-682-2492 (Carrie Vath)
- Residence Life by calling 406-496-4425 during regular business hours or after hours at 406-565-8543 (Scott Forthofer, Dir. Campus Life)
- Director of Facility Services at 406-496-4399 during regular business hours
- Director of Marketing and Public Relations at 406-496-4828 during regular business hours
- Director of Environmental Health and Safety at 406-496-4463 during regular business hours

Emergency Response and Evacuation Procedures

Montana Tech maintains a Campus emergency action and crisis protocol manual that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions.

University units are responsible for adhering to the Montana Tech campus emergency action and crisis protocol manual developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

- In the event of an emergency, Montana Technological University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

- Procedures to immediately notify the campus community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus are contained in the Montana Tech Emergency Notification

Montana Tech will, without delay, consider the safety of the community and determine the content of the warning, and initiate the emergency notification system when necessary, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

As outlined in the Montana Tech Emergency Notification Plan ([https://www.mtech.edu/env_health_safety/emergency/docs/emergency-notification-plan.pdf]), Montana Tech’s Emergency Notification System, which includes text messages, desktop notifications, voice messages and e-mail, may be used in any appropriate combination to disseminate emergency information to the campus community. If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

All persons on campus are automatically enrolled in the system and have the ability to opt out of the notifications. Pre-scripted messages for notification have been provided to the persons authorized to activate the notification system. Butte-Silver Bow’s “reverse 911” system would be used for informing the larger community of an emergency situation on campus. The local media may also be available to members of the larger community. Montana Tech’s Director of Public Relations is charged with keeping the campus and the general public informed via website postings and press conferences.

<table>
<thead>
<tr>
<th>System to use</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority for approving &amp; sending messages</th>
<th>Primary Message Sender/ Distributor</th>
<th>Backup Message Sender/ Distributor</th>
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<tbody>
<tr>
<td>PRIMARY</td>
<td>Dir. Of Environmental Health, and Safety</td>
<td>Assoc. Chancellor/Dean of Students</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Dir. of Environmental Health and Safety</td>
<td>Vice Chancellor of Administration and Finance</td>
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<td>Email and Text</td>
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<td>Assoc. Vice Chancellor/Dean of Students</td>
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<td>Dir. of Public Relations and Marketing</td>
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<tr>
<td>SECONDARY</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Web and Social media Developer</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Dir. of Public Relations and Marketing</td>
<td>Web and Social media Developer</td>
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<tr>
<td>Website</td>
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Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).
If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

A description of the process used to determine confirmation of a significant emergency situation and how the notification systems will be deployed is outlined in the Montana Tech Emergency Notification Plan. If the Director of Environmental Health and Safety, in conjunction with administration, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Montana Tech Community, the Emergency/crisis management team and Director of Public Relations and Marketing will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Montana Tech Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

- In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.
- The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

Montana Tech tests its emergency response and evacuation procedures annually. Prior to testing, procedures are sent via e-mail to all faculty, staff and students. Documentation of emergency response and evacuation exercises, includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Emergency Evacuation Procedures

The emergency evacuation procedures are tested annually. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Montana Tech Director of Environmental Health and Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Montana Tech Director of Environmental Health and Safety on the scene will communicate information to students regarding the developing situation or any evacuation status changes.
The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Montana Tech evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants ‘practice’ drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

**General Evacuation Procedures**

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and call 911 and notify Environmental Health & Safety 4463 and Security 4357 (HELP).

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Montana Tech Campus Security or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

**Shelter-in-Place Procedures –What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

**Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

**How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, Director of environmental and safety, campus security, Housing Staff members, other University employees, Butte-Silver Bow Police Department, or other authorities utilizing the University’s emergency communications tools.
How to “Shelter–in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

2. Locate a room to shelter inside. It should be:
   - An interior room;
   - Above ground level; and
   - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.

3. Shut and lock all windows (tighter seal) and close exterior doors.

4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)

6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to Montana Tech Campus Security so they know where you are sheltering. If only students are present, one of the students should call in the list.

7. Turn on a radio or TV and listen for further instructions.

8. Make yourself comfortable.

Missing Student Notification and Procedures

Students residing on-campus missing for 24 hours should be reported to the Director of Residence Life and the Associate Vice Chancellor for Enrollment Management/Dean of Students. If an official missing student report is initiated the appropriate campus authority will report it to Butte Silver-Bow Police department. Students living on-campus have the option to annually register a confidential contact person to be notified by Montana Tech no later than 24 hours after the time the student is determined to be missing by the designated University officials authorized to make that determination or the local law enforcement agency in which the student went missing. This information will be registered confidentially and kept in the Residence Life Office and will only be accessed by the Director, Administrative Assistant, Dean of Students and/or law enforcement officers in the furtherance of a missing person investigation and it may not be disclosed outside of a missing person investigation.

Local law enforcement and campus security will be notified, within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing, regardless if the student has registered a contact person. Parents or guardians will be notified, in addition to notifying any additional contact person designated by the student, within 24 hours of the determination that the student is missing, if a student is less than 18 years of age and not emancipated. The residence hall handbook lists the specific procedures the college will follow when a student who lives on-campus is determined to be missing for 24 hours.

Procedures
Should the Montana Tech Campus officials investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Montana Tech. If the student is under the age of 18 and is not an emancipated individual, Montana Tech will notify the student’s parent of guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Montana Tech will inform the Local PD (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

**Disciplinary Procedures for Crimes Reported**

**Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the local law enforcement. Students and employees should contact the Title IX Coordinator, Vanessa Van Dyk, MG 205, 406-496-4322, VVandyk@mtech.edu by calling, writing or coming into the office to report in person.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
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<tbody>
<tr>
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<tr>
<td>Sexual Assault</td>
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<td>-----------------------------------------------------------------------------------------------------</td>
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<tr>
<td>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</td>
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<tr>
<td>2. Institution will assess immediate safety needs of complainant</td>
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<tr>
<td>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</td>
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<td>4. Institution will provide complainant with referrals to on and off campus mental health providers</td>
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<td>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</td>
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<tr>
<td>6. Institution will provide the victim with a written explanation of the victim’s rights and options</td>
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<tr>
<td>7. Institution will provide a “No Contact” directive to accused party if deemed appropriate</td>
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<tr>
<td>8. Institution will provide written instructions on how to apply for Protective Order</td>
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<tr>
<td>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</td>
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<tr>
<td>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</td>
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<tr>
<td>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</td>
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<thead>
<tr>
<th>Stalking</th>
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<tbody>
<tr>
<td>1. Institution will assess immediate safety needs of complainant</td>
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<tr>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</td>
</tr>
<tr>
<td>3. Institution will provide written instructions on how to apply for Protective Order</td>
</tr>
<tr>
<td>4. Institution will provide written information to complainant on how to preserve evidence</td>
</tr>
<tr>
<td>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</td>
</tr>
<tr>
<td>6. Institution will provide the victim with a written explanation of the victim’s rights and options</td>
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<tr>
<th>Dating Violence</th>
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<tr>
<td>1. Institution will assess immediate safety needs of complainant</td>
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<tr>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</td>
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<tr>
<td>3. Institution will provide written instructions on how to apply for Protective Order</td>
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</tbody>
</table>
|   | 4. Institution will provide written information to complainant on how to preserve evidence  
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No Contact” directive to accused party if deemed appropriate  |
|---|---|
| **Domestic Violence** | 1. Institution will assess immediate safety needs of complainant  
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department  
3. Institution will provide written instructions on how to apply for Protective Order  
4. Institution will provide written information to complainant on how to preserve evidence  
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No Contact” directive to accused party if deemed appropriate  |

**Security of and Access to Campus Facilities**

During normal business hours, Montana Tech Campuses (excluding certain housing facilities) will be open and accessible to students, parents, employees, contractors, guests, and invitees. During nonbusiness hours’ access to all College facilities is by key, if issued, or by admittance via Campus Security or Residence Life staff. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities. Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. The Residence Life Handbook (https://www.mtech.edu/studentlife/housing/housing-handbook.pdf) addresses specific security and access related to campus living throughout the publication. Residential facilities are only accessible to building residents and their authorized guests and visitors. Residents are helpful if they avoid allowing unknown individuals access to the residential buildings. Residence Life staff and Montana Tech Campus Security monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Montana Tech Campus Security officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.
Security Considerations Used in the Maintenance of Campus Facilities

Montana Technological University maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Many Parking lots and pathways are illuminated with lighting. Montana Tech Campus Security works closely with Physical Facilities to address burned out lights promptly as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the University community are helpful when they report equipment problems to Montana Tech, Campus Security (406-496-4357) or to Physical Facilities (406-496-4168).

Campus Security Policies

Montana Tech campus security officers provide such services as parking control, building security (locking/unlocking doors), and completing an incident report for any on campus incidents. If a crime is suspected (theft, underage drinking, suspicious behavior, etc.) individuals should contact 911 or ButteSilver Bow police department (non-emergency line 406-497-1130). Security Officers can detain suspects until police arrival but have no power of arrest. The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by Montana Tech.

- Policy and practice require accurate and prompt reporting to the appropriate police agencies. There is a Memorandums of Understanding (MOU) with Butte-Silver Bow Law Enforcement Department regarding law enforcement jurisdiction, safety and security jurisdiction, student conduct, emergency response, criminal investigation and mutual aid on the Montana Tech campuses and/or properties and/or involving Montana Tech students, faculty, staff, and/or guests. If you are interested in reading this MOU please contact the Dean of Students, 406-496-4198.

Crime Prevention and Security Awareness Programming

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the Montana Tech to inform students of good crime prevention and security awareness practices.

During the 2018-2019 academic year, Montana Tech offered approximately 6 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

- Students and employees are informed about campus security procedures and encouraged to be responsible for their own security and the security of others through orientation programs, email notifications, the Student, Faculty/Staff, and Residence Hall Handbook publications.
- Crime prevention has been incorporated into the ongoing campus programming. Safety and Security topics and programs are incorporated into our Orientation and Hall Forums and addressed throughout the semester. Montana Tech offers workshops, trainings, publications, educational models, and speakers that focus on topics such as healthy relationships, personal safety, personal wellness, drug and alcohol abuse.
HEOA Notification to Victims of Crimes of Violence
Montana Tech will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Montana Tech will provide the results of the disciplinary hearing to the victim’s next of kin, if so requested.

Non-Campus Locations of Officially Recognized Student Organizations
Montana Tech does not have non-campus locations of officially recognized student organizations, including student organizations with non-campus housing facilities. Additionally, it is not our practice to monitor off campus criminal activity.

Alcohol and Drugs
- Use, possession, manufacture, sale, or distribution of any illegally controlled substance on Montana Tech’s property or at Montana Tech-sponsored activities is prohibited. Montana Tech prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. Butte-Silver Bow police is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.
- This is in compliance with federal and state statutes, Montana Tech’s Community Expectation Program (Student Conduct Code), and the Drug-Free Workplace Act of 1988.

Drug Free Schools and Communities Act
In compliance with the Drug Free Schools and Communities Act, Montana Tech publishes information regarding the University’s educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Montana Tech students and employees. Incoming students are required to complete an online education module that focuses on alcohol abuse prevention. Continuing students have the opportunity to attend wellness fairs, workshops, and guest presentations throughout the year (opportunities vary each semester). The entire campus community (students, faculty, and staff) can access Campus Well by StudentHealth101 a monthly online magazine that covers a variety of topics relevant to college life, including articles on drugs and alcohol. If you are interested in seeing a copy of the Alcohol and Drug Prevention and Education Program Biennial Review contact the Dean of Students, Carrie Vath, at cvath@mtech.edu, 406-496-4198, Eng. Hall room 102.

University Policy
Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness, but do not include the same protections of due process afforded by the courts in criminal cases. Due
process, as defined within these procedures, assures written notice and a hearing before an impartial board or hearing officer. No student will be found in violation of the Montana Tech Student Conduct Code without a determination that is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student. Further, as a federally-funded institution, Montana Tech adheres to all federal laws when it comes to alcohol and drug use or distribution. This holds true for marijuana as well. Using or distributing marijuana on or off campus is a violation of Montana Tech’s student code of conduct even if a student has a medical card or comes from a state in which marijuana is legal or has been decriminalized. Finally, the University's alcohol and drug policies also apply off campus.

Alcohol and Drug Offenses (Student Handbook, Section 5 of Student Code of Conduct)

Sec. 5.1. Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This violation also includes the abuse, distribution or improper use of prescription drugs.

Sec. 5.2. Use, possession or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana Tech except as expressly permitted by law or University policy.

Sec. 5.3. Smoking or tobacco use on campus in violation of the University’s Tobacco Free Campus Policy 510.

Sanctions

In determining a sanction, the Dean of Students may consider the student’s present and past disciplinary record, including Residence Hall disciplinary record; the nature of the offense; the severity of any damage, injury, or harm resulting from the violation; and other factors relevant to the case.

If the student is found to have violated the Code of Student Conduct, the Dean of Students may impose one or more of the following sanctions:

- **Censure and Warning**: Written notification that the student's behavior is unacceptable and that continuation or repetition of such conduct may result in more severe disciplinary action.

- **Disciplinary Probation**: A written reprimand including a statement that any further violation of University policy may result in suspension or expulsion.

- **Interim Suspension**: Immediate separation from the University for a period defined by the Dean of Students to:
  1. ensure safety and well-being of people and property; or
  2. prevent disruption or interference of normal operations of the University.

- **Suspension**: Termination of a student's enrollment at the University for a specified period of time. This may also include restricting access to campus or University events during the suspension.

- **Expulsion**: Permanent termination of enrollment, including no further access to campus or any University events without written approval from the Dean of Students.

- **Restitution**: Reimbursement for damage to or misappropriation of property. At the discretion of the Dean of Students, this may take the form of work, community service, or other compensation such as service to the University community.
• **Chemical/Mental Health Assessment**: Performed by a qualified chemical dependency counselor for the purpose of determining possible patterns of abuse. The student is encouraged to follow the treatment recommendation(s) provided by the counselor.

• **Other**: Dean of Students may choose to administer a sanction not mentioned above, in line with the student conduct philosophy.

*The Student Handbook is emailed to all students each semester and is located on the Dean of Students webpage.*

Residence Life Policies (Residence Life Handbook)

**Alcohol & Drugs**

Montana Tech is committed to promoting and fostering each student’s personal and intellectual development. Social interaction represents a significant developmental component in the lives of students, and social activities are important for meeting a student’s need of friendship and peer involvement.

The misuse and abuse of alcohol within the social fabric of students’ lives threatens the well-being, health, and safety of a large segment of the college-student population, and inappropriate and irresponsible marketing and promotion of alcohol on campus can contribute significantly to problems of alcohol misuse. Alcohol abuse contributes to vandalism, property damage, accidents, poor academic performance, emotional stress, interpersonal conflicts, and, in some cases, serious bodily injury, illness, and death. As such, students are responsible for their actions and any encroachment on the well-being of others.

The development of campus policies and procedures which protect the health and welfare of students and the larger community is an important responsibility of all students, staff, faculty, and campus administrators.

Educational programming, effective campus policies and procedures, and common-sense practices form the basis for a responsible approach to alcohol use on campus.

Therefore, the Montana Tech Alcohol Task Force endorses this Montana Tech Alcohol Policy and recommends its implementation to govern the use of alcohol on campus.

Please be advised that any alcohol incident in or around the residence halls may result in the Butte-Silver Bow Police Department being contacted. In addition to any legal consequences, residents may face the following sanctions:

- **First Offense** - $50 fine and Alcohol Education
- **Second Offense** - $100 fine and educational/community service
- **Third Offense** - $200 fine and mandatory meeting with a Montana Tech counselor or the Dean of Students. Removal from the halls is likely.

Montana has adopted comprehensive laws concerning the production, possession, sale, and use of drugs. Students must comply with state laws, federal drug laws, and all amendments thereof. The possession, use, sale, or distribution of narcotics or dangerous drugs, as defined by state and federal laws, may result in dismissal from the college.

Student employees must also become acquainted with the Drug-Free Workplace Policy through their supervisor or the Human Resources office. Violations of the drug policy in the halls will result in the Butte Police Department being contacted, and residents will face all legal consequences thereof.
Drug Free Workplace

1. In mandatory compliance with the Drug-Free Workplace Act of 1988 and the 1989 Amendments, Montana Tech is committed to providing drug-free/alcohol-free classrooms and workplace. The abuse or unlawful use of drugs and alcohol is not permitted at campus events and activities. The unlawful manufacture, distribution, sale, possession, or use of a controlled substance in the workplace or while conducting Montana Tech or university system business is prohibited. This law applies to faculty, staff, and students.

2. Employees must comply with this policy and notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The supervisor is responsible for notifying the Personnel Office immediately upon notice from the employee. The Personnel Office is responsible for notifying the federal granting agency, when appropriate, of the conviction within ten days of learning of the conviction.

3. Violations of this policy may result in disciplinary action up to and including termination and may have other legal consequences. At the option of the employer, an employee violating this policy may be required to satisfactorily complete a drug-abuse assistance or rehabilitation program as an alternative to termination.

4. Drug dependency and the abuse of alcohol are major health problems and interfere with the learning environment and workplace productivity, safety, and security. Employees and students are encouraged to seek assistance in dealing with drug problems. Conscientious efforts to seek help for drug dependency will not jeopardize an employee’s job status.

Procedures

1. All employees will be given a copy of this policy upon adoption. New employees will be given a copy of the policy as a part of the new employee orientation process. This policy will be included in the Student Handbook.

2. Upon request, the Personnel Office or Student Life Programs Office shall provide confidential referrals to drug counseling or rehabilitative programs and shall counsel employees on available assistance under the group insurance plan.

The Residence Life Handbook is emailed to students in the Fall term after the first floor meeting where it is discussed, located on the Residence Life webpage, and students can pick up a hard copy in the residence life office.

Student Athlete Conduct Code (Student Athletic Handbook)
The use of alcohol can impair your ability to make good judgments and can result in unbecoming behaviors. If witnessed by others, it can reflect negatively not only on yourself, but on your team, the department and the University. Therefore, it is the policy of Montana Tech Athletics that during the period of time that you are representing Montana Tech in competition, the use of alcohol is prohibited by all team members. This includes home contests, away contests and the travel time to and from away competitions. Further, underage drinking is illegal and is prohibited at all times. Violations of this policy could result in suspension from the team, loss of athletic aid or being withheld from participation for a period of time. Coaches may adopt stricter alcohol use policies for their individual programs.

The Athletic Handbook is given to student athletes and located online.

Drug-Free Workplace (Faculty Staff Handbook section 509)
In mandatory compliance with the Drug-Free Workplace Act, Montana Tech is committed to providing drugfree/alcohol-free classrooms and workplace. The abuse or unlawful use of drugs and alcohol is not permitted at campus events and activities. The unlawful manufacture, distribution, sale, possession, or use of a controlled substance in the workplace or while conducting Montana Tech or University System business is prohibited. This law applies to faculty, staff, and students.
Employees must comply with this policy and notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The supervisor is responsible for notifying the Personnel Office immediately upon notice from the employee. The Personnel Office is responsible for notifying the federal granting agency, when appropriate, of the conviction within ten days of learning of the conviction.

Violations of this policy may result in disciplinary action up to and including termination and suspension, and may have legal consequences. At the option of the employer, an employee violating this policy may be required to satisfactorily complete a drug abuse assistance or rehabilitation program as an alternative to termination.

Drug dependency and the abuse of alcohol are major health problems and interfere with a learning environment and workplace productivity, safety, and security. Employees and students are encouraged to seek assistance in dealing with drug problems. Conscientious efforts to seek help for drug dependency will not jeopardize an employee’s job status.

All employees will be given a copy of this policy upon adoption. New employees will be given a copy of the policy as a part of the new employee orientation process. This policy will be included in the Student Handbook. Upon request, the Personnel Office or Student Life Programs Office shall provide confidential referrals to drug counseling or rehabilitative programs and shall counsel employees on available assistance under the group insurance plan.

A copy of the Montana Tech Campus Alcohol Policy is available from the Chancellor’s Office.

Health Risks associated with Use and/or abuse of Drugs and/or Alcohol

Health Risks of Alcohol and Drug Abuse

Abusive use of alcohol and/or the use of illicit drugs or misuse of prescription drugs can be detrimental to the physical and mental health of students and members of the surrounding community. The various risks are classified and described in this section of the Report.

Social, Academic, and Personal Risks of High-Risk Substance Abuse

Social, academic and personal risks are associated with students who drink alcohol, use illicit drugs or abuse prescription drugs. High-risk and illegal use of alcohol and illicit drugs are the most prominent health and safety risks to the MSU student population, which can result in significant legal and academic problems. Prevalence of this type of alcohol use (also known as “binge drinking” or heavy episodic drinking) and/or use of drugs can directly or indirectly lead to:

1. Social problems: driving under the influence, fighting, unwanted sexual contact, vandalism, trouble with authorities, unsafe sexual behavior, among others.
2. Academic problems: poor grades, missed classes, memory loss, falling behind in class work or projects.
3. Personal problems: depression, illness and injury, experiencing unwanted attempted or completed sexual intercourse, suicide, being the victim of violence or racial harassment, being unable to control drinking or drug use.

Second-Hand Effects

“Second hand” effects result from other peoples’ drinking or drug use, often experienced by students who choose not to use drugs or alcohol in a high-risk manner. These problems are typically most prominent among students living in close quarters (e.g., residence halls or Greek houses). Effects include: disruptions of sleep or studying, having one’s property damaged, feeling unsafe, having one’s membership in an organized group adversely affected, and decreased enjoyment of campus
activities. Non-students, i.e., community members, are also at risk of experiencing problems because of student drinking or drug use (e.g., intoxicated driving, vandalism, violence, sexual assault).

**Risks Associated with Dependency or Addiction**

For some students, substance use escalates to dependency. Adverse effects of dependency can include illnesses such as liver disease, peripheral neuropathy, and cerebella degeneration. Additional health risks to students with chemical or psychological dependency include the personal problems listed above in addition to blackouts, alcoholic hallucinations, and delirium tremens. Prescribed medications and illicit drugs can be abused with or without dependency, leading to potential dependency, acute intoxication (can include depression or euphoria, altered time perception, impairment of immediate memory, overdose, stupor, shock, coma or death), acute withdrawal, psychosis, or aggravation of existing mental illness.

Symptoms of dependency include the following:

1. psychological craving: intense feeling of need for the drug which may be accompanied with antisocial behavior involved in the procurement of the substance;
2. physiological dependence: withdrawal symptoms are displayed when use of the substance is discontinued; and
3. tolerance: need to increase the dose of the substance to obtain the desired effects.

**Some possible Long-term effects associated with drug and/or alcohol use**

**Marijuana and Hashish:** Marijuana and hashish are deleterious to the health and impair the short-term memory and comprehension of the user. When used, they alter the sense of time and reduce the ability of the user to perform tasks requiring concentration and coordination. They increase the heart rate and appetite. Motivation and thinking can be altered, making learning and retaining new information difficult. Long-term users may develop psychological dependence as well as paranoia and psychosis. Because these drugs are inhaled as unfiltered smoke, they damage the lungs and pulmonary system and contain more cancer-causing agents than tobacco.

**Cocaine and Crack:** Cocaine and crack stimulate the central nervous system and are extremely addictive. They can cause psychological and physical dependency which can lead to dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, paranoia, and seizures. They can also cause death by disrupting the brain’s control of the heart and respiration.

**Stimulants and Amphetamines:** Other stimulant and amphetamine use have the same effect as cocaine and cause increased heart rates and blood pressure that can result in a stroke or heart failure. Symptoms include dizziness, sleeplessness, and anxiety. Use can also lead to psychosis, hallucinations, paranoia, and even a physical collapse.

**Depressants and Barbiturates:** Depressants and barbiturates can cause physical and psychological dependence that can lead to respiratory depression, coma and death, especially when used in concert with alcohol. Withdrawal can lead to restlessness, insomnia, convulsions, and possibly death.

**Hallucinogens:** LSD, PCP, mescaline, and peyote are classified as hallucinogens. Hallucinogens interrupt the brain messages that control the intellect and keep instincts in check. Large doses can produce convulsions and coma or heart and lung failure. Chronic users complain of persistent memory problems and speech difficulties for up to a year after their use. Because the drug stops the brain’s pain sensors, drug experiences may result in severe self-inflicted injuries. Persistent memory problems and speech difficulties may linger.

**Narcotics:** Users of narcotics, such as heroin, codeine, morphine, and opium, develop dependence and increase the likelihood of an overdose that can lead to convulsions, coma, and death.
Alcohol: Alcohol is chemically classified as a mind-altering drug because it contains ethanol and has the chemical power to depress the action of the nervous control system. This depression affects motor coordination, speech, and vision. In great amounts, it can affect respiration and heart rate control. Death can result when the level of blood alcohol exceeds 0.40%. Prolonged abuse of alcohol can lead to alcoholism, malnutrition and cirrhosis.

Resources and Assistance

<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Counseling/Mental Health</strong></td>
<td>Individual, couples, and group counseling</td>
<td>Montana Tech</td>
<td>Amy Lorang, North Campus Eng. Hall 103 Cricket Pietsch, Highlands College 126-E (Retired May 2020, Replaced by Tara Kloker in August 2020)</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td>Throat Cultures, Allergy shots, health care counseling, treat sprains, remove stitches and basic medical care</td>
<td>Montana Tech (must be registered in 7 or more credits on North Campus, South campus students must opt in to paying the health center fee to gain access to the service)</td>
<td>Student Union Building, Rm. 11</td>
</tr>
<tr>
<td><strong>Dean of Students</strong></td>
<td>Referral, support, and guidance</td>
<td>Montana Tech</td>
<td>Dr. Carrie Vath, Eng. Hall 101</td>
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<tr>
<th>OFF CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Counseling/Mental Health</strong></td>
<td>Provide range of services for mental health and substance use disorder issues</td>
<td>Western Montana Mental Health</td>
<td>81 W. Park Street, Butte MT 59701 406-497-9000</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td>Hospital (forensic nurses available)</td>
<td>St. James Healthcare</td>
<td>400 S. Clarke St., Butte MT 59701</td>
</tr>
<tr>
<td><strong>Chemical Dependency</strong></td>
<td>Addiction treatment center</td>
<td>Montana Chemical Dependency Center</td>
<td>525 E. Mercury St. Butte MT, 59701</td>
</tr>
</tbody>
</table>

**Drug and Alcohol Programs and Interventions**

**Current Practices**
The following includes programming and interventions to support alcohol and drug prevention for students on campus.

**Individual Level Programs**
1. Referral Programs to Off-Campus Treatment Providers for Students. Student Health Services and Counseling Services utilize trained individuals who are available to assist students requiring treatment referral.

**Institutional Level Programs**
1. AlcoholEdu.

AlcoholEdu is a comprehensive online education program designed to provide students with the information they need to make informed decisions about alcohol, link their choices about drinking to academic and personal success, and help cope with the drinking behavior of peers, as well as respond effectively in situations where others are at risk of alcohol-related harm.

In 2011, Montana Tech required all 18-21-year old to complete AlcoholEdu. In Fall 2014, AlcoholEdu became a mandatory requirement for all incoming first-year, Transfer, and Graduate students. On
October 15, 2014 the Montana University System Office of the Commissioner of Higher Education issued a directive on Protocol for student completion of educational programs on sexual assault awareness and prevention, alcohol use and abuse, and financial literacy (https://mus.edu/che/directives/CommissionersDirective_EverFi%2010-15-14.pdf). We believe the implementation of AlcoholEdu on Montana Tech’s campus continues to help us:

a. Decrease high-risk drinking during critical times, especially the first 8 weeks of the fall term.
b. Increase basic knowledge of alcohol.
c. Track and monitor students’ alcohol use.
d. Decrease alcohol-related disruptions in residence halls.
e. Change culture and expectations around alcohol use.

2. Residence Life Programs

Residence Life RA’s provide passive (programs convey information in a logical, interesting format in which no active participation is necessary. Residents are able to absorb the information at their own pace. To have a successful passive program, one must follow the three P’s format with: planning, presentation, and placement.) and active (programs in which everyone – resident assistants (RAs) and residents – played an active role, like floor meetings, craft activities, workshops, etc.) programs. The strengths and weaknesses of these programs are assessed by the RA and the Coordinator of Campus Life. The assessment criteria typically include student feedback and reflection of impact by the RA and/or Coordinator. Successful programs are continued and unsuccessful programs are discontinued.

Community and Environmental-level Programs and Interventions


Montana Tech strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by Montana Tech for any violation of the Montana Tech’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

2. Wellness Taskforce

Montana Tech’s wellness task force provides a variety of programming/events that focus on healthy lifestyle and relationships. This group hosts a semesterly wellness fair with participants from across campus and the community and has tabling events each semester. The wellness fairs are assessed using student participation/attendance and vendor feedback.

3. CampusWell by Student Health 101 (known as just Student Health 101 prior to August 2019)

This online publication is distributed to all students, faculty and staff each month and it has articles that relate to substance use. We analyze annually which articles are the most viewed and that can help inform our campus programming events. For example, in Fall 2018 the top 3 articles focused on: 1. Sleep 2. Overbearing friends and 3. Roommate issues. None of the top 10 articles (7 or more views) had anything to do with drugs or alcohol.
State of Montana Laws on Alcohol and other illegal drugs
Montana’s Underage Consumption of Alcohol Law

45-5-624. Possession of or unlawful attempt to purchase intoxicating substance

A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. A person may not be arrested for or charged with the offense solely because the person was at a place where other persons were possessing or consuming alcoholic beverages. A person does not commit the offense if the person consumes or gains possession of an alcoholic beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment, it is necessary to possess alcoholic beverages.

<table>
<thead>
<tr>
<th>Relevant Age</th>
<th>Offense Level</th>
<th>Penalty</th>
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</thead>
<tbody>
<tr>
<td>Under 18 years of age who is convicted</td>
<td>1st Offense</td>
<td>Shall be fined an amount not less than $100 and not to exceed $300 and: shall be ordered to perform 20 hours of community service; shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; and if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).</td>
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<td></td>
<td>2nd Offense</td>
<td>Shall be fined an amount not less than $200 and not to exceed $600 and: shall be ordered to perform 40 hours of community service; shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available; if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</td>
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<tr>
<td></td>
<td>3rd or Subsequent Offense</td>
<td>Shall be fined an amount not less than $300 or more than $900 and: shall be ordered to perform 60 hours of community service, shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8). if the person has a driver’s license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).</td>
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</table>
18 Years of age or older who is convicted

1st Offense
Shall be fined an amount not less than $100 or more than $300 and:
shall be ordered to perform 20 hours of community service; and
shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).

2nd Offense
Shall be fined an amount not less than $200 or more than $600 and:
shall be ordered to perform 40 hours of community service; and
shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court’s discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.

3rd or Subsequent Offense
Shall be fined an amount not less than $300 or more than $900, and:
shall be ordered to perform 60 hours of community service; shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court’s discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months

A person under the age of 21 (Attempts to purchase an intoxicating substance)
A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed $150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

Montana’s Medical Amnesty Law
45-5-624. Possession of or unlawful attempt to purchase intoxicating substance
A person under 21 years of age may not be charged or prosecuted under subsection (1) if:
i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;

ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or

iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.
Montana’s Carrying False Identification Law

61-5-302. Unlawful use of license or identification card

It is a misdemeanor for a person to:

1. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
2. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
3. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
4. fail or refuse to surrender to the department upon its lawful demand a driver’s license or identification card that has been suspended, revoked, or canceled;
5. use a false or fictitious name in an application for a driver’s license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
6. permit any unlawful use of a driver’s license, identification card, or tribal identification card issued to the person.

7. Fines typically range between $280 and $500.

Montana’s Public Drunkenness Law

61-8-508. Intoxicated pedestrian

Except in an authorized crosswalk, a person who is under the influence of alcohol or any drug may walk or stand in the public right-of-way, as defined in 60-1-103, but not on a roadway or a shoulder as is otherwise permissible under 61-8506(2). Fines typically range between $100 and $500.

Montana’s Driving Under the Influence of Substances Law

61-8-401. Driving under influence of alcohol or drugs – definitions

It is unlawful and punishable, as provided in 61-8-442, 61-8-714, and 61-8-731 through 61-8-734, for a person who is under the influence of:

a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;
b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;
c) any other drug to drive or be in actual physical control of a vehicle within this state; or
d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.
e) Fines typically range between $600 and $5,000.
1st Offense  Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than $1,200 or more than $2,000.

The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.

2nd Offense  Except as provided in subsection (4) or (5), a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than $1,200 or more than $2,000 and by imprisonment for not less than 7 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than $2,400 or more than $4,000 and by imprisonment for not less than 14 days or more than 1 year.

The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

3rd Offense  Except as provided in subsection (4) or (5), a person convicted of a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

4th Offense – Felony  4. If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 618-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration, driving under the influence of delta-9-tetrahydrocannabinol, or aggravated driving under the influence.

5. If the person has a prior conviction or pending charge for a violation of 61-8-465, the person shall be punished as provided in 61-8-465.

Montana’s law on selling or furnishing alcohol to minors

16-6-305. Age limit for sale or provision of alcoholic beverages – liability of provider

A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person’s parent or guardian, physician or dentist for medicinal
purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.

B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.

C. For the purposes of this section, “intoxicating quantity” means a quantity of an alcoholic beverage that is sufficient to produce:
   i. a blood, breath, or urine alcohol concentration in excess of 0.05; ii. substantial or visible mental or physical impairment.

1. A person is guilty of a misdemeanor who:
   i. invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
   ii. permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
   iii. holds out the person to be 21 years of age or older to the owner of the establishment or to the owner’s employee.

2. It is unlawful for any person to fraudulently misrepresents the person’s age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.

3. A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

Montana’s open container laws

61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway

1. Except as provided in subsection 2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

2. This section does not apply to an open alcoholic beverage container:
   a. in a locked glove compartment or storage compartment;
   b. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
   c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
   d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
   e. in the immediate possession of a passenger:
      i. of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
      ii. in the living quarters of a camper, travel trailer, or motor home.
3. A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed $100.

4. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver’s record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Sec. 4.04.030. Public drinking or display of open alcoholic beverages; containers; prohibited
Public drinking or display or exhibition of open alcoholic beverages (open container) as defined in section 4.04.020 is prohibited, and it is unlawful for any person to engage in public drinking, public display or exhibition of open alcoholic beverages (open container) within the city limits. Fines are typically $100.

Sec. 4.04.070. Violation; penalty
It is a misdemeanor for any person to violate any of the provisions of this article. b) Anyone found guilty of the offense of having an open container under section 4.04.030 shall be fined an amount not less than $100.00 and not to exceed $500.00 or be imprisoned in the county jail for a term not to exceed six months, or both. The first $100.00 of a fine under this section may not be suspended.

Upon conviction, the court may, in its discretion, order the payment of the costs of prosecution or imprisonment, or both, as part of the sentence.

Montana’s public urination or defecation laws
Sec. 24.06.010. Public urination and defecation
No person within the jurisdictional limits of the city shall publicly defecate or urinate on streets, sidewalks, alleys, parks, parking lots or other places open to the public including areas open to the public in buildings unless a sanitary facility capable of and commonly used for disposal of human urine or excrement is used.

Possession of Dangerous Drugs (PODD)
45-9-102. Criminal possession of dangerous drugs
Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

<table>
<thead>
<tr>
<th>Drug Type</th>
<th>Level of Offense</th>
<th>Penalty</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish</strong></th>
<th><strong>1st Offense</strong></th>
<th>Guilty of a misdemeanor and shall be punished by a fine of not less than $100 or more than $500 and by imprisonment in the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended or deferred sentence.</th>
<th>$50,000, or both.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2nd or Subsequent Offense</strong></td>
<td>Fine not to exceed $1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years or by both.</td>
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<td></td>
</tr>
<tr>
<td><strong>Anabolic steroid as listed in 50-32-226</strong></td>
<td><strong>1st Offense</strong></td>
<td>Guilty of a misdemeanor and shall be punished by a fine of not less than $100 or more than $500 or by imprisonment in the county jail for not more than 6 months, or both.</td>
<td></td>
</tr>
<tr>
<td><strong>Opiate, as defined in 50-32101-Felony</strong></td>
<td><strong>1st Offense</strong></td>
<td>Shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more than $50,000, except as provided in 46-18-222.</td>
<td></td>
</tr>
<tr>
<td><strong>Methamphetamine</strong></td>
<td><strong>2nd or Subsequent Offense</strong></td>
<td>Shall be punished by: imprisonment for a term not to exceed 5 years or by a fine not to exceed $50,000, or both; or commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed $50,000.</td>
<td></td>
</tr>
<tr>
<td>A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed</td>
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</tbody>
</table>

**Possession of Dangerous Paraphilia (PODP)**

**45-10-103. Criminal possession of drug paraphernalia**

Except as provided in Title 50, chapter 46, it is unlawful for a person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug. A person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for not more than 6 months, fined an amount of not more than $500, or both. A person convicted of a first violation of this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

**Sexual Violence**

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**
Montana Tech prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Montana Tech issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

**Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

**University Policy Definition of Consent Used to Determine If a Person Violated the University Policy Prohibiting Sexual Assault**

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**Montana State Law Definition of Consent Used to Determine Element of Crimes of Sexual Assault, Sexual Intercourse without Consent and Aggravated Sexual Intercourse Without Consent 45-5-501Definitions.**

(1) As used in 45-5-502, 45-5-503, and 45-5-508, the term “consent” means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following:

(i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

(ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and

(iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

(b) Subject to subsections (1)(c) through (1)(g), the victim is incapable of consent because the victim is:

(i) mentally disordered or incapacitated;

(ii) physically helpless;

(iii) overcome by deception, coercion, or surprise;

(iv) less than 16 years old;

(v) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
(vi) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
(B) is an employee, contractor, or volunteer of the youth care facility;

(vii) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:
(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
(B) is an employee, contractor, or volunteer of the facility or community-based service;

(viii) a program participant, as defined in 52-2-802, in a private alternative adolescent residential or outdoor program, pursuant to Title 52, chapter 2, part 8, and the perpetrator is a person associated with the program, as defined in 52-2-802;

(ix) the victim is a client receiving psychotherapy services and the perpetrator:
(A) is providing or purporting to provide psychotherapy services to the victim; or
(B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim.

(x) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.

(xi) a witness in a criminal investigation or a person who is under investigation in a criminal matter and the perpetrator is a law enforcement officer who is involved with the case in which the victim is a witness or is being investigated; or

(xii) a parent or guardian involved in a child abuse or neglect proceeding under Title 41, chapter 3, and the perpetrator is:
(A) employed by the department of public health and human services for the purposes of carrying out the department’s duties under Title 41, chapter 3; and
(B) directly involved in the parent or guardian’s case or involved in the supervision of the case.

(c) Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation, conditional release, or parole and the other individual is a probation or parole officer of a supervising authority.

(d) Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

(e) Subsection (1)(b)(viii) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a worker affiliated with the program.

(f) Subsection (1)(b)(ix) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.

(g) Subsection (1)(b)(x) does not apply if the individuals are married to each other.

Clery VAWA Crime Definitions

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. i. The existence of such a relationship shall be determined based on the
reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

ii. For purposes of this definition:
   A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   B) Dating Violence does not include acts covered under the definition of domestic violence.

iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence
A felony or misdemeanor crime of violence committed:
   (a) By a current or former spouse or intimate partner of the victim.
   (b) By a person with whom the victim shares a child in common.
   (c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
   (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
   (e) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. For the purpose of this definition course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Sexual Assault
A sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent,” per the National Incident-Based Reporting System User Manual from the FBI UCR Program. The Clery Act includes four types of sexual assault as used in the FBI’s Uniform Crime Reporting (UCR) program:

Rape
Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
Fondling
Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary mental incapacity.

Incest
Incest is sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.

Statutory Rape
Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

State of Montana Crime Definitions; Montana Code Annotated

Dating Violence
Montana state law has no separate statute that prohibits dating violence. However, Montana law has a crime of Partner Family Member Assault (45-5-206). This crime encompasses acts of dating violence and domestic violence. In that law, “‘Partner’ means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.”

Statutory Rape
Montana state law has no separate statute that prohibits statutory rape. Instead, that prohibition is incorporated in the crimes of sexual assault 45-5-502 and sexual intercourse without consent 45-5-503 and aggravated sexual intercourse without consent. (45-5-508). By Montana law, as explained in the definition of consent, “the victim is incapable of consent because the victim is less than 16 years old.

45-5-206 Partner or Family Member Assault
(1) A person commits the offense of partner or family member assault if the person:

(a) purposely or knowingly causes bodily injury to a partner or family member;
(b) negligently causes bodily injury to a partner or family member with a weapon; or
(c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

(2) For the purposes of Title 40, chapter 15, 45-5-231 through 45-5-234, 46-6-311, and this section, the following definitions apply:

(a) “Family member” means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

(b) “Partners” means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship.

(3)

(a)

(i) An offender convicted of partner or family member assault shall be fined an amount not less than $100 or more than $1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense.
(ii) An offender convicted of a second offense under this section shall be fined not less than $300 or more than $1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.

(iii) Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in 46-23-1005.

(iv) On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than $500 and not more than $50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.

(v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing.

(b) For the purpose of determining the number of convictions under this section, a conviction means:

(i) a conviction, as defined in 45-2-101, under this section;

(ii) a conviction for domestic abuse under this section;

(iii) a conviction for a violation of a statute similar to this section in another state;

(iv) if the offender was a partner or family member of the victim, a conviction for aggravated assault under 45-5-202 or assault with a weapon under 45-5-213;

(v) a conviction for strangulation of a partner or family member under 45-5-215;

(vi) a conviction in another state for a domestic violence related offense between partners or family members, as those terms are defined in this section, regardless of whether it is misdemeanor or felony, if the offense involves conduct similar to conduct that is prohibited under 45-5-202, 45-5-213, or this section; or

(vii) a forfeiture of bail or collateral deposited to secure the defendant’s appearance in court in this state or in another state for a violation of a statute similar to this section, which forfeiture has not been vacated.

(4)

(a) An offender convicted of partner or family member assault is required to pay for and complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency. An investigative criminal justice report, as defined in 45-5-231, must be copied and sent to the offender intervention program, as defined in 45-5-231, to assist the counseling provider in properly assessing the offender’s need for counseling and treatment. Counseling providers shall take all required precautions to ensure the confidentiality of the report. If the report contains confidential information relating to the victim’s location or not related to the charged offense, that information must be deleted from the report prior to being sent to the offender intervention program.

(b) The offender shall complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a preliminary assessment for counseling, as defined in 45-5-231. The offender shall complete a minimum of 40 hours of counseling. The counseling may include attendance at psychoeducational groups, as defined in 45-5-231, in addition to the assessment. The preliminary assessment and counseling that holds the offender accountable for
the offender’s violent or controlling behavior must meet the standards established pursuant to 44-7-210 and be:

(i) with a person licensed under Title 37, chapter 17, 22, or 23;
(ii) with a professional person as defined in 53-21-102; or
(iii) in a specialized domestic violence intervention program.

(c) The minimum counseling and attendance at psychoeducational groups provided in subsection (4)(b) must be directed to the violent or controlling conduct of the offender. Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 40 hours. Subsection (4)(b) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent or controlling conduct of the offender.

(5) In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in 46-18-242, the court shall require the offender, if able, to pay the victim’s reasonable actual medical, housing, wage loss, and counseling costs.

(6) In addition to the requirements of subsection (5), if financially able, the offender must be ordered to pay for the costs of the offender’s probation, if probation is ordered by the court.

(7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce 45-8-323 if a firearm was used in the assault.

(8) The court shall provide an offender with a written copy of the offender’s sentence at the time of sentencing or within 2 weeks of sentencing if the copy is sent electronically or by mail.

45-5-215 Strangulation of a Partner or Family Member

(1) A person commits the offense of strangulation of a partner or family member if the person purposely or knowingly impedes the normal breathing or circulation of the blood of a partner or family member by:

(a) applying pressure on the throat or neck of the partner or family member; or
(b) blocking air flow to the nose and mouth of the partner or family member.

(2)

(a) A person convicted of a first offense of strangulation of a partner or family member shall be fined an amount not to exceed $50,000 or be imprisoned in the state prison for a term not to exceed 5 years, or both.

(b) A person convicted of a second or subsequent offense under this section shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined an amount not more than $50,000, except as provided in 46-18-219 and 46-18-222.

(3) A person convicted of strangulation of a partner or family member is required to pay for and complete a counseling assessment as required in 45-5-206(4).

(4) For the purposes of this section, “partner” and “family member” have the meanings provided in 45-5-206.

45-5-502 Sexual Assault

(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.
(2) (a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) On a second conviction for sexual assault, the offender shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(c) On a third and subsequent conviction for sexual assault, the offender shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 5 years, or both.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than $50,000.

(4) An act “in the course of committing sexual assault” includes an attempt to commit the offense or flight after the attempt or commission.

(5) (a) Subject to subsections (5)(b) through (5)(f), consent is ineffective under this section if the victim is:

(i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;

(ii) less than 14 years old and the offender is 3 or more years older than the victim;

(iii) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

(B) is an employee, contractor, or volunteer of the youth care facility;

(iv) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:

(A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and

(B) is an employee, contractor, or volunteer of the facility or community-based service;

(v) a program participant, as defined in 37-48-102, in a private alternative adolescent residential or outdoor program, pursuant to Title 37, chapter 48, and the perpetrator is a worker affiliated with the program, as defined in 37-48-102; or

(vi) the victim is a client receiving psychotherapy services and the perpetrator:

(A) is providing or purporting to provide psychotherapy services to the victim; or

(B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim.
(vii) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.

(b) Subsection (5)(a)(i) does not apply if one of the parties is on probation, conditional release, or parole and the other party is a probation or parole officer of the supervising authority and the parties are married to each other.

(c) Subsections (5)(a)(iii) and (5)(a)(iv) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.

(d) Subsection (5)(a)(v) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a worker affiliated with the program.

(e) Subsection (5)(a)(vi) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.

(f) Subsection (5)(a)(vii) does not apply if the individuals are married to each other.

45-5-503 Sexual Intercourse Without Consent

(1) A person who knowingly has sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45-5-501(1)(b)(iv).

(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not more than 20 years and may be fined not more than $50,000, except as provided in 46-18-219, 46-18-222, and subsections (3), (4), and (5) of this section.

(3)

(a) If the victim is less than 16 years old and the offender is 4 or more years older than the victim or if the offender inflicts bodily injury on anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than $50,000, except as provided in 46-18-219 and 46-18-222.

(b) If two or more persons are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location where another offender’s offense occurred during a time period in which each offender could have reasonably known of the other’s offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than $50,000, except as provided in 46-18-219 and 46-18-222.

(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury on a person in the course of committing each offense, the offender shall be:
(i) punished by death as provided in 46-18-301 through 46-18-310, unless the offender is less than 18 years of age at the time of the commission of the offense; or

(ii) punished as provided in 46-18-219.

(4)

(a) If the victim was 12 years of age or younger and the offender in the course of committing a violation of this section was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender’s life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(5) If the victim is at least 14 years of age and the offender is 18 years of age or younger, the offender may be punished by imprisonment in the state prison for a term of not more than 5 years and may be fined not more than $10,000 if:

(a) the offender has not previously been found to have committed or been adjudicated for a sexual offense as defined in 46-23-502;

(b) a psychosexual evaluation of the offender has been prepared and the court finds that registration is not necessary for protection of the public and that relief from registration is in the public’s best interest; and

(c) the court finds that the alleged conduct was consensual as indicated by words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact.

(6) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim’s reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

(7) As used in subsections (3) and (4), an act “in the course of committing sexual intercourse without consent” includes an attempt to commit the offense or the act of flight after the attempt or commission.

(8) If as a result of sexual intercourse without consent a child is born, the offender who has been convicted of an offense under this section and who is the biological parent of the child resulting from the sexual intercourse without consent forfeits all parental and custodial rights to the child if the provisions of 46-1-401 have been followed.
45-5-508 Aggravated Sexual Intercourse Without Consent
(1) A person who uses force while knowingly having sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of aggravated sexual intercourse without consent.

(2) A person convicted of aggravated sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years and may be fined not more than $50,000, except as provided in46-18-219and46-18-222.

45-5-220 Stalking
(1) A person commits the offense of stalking if the person purposely or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to:

   (a) fear for the person’s own safety or the safety of a third person; or
   (b) suffer other substantial emotional distress.

(2) For the purposes of this section, the following definitions apply:

   (a) “Course of conduct” means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person’s property.

   (b) “Reasonable person” means a reasonable person under similar circumstances as the victim. This is an objective standard.

   (c) “Substantial emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(3) This section does not apply to a constitutionally protected activity.

(4) A person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed $1,000, or both.

   (b) A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

(5) Upon presentation of credible evidence of violation of this section, an order may be granted, as set forth in Title 40, chapter 15, restraining a person from engaging in the activity described in subsection (1).

(6) For the purpose of determining the number of convictions under this section, “conviction” means:

   (a) a conviction, as defined in 45-2-101, in this state;
(b) a conviction for a violation of a statute similar to this section in another state; or
(c) a forfeiture of bail or collateral deposited to secure the defendant’s appearance in court
in this state or another state for a violation of a statute similar to this section, which
forfeiture has not been vacated.

(7) Attempts by the accused person to contact or follow the stalked person after the accused
person has been given actual notice that the stalked person does not want to be contacted or
followed constitutes prima facie evidence that the accused person purposely or knowingly
followed, harassed, threatened, or intimidated the stalked person.

45-5-220, MCA
45-5-507 Incest
1 A person commits the offense of incest if the person knowingly marries, cohabits with, has
sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a
descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The
relationships referred to in this subsection include blood relationships without regard to
legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or
stepdaughter.

(2)
(a) Consent is a defense to incest with or upon a stepson or stepdaughter, but consent is
ineffective if the stepson or stepdaughter is less than 18 years of age and the stepparent is
4 or more years older than the stepson or stepdaughter.

(b) A person who is less than 18 years of age is not legally responsible or legally
accountable for the offense of incest and is considered a victim of the offense of incest if
the other person in the incestuous relationship is 4 or more years older than the victim.

(3) Except as provided in subsections (4) and (5), a person convicted of incest shall be punished
by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or
be fined an amount not to exceed $50,000.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim
or if the offender inflicts bodily injury upon anyone in the course of committing incest, the
offender shall be punished by life imprisonment or by imprisonment in the state prison for a term
of not less than 4 years or more than 100 years and may be fined not more than $50,000.

(5)
(a) If the victim was 12 years of age or younger and the offender was 18 years of age or
older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years.
The court may not suspend execution or defer imposition of the first 25 years of a
sentence of imprisonment imposed under this subsection (5)(a)(i) except as
provided in 46-18-222(1) through (5), and during the first 25 years of
imprisonment, the offender is not eligible for parole. The exception provided in
46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and
shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender’s life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(6) In addition to any sentence imposed under subsection (3), (4), or (5), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim’s reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

State of Montana definitions are included for educational and awareness purposes only. The Clery Act requires crimes to be reported using Clery Act crime definitions.

How to Be an Active Bystander, (Montana Tech’s “Frontstander”)

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”\(^1\) We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list\(^2\) of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

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\(^2\) Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don’t know where you are going, act like you do.
4. **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
   c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some
excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

**Education programs to promote awareness and prevention of VAWA offenses:**

Montana Tech educates the student community about sexual assaults/misconducts through ongoing programs offered throughout the academic year. Montana Tech requires all new students to take the online AlcoholEdu and Sexual Assault Prevention for Undergraduates (SAPU). SAPU is an online module on sexual misconduct that provides important prevention skills and relies on proven theories and educational strategies to help students understand the many aspects of the sexual assault issue.

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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 that:

A. Montana Tech is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at Montana Tech. Acts of discrimination, harassment, domestic violence, dating violence, sexual assault, sexual misconduct, stalking, and retaliation are prohibited.

B. **Domestic Violence** A felony or misdemeanor crime of violence committed by:
   - A current or former spouse or intimate partner of the victim
   - A person with whom the victim shares a child in common
   - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
   - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred
• Any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

C. Relationship (Dating) Violence is abuse or violence between partners or former partners who is or has been in a social relationship of a romantic or intimate nature with the victim involving one or more of the following elements:

- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage;
- Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.

D. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death, or fear for the person's safety or the safety of others.

E. Sexual Assault means an actual or attempted sexual contact with another person, including same sex rape, without that person’s consent. Sexual assault includes, but is not limited to:

1. Involvement in any sexual contact when the victim is unable to consent.
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
3. Sodomy and sexual assault with an object
4. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
5. Sexual intercourse without consent, including acts commonly referred to as “rape.”

F. Montana Tech defines consent as: informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. This definition is used in Montana Tech’s policy on Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation.

G. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions
that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and how to intervene;

H. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. I. Information regarding:
   a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
   b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
   c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
   d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
   e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Primary Prevention and Awareness Programs
These programs include mandatory online modules that focus on sexual assault prevention and alcohol education, mandatory new student orientation programs that focus on bystander training, health relationships. Additional resources are available from the Dean of Students, Counselors, and Residence Life. Additional programming was done but it focused on specific populations (female athletes and classroom presentations) and was not open to all students. There were a variety of tabling events that occurred throughout the year that promoted Know your Title IX Coordinator, Safe Space (Local women’s shelter), and Bystander awareness.

Specifically, the University offered the following primary prevention and awareness programs for all incoming students in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault Prevention</td>
<td>Online Module (Spring 2019 &amp; Fall 2019)</td>
<td>Online</td>
<td>Sexual Assault Prevention (DoV, DaV, SA, S)</td>
</tr>
<tr>
<td>Alcohol EDU</td>
<td>Online Module (Spring 2019 &amp; Fall 2019)</td>
<td>Online</td>
<td>Sexual Assault Prevention &amp; Responsible Drinking (DoV, DaV, SA, S)</td>
</tr>
<tr>
<td>Down To Frontstand</td>
<td>New Student orientation (Fall 2019)</td>
<td>Copper Lounge</td>
<td>Sexual Assault Prevention, Theft, Bullying (DoV, DaV, SA, S)</td>
</tr>
</tbody>
</table>
The University offered the following primary prevention and awareness programs for all new employees in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preventing discrimination and sexual violence plus title IX VAWA and Cleary Act for faculty and staff</td>
<td>Online module (Fall 2019)</td>
<td>online</td>
<td>SA, DoV, DaV, S</td>
</tr>
</tbody>
</table>

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Ongoing Prevention and Awareness Campaigns
The University has developed an annual educational campaign consisting of: workshops/trainings, classroom presentations, and digital publications that assist in our ongoing prevention and awareness strategies.

The University offered the following ongoing awareness and prevention programs for students in 2019:
<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Health 101</td>
<td>Monthly</td>
<td>Online Publication</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Wellness Fair</td>
<td>Spring 2019</td>
<td>Cooper Lounge</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>FreshCheck</td>
<td>Fall 2019</td>
<td>Copper Lounge</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Take My Hand</td>
<td>Fall 2019</td>
<td>Residence hall</td>
<td>Suicide Prevention, Bystander Intervention (SA, DaV)</td>
</tr>
<tr>
<td>Condom Bingo</td>
<td>Fall 2019</td>
<td>Residence hall</td>
<td>Healthy Relationships (SA, DaV, DoV)</td>
</tr>
<tr>
<td>BJs (Ben &amp; Jerry’s Ice-cream) in PJs</td>
<td>Spring 2019</td>
<td>Residence hall</td>
<td>Healthy Relationships (SA, DaV, DoV)</td>
</tr>
<tr>
<td>Mock Tails</td>
<td>Spring 2019</td>
<td>Residence hall</td>
<td>Healthy Relationships (SA, DaV, DoV)</td>
</tr>
<tr>
<td>The Bachelor Sessions</td>
<td>Spring 2019</td>
<td>Residence hall</td>
<td>Healthy Relationships (SA, DoV, DaV), Anti-bullying</td>
</tr>
<tr>
<td>GYT (Get Yourself Tested)</td>
<td>Spring 2019</td>
<td>Student Union Building</td>
<td>Healthy Relationships (SA, DoV, DaV), Healthy sexual decision making</td>
</tr>
</tbody>
</table>

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University offered the following **ongoing awareness and prevention programs** for employees in 2019:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior* Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX, BIT, and Free Speech</td>
<td>May 2019</td>
<td>MSU-Bozeman</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Student Health 101</td>
<td>Monthly</td>
<td>Online Publication</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>Wellness Fair</td>
<td>Spring 2019</td>
<td>Copper Lounge</td>
<td>SA, DoV, DaV, S</td>
</tr>
<tr>
<td>FreshCheck</td>
<td>Fall 2019</td>
<td>Copper Lounge</td>
<td>SA, DoV, DaV, S</td>
</tr>
</tbody>
</table>

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

**Involvement of Law Enforcement and Campus Authorities**

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the University’s Dean of Students will assist any victim with notifying law enforcement if the victim so desires. Butte-Silver Bow police department can also be reached by dialing 911 if it is an emergency situation or 406-497-1130 if it is in a non-emergency situation. The office of Victim Services is also available to assist and can be reached at 406-444-3653. The Butte-Silver Bow Police department may be found online at:
Victims of sexual misconduct of any kind are strongly encouraged to report campus personnel. Every faculty and staff member (excluding licensed counselors) are required to assure your situation gets to the Title IX Coordinator for review. Filing a police report will not obligate the survivor to prosecute, nor will it subject the survivor to scrutiny or judgmental opinions from officers. Ensure that a survivor of sexual assault receives the necessary medical treatment and tests, at no expense to the survivor;

- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a survivor of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);

- Assure the survivor has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The survivor of a sexual assault may choose for the investigation to be pursued through the criminal justice system and through Montana Tech’s discrimination and grievance procedures. Montana Tech’s Dean of Students, Counselor, or the Director of Residence Life will guide the survivor through the available options and support the survivor in his or her decision. Counseling and support services outside Montana Tech can be obtained through the Butte Silver Bow Victim-Witness Advocacy Program (406-497-6243) and Safe Space’s Domestic Violence and Sexual Assault Program (406-782-8511).

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at St. James Hospital, 400 South Clark Street, 406-7232500. In (LIST STATE), evidence may be collected even if you chose not to make a report to law enforcement². It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

**Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking**
If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Vanessa Van Dyk, MG 205, 406-496-4322, VVandyk@mtech.edu by calling, writing or coming into the office to report in person (if the victim so desires.) Reports of all domestic violence, dating violence, sexual assault and stalking made by any mandatory reporter will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the local law enforcement. Students and employees should contact the Title IX Coordinator, Vanessa Van Dyk, MG 205, 406-496-4322, VVandyk@mtech.edu by calling, writing or coming into the office to report in person

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow:

<table>
<thead>
<tr>
<th>Incident Being Reported</th>
<th>Procedure Institution Will Follow</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Sexual Assault | 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care  
2. Institution will assess immediate safety needs of complainant  
3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
4. Institution will provide complainant with referrals to on and off campus mental health providers  
5. Institution will assess need to implement interim or long-term protective measures, if appropriate.  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No Contact” directive to accused party if deemed appropriate  
8. Institution will provide written instructions on how to apply for Protective Order  
9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution  
10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is  
11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation |
|---|---|
| Stalking | 1. Institution will assess immediate safety needs of complainant  
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
3. Institution will provide written instructions on how to apply for Protective Order  
4. Institution will provide written information to complainant on how to preserve evidence  
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate  
6. Institution will provide the victim with a written explanation of the victim’s rights and options  
7. Institution will provide a “No Contact” directive to accused party if deemed appropriate |
| Dating Violence | 1. Institution will assess immediate safety needs of complainant  
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department  
3. Institution will provide written instructions on how to apply for Protective Order  
4. Institution will provide written information to complainant on how to preserve evidence |
| 5. | Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate |
| 6. | Institution will provide the victim with a written explanation of the victim’s rights and options |
| 7. | Institution will provide a “No Contact” directive to accused party if deemed appropriate |

**Domestic Violence**

| 1. | Institution will assess immediate safety needs of complainant |
| 2. | Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department |
| 3. | Institution will provide written instructions on how to apply for Protective Order |
| 4. | Institution will provide written information to complainant on how to preserve evidence |
| 5. | Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate |
| 6. | Institution will provide the victim with a written explanation of the victim’s rights and options |
| 7. | Institution will provide a “No Contact” directive to accused party if deemed appropriate |

**Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action
Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

Montana Technological University complies with Montana law in recognizing orders of protection by law enforcement. For example, any person who obtains an order of protection from Montana should provide a copy to the dean of students, campus security and the Title IX Coordinator. A complainant may then meet with Dean of Students to develop a Safety Action Plan, which is a plan for campus security and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.) The University cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

<table>
<thead>
<tr>
<th>Type Of Order</th>
<th>Rights of Victims</th>
<th>Institution’s Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orders of protection</td>
<td>It is against the law for a partner or family member to cause you bodily harm or cause you to fear bodily harm.</td>
<td>The university will do its part in providing reasonable accommodations that comply with an order of protection.</td>
</tr>
<tr>
<td></td>
<td>If you are being hurt or threatened with harm, your partner is breaking the law. An Order of Protection is a court order. It’s signed by a judge and says the person who has hurt you or threatened you cannot do that again. It can keep that person from having contact with you. The paperwork necessary to apply for an Order of Protection is <a href="#">here</a>.</td>
<td></td>
</tr>
<tr>
<td>No contact orders</td>
<td>A court may issue a standing no contact order and direct law enforcement to serve the order on a defendant charged with or arrested for a violation of 45-5-206 or, if the victim is a partner or family member of the defendant, a violation of 455-202 or 45-5-213. The court order</td>
<td>The university will do its part in providing reasonable accommodations that comply with a no contact order.</td>
</tr>
</tbody>
</table>
may specify conditions necessary to enhance the safety of any protected person. The court-ordered conditions may include prohibiting the defendant from contacting the protected person in person, by a third party, by telephone, by electronic communication, as defined in 45-8-213, and in writing. The court may impose up to a 1,500-foot restriction on the defendant to stay away from the protected person's location.

<table>
<thead>
<tr>
<th>Temporary Order of protection</th>
<th>40-15-201. Temporary order of protection</th>
<th>The university will do its part in providing reasonable accommodations that comply with a temporary order of protection.</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-15-201. Temporary order of protection. (1) A petitioner may seek a temporary order of protection from a court listed in 4015-301. The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102, has a relationship to the respondent if required by 4015-102, and is in danger of harm if the court does not issue a temporary order of protection immediately.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- The victim is required to apply directly for these services through the department of justice in conjunction with the office of victim services. The office of victim services can be reached at 406444-3653 and additional information can be found on their website: [https://dojmt.gov/victims/](https://dojmt.gov/victims/). A full description of the orders of protection and the corresponding forms can be found at [https://dojmt.gov/victims/forms/](https://dojmt.gov/victims/forms/).
- The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional no contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

• Student Handbook—Campus Sexual Misconduct Programs Established to Prevent Sexual Offenses, And the Procedures to Follow When and Incident Has Occurred – [https://www.mtech.edu/student-life/studenthandbook.pdf](https://www.mtech.edu/student-life/studenthandbook.pdf)

On-campus disciplinary action in cases of alleged sexual misconduct - The accuser and the accused are entitled to the same opportunities to have others present during a Title IX investigation proceeding, and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual misconduct.


Accommodations and Protective Measures Available for Victims

• Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Montana Tech will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

• At the victim’s request, and to the extent of the victim’s cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

• To request changes to academic, living, transportation and/or working situations or protective measures, a victim should work with the Title IX Coordinator (Vanessa Van Dyk, VVandyk@mtech.edu) and the Dean of Students (Dr. Carrie Vath, CVath@mtech.edu) If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the Title IX Coordinator (Vanessa Van Dyk, VVandyk@mtech.edu) and the Dean of Students (Dr. Carrie Vath, CVath@mtech.edu)

On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Montana Tech will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

<table>
<thead>
<tr>
<th>ON CAMPUS</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
</table>

66
<table>
<thead>
<tr>
<th>Type of Services</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling/Mental Health</td>
<td>Individual, couples, and group counseling</td>
<td>Montana Tech</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amy Lorang, North Campus Eng. Hall 103</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cricket Pietsch, Highlands College 126-E</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Retired in May 2020 and replaced by Tara Kloker in August 2020)</td>
</tr>
<tr>
<td>Health</td>
<td>Throat Cultures, Allergy shots, health care counseling, treat sprains, remove stitches and basic medical care</td>
<td>Montana Tech (must be registered in 7 or more credits on North Campus, South campus students must opt in to paying the health center fee to gain access to the service)</td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Assist with Visas, I20s and tax forms</td>
<td>Montana Tech</td>
</tr>
<tr>
<td>Student Financial Aid</td>
<td>Manages Grants, loans, scholarships</td>
<td>Montana Tech</td>
</tr>
<tr>
<td>Dean of Students</td>
<td>Referral, support, and guidance</td>
<td>Montana Tech</td>
</tr>
<tr>
<td>OFF CAMPUS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Counseling/Mental Health</td>
<td>Provide range of services for mental health and substance use disorder issues</td>
<td>Western Montana Mental Health</td>
</tr>
<tr>
<td>Health</td>
<td>Hospital (forensic nurses available)</td>
<td>St. James Healthcare</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Provide free confidential help and services to crime victims</td>
<td>Montana Department of Justice</td>
</tr>
<tr>
<td>Legal Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visa and Immigration Assistance</td>
<td>Homeland Security</td>
<td>Homeland Security RAC Helena</td>
</tr>
</tbody>
</table>

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:
Confidentiality

Victims may request that directory information on file with the University be withheld by request contact Enrollment Services 406-496-4256, enrollment@mtech.edu, SSC rm. 3.126 for assistance or fill out the online form https://www.mtech.edu/enrollment/forms/STUDENTDIRECTORYINFORELEASEFORM.pdf

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Adjudication of Violations

The university’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;

2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;

4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consulting and advising his or her advisee, but they cannot speak for the advisee at any meeting or hearing.

5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and

6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the university or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

**Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Montana Tech’s policy on Discrimination, harassment, Sexual Misconduct, Stalking and retaliation (STUDENT)

1. **How to File a Disciplinary Complaint Under this Policy**
   
   Title IX prohibits sex discrimination in education programs that receive federal funding. This includes sexual harassment and sexual assault. The goals of a Title IX include: having a through, reliable, and impartial investigation, the process should be prompt, effective, and equitable (fair under the circumstances it does not mean the same for each party), and the remedies should end the discrimination, prevent the reoccurrence, and remedy the effects upon the victim(s) and the community. The University is required by Federal law to investigate allegations of Sexual Misconduct and take any remedial action deemed necessary to preserve your safety and that of the University community, whether or not you wish to make a formal complaint of Sexual Misconduct. You will be informed of whatever action is taken. The University may not be able to ensure complete confidentiality. To report an incident of discrimination, sexual assault or harassment fill out an online form here:
   

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3 Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution’s sexual misconduct policy was violated, then the “University” may assume the role of the complainant.
2. How the University Determines Whether This Policy will be Used
Upon receipt of a report the Title IX Coordinator will determine if an investigation will take place. The title IX coordinator will also determine if the report’s jurisdiction is within the Title IX office or Dean of Students jurisdiction. A decision is based on the filed report and/or a meeting with the individual that filed the report. Montana Tech strongly encourages students to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students. Therefore, students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by Montana Tech for any violation of the Montana Tech’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

3. Steps in the Disciplinary Process
Once notice is received by the Title IX Office a preliminary inquiry will be conducted. If it is determined that a formal investigation is required, then the title ix coordinator assigns title ix investigators and oversees the investigation to ensure a fair and impartial investigation of the alleged policy violation. Based upon the investigation, the title ix coordinator determines whether there is a preponderance of the evidence to believe that an individual engaged in a policy violation. The title ix coordinator’s findings will be in writing and will be provided to both the Complainant and to the Respondent(s). If the title ix coordinator finds a policy violation does not exist using the preponderance of the evidence standard, the matter is documented and closed; in such cases, the Complainant may appeal the findings to the Title IX Appeals Committee if there are grounds to believe it meets the standard of review. If the title ix coordinator finds that a preponderance of the evidence of a policy violation exists, the title ix coordinator’s written report have included recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The written report will also be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority will be the Dean of Students. In the case of employees, the Discipline Authority is the Montana Tech Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The Respondent may appeal the finding and/or the discipline to the Title IX Appeals Committee. If there are proper grounds for an appeal according to the standard of review, the Montana Tech Appeals Committee will conduct a formal hearing and render a written decision to the Chancellor for his review. The chancellor will make a decision in writing as to his findings and recommendations. The Chancellor’s decision can be appealed by either party to the Commissioner of Higher Education of the Montana University System.

4. Anticipated Timelines
The university does it’s best to have a timeline of 60 days from the point of the incident being reported to the Title IX office to the conclusion of the formal investigation with findings. However, this timeline will be adjusted based when reports are submitted, school holidays and availability of witnesses due to school schedules.

5. Decision-Making Process
The title ix investigators will render a finding based upon evidence gathered and provided. The evidence consists of witness statements, the credibility of those witness’s and their statements, text and email messages, and photos. Montana Tech’s policy on Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation and the definitions pertained therein, is also use to
determine if there was a policy violation. Based on the investigation and the investigators findings, the title IX coordinator will make the final decision based upon the preponderance of the evidence.

The written report with the recommendations and findings will be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority will be the Dean of Students. The dean of students will accept, accept with changes, or reject the recommendations and then determine the appropriate sanctions. The Dean of students has the responsibility of enforcing any sanctions assigned. The information included in the title IX investigators final report is what will be used by the dean of students to render a decision.

6. Standard of Evidence
The University’s standards for a “guilty” finding are different than a criminal investigation. It is stated that investigators only need a preponderance of the evidence which means 50% plus a feather (50.1%) or the idea that the event more likely happened than not.

7. Possible Sanctions
Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, counseling, a no-contact order, probation, suspension, eviction or expulsion. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the expulsion of students, in accordance with applicable Montana Tech procedures. Montana Tech may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) Montana Tech found that the respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment.

8. Range of Protective Measures Available to a Victim Alleging Misconduct
Written notice of rights & available options for students & employees who report include accommodations, such as no-contact orders, counseling and changes in class schedules, living arrangements, class requirements, and testing schedules as needed. Changing academic, living, transportation, and working situations, if the victim requests them, if they are reasonably available, whether or not reported to law enforcement.

Montana Tech’s policy on Discrimination, harassment, Sexual Misconduct, Stalking and Retaliation (EMPLOYEE)

1. How to File a Disciplinary Complaint Under this Policy
Title IX prohibits sex discrimination in education programs that receive federal funding. This includes sexual harassment and sexual assault. The goals of a Title IX include: having a through, reliable, and impartial investigation, the process should be prompt, effective, and equitable (fair under the circumstances it does not mean the same for each party), and the remedies should end the discrimination, prevent the reoccurrence, and remedy the effects upon the victim(s) and the community. The University is required by Federal law to investigate allegations of Sexual Misconduct and take any remedial action deemed necessary to preserve your safety and
that of the University community, whether or not you wish to make a formal complaint of Sexual Misconduct. You will be informed of whatever action is taken. The University may not be able to ensure complete confidentiality. To report an incident of discrimination, sexual assault or harassment fill out an online form here: https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31

2. How the University Determines Whether This Policy will be Used

Upon receipt of a report the Title IX Coordinator will determine if an investigation will take place. The title IX coordinator will also determine if the report’s jurisdiction is within the Title IX office or Dean of Students jurisdiction. A decision is based on the filed report and/or a meeting with the individual that filed the report. Montana Tech strongly encourages students, staff and faculty members to report instances of sex-based discrimination, sexual harassment, and sexual misconduct involving students, staff or faculty. Therefore, faculty or staff who report information about sex-based discrimination, sexual harassment or sexual misconduct involving students, staff or faculty are protected from retaliation. Students who report information about sex-based discrimination, sexual harassment, or sexual misconduct involving students will not be disciplined by Montana Tech for any violation of the Montana Tech’s drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident.

3. Steps in the Disciplinary Process

Once notice is received by the Title IX Office a preliminary inquiry will be conducted. If it is determined that a formal investigation is required, then the title ix coordinator will assign title ix investigators and oversee the investigation to ensure a fair and impartial investigation of the alleged policy violation. Based upon the investigation, the title ix coordinator determines whether there is a preponderance of the evidence to believe that an individual engaged in a policy violation. The title ix coordinator’s findings will be in writing and will be provided to both the Complainant and to the Respondent(s). If the title ix coordinator finds a policy violation does not exist using the preponderance of the evidence standard, the matter is documented and closed; in such cases, the Complainant may appeal the findings to the Title IX Appeals Committee if there are grounds to believe it meets the standard of review. If the title ix coordinator finds that a preponderance of the evidence of a policy violation exits, the title ix coordinator’s written report have included recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The written report will also be provided to the Discipline Authority for a determination of appropriate sanctions. In the case of student Respondents, the Discipline Authority will be the Dean of Students. In the case of employees, the Discipline Authority is the Montana Tech Administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The Respondent may appeal the finding and/or the discipline to the Title IX Appeals Committee. If there are proper grounds for an appeal according to the standard of review, the Montana Tech Appeals Committee will conduct a formal hearing and render a written decision to the Chancellor for his review. The chancellor will decide in writing as to his findings and recommendations. The Chancellor’s decision can be appealed by either party to the Commissioner of Higher Education of the Montana University System.

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6. Standard of Evidence
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7. Possible Sanctions
Sanctions and Corrective Action could include: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct, a reprimand, a no-contact order, denial of a merit pay increase, reassignment, suspension or termination. The severity of sanctions or corrective action will depend on the frequency and severity of the offense and any history of past discriminatory, harassing or retaliatory conduct. A finding of discrimination, harassment that creates a hostile environment or results in a tangible employment or educational action, or sexual misconduct may be cause for disciplinary action, up to and including the discharge of employees and the expulsion of students, in accordance with applicable Montana Tech procedures and collective bargaining agreements. Montana Tech may also take appropriate action if it does not find discrimination or harassment that creates a hostile environment or results in a tangible employment or educational action, but (a) Montana Tech found that the respondent engaged in disruptive behavior or (b) to prevent the creation of a hostile environment.

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University- Initiated Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: A University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor.
or position. These remedies may be applied to one, both, or multiple parties involved.\textsuperscript{4} Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Title IX Coordinator and/or the Dean of Students.

Registered Sex Offenders

Information about Sexual and Violent Offender Registry for the State (offenders living within Butte-Silver Bow) can be found at: \url{https://co.silverbow.mt.us/208/Sexual-Violent-Offender-Registry}. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular. Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

Fire Safety Report

Montana Tech fire statistics concerning the number of fires and the cause of fires, number of deaths related to the fire, number of injuries related to the fire that resulted in treatment at a medical facility and value of property damage related to the fire are submitted to the Department of Education’s WebBased Fire Safety Report. The Web-Based report information is published on the college’s website at \url{https://www.mtech.edu/campus-safety/files/fire-data-acc.pdf}

A description of the fire safety system, the number of fire drills held the previous calendar year, procedures for evacuation, policies for fire safety education and training, policies on portable electrical appliances, smoking, and open flames, and a list of titles to which individuals should report that a fire occurred in the residence halls is published in the Residence Hall Handbook. The Fire Log is kept by Campus Security and is available at the Campus Security Office in Physical Facilities building, or the Director of Environment Health & Safety Office, CBB room 03.

Fire Safety Systems

<table>
<thead>
<tr>
<th>Residential Facilities</th>
<th>Fire Alarm Monitoring Done On Site</th>
<th>Partial\textsuperscript{5} Sprinkler System</th>
<th>Full\textsuperscript{6} Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans/Placards</th>
<th>Number of Evacuation (fire) drills each calendar year</th>
</tr>
</thead>
</table>

\textsuperscript{4} Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

\textsuperscript{5} Partial Sprinkler System is defined as having sprinklers in the common areas only.

\textsuperscript{6} Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.
<table>
<thead>
<tr>
<th>Location</th>
<th>Yes/No</th>
<th>Located in Each Room</th>
<th>Located in Hallways and Public Lobby Areas</th>
<th>Distributed to Residence at the Beginning of Each Semester</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospector Hall, 1301 West Park Street, Butte, MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in Hallways and public lobby areas</td>
<td>2</td>
</tr>
<tr>
<td>Centennial Hall, 1225 West Broadway Street, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in Hallways and public lobby areas</td>
<td>2</td>
</tr>
<tr>
<td>Living Learning Center, 1440 West Park Street, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in Hallways and public lobby areas</td>
<td>2</td>
</tr>
<tr>
<td>“Upper Missoula” Apartments Odd Numbers 1001-1039, Missoula Ave, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in each apartment in kitchen</td>
<td>0</td>
</tr>
<tr>
<td>“Middle Missoula” Apartments Even Numbers 1000-1038, Missoula Ave, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in each apartment in kitchen</td>
<td>0</td>
</tr>
<tr>
<td>“Lexington” Apartments Odd Numbers 10011039, Lexington Ave, Butte MT 59701</td>
<td>Yes</td>
<td>X</td>
<td>Located in each room</td>
<td>Located in each apartment in kitchen</td>
<td>0</td>
</tr>
</tbody>
</table>

**Policies or Rules on Portable Electrical Appliances, Smoking and Open Flames**

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

- **Candles/Incense** Due to potential fire danger, the use and/or possession of candles, incense, and other items causing noxious odors through open flame are prohibited in the residence halls. The possession of these items is subject to disciplinary action. Use of certified products such as “PlugIns” is recommended.

- **Cooking & Appliances** Both residence halls have a designated kitchen area (with a stove, sink, and microwave) for cooking. For fire safety and sanitary reasons, cooking is restricted in all other areas. Electric coffee pots, microwaves, and popcorn poppers may be used in individual rooms, but no other cooking is allowed. Hot plates, crock pots, electrical frying pans, grills, and other open-coil appliances are prohibited due to fire hazard. Pressure cookers are prohibited in the Residence Halls. George Foreman and similar grills are not allowed. All air conditioners must be approved by the Director of Residence Life before they are brought into the Residence Halls. Air conditioners that need to hang from or out of the window to be installed properly are not permitted. Satellite dishes are also not permitted in the residence halls.

- **Fires in student rooms** have resulted from electrical defects in, or careless use of, electrical appliances. Items such as halogen lamps and space heaters are strictly prohibited due to the fire hazard they cause. For this reason, only the following appliances are acceptable for use in your room: Coffee pot Clock Electric blanket Hair dryer Curling iron Popcorn popper Radios Television DVD/Blu-Ray Electric razor Stereo Microwave Refrigerator (none over 4.5 cubic feet) Surge protectors/power strips are recommended for computers and other sensitive electronics. Extension cords are not allowed under any circumstance. Residents will be required to remove excess electrical appliances if they cause a safety concern or an electrical overload.

- **If you tamper with fire equipment** violators risk a fine and/or imprisonment if you tamper with fire-safety equipment or sound a false alarm. Termination of your housing contract will also occur.

**Procedures Students and Employees Should Follow in Case of a Fire**

In the event of a fire, Montana Tech expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Environmental Health & Safety Office. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave.
Procedures for Student Housing Evacuation in Case of a Fire

Montana Tech feels that our residence halls are fundamentally “fire safe” however, in the interest of your safety and the peace-of-mind knowing that you have received safety instructions, we have prepared the following evacuation procedures:

1. If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**

2. Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.

3. Close your room door and windows before leaving the building. When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.

4. Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.

5. All students must leave the building by the nearest exit. Do not take a longer egress or use the stairway leading to the lobby area of the hall unless you are avoiding the fire.

6. When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.

7. **DO NOT USE ELEVATORS.** Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.

8. Once outside of the building, all students will proceed to the following areas: Centennial Hall evacuates to Prospector Hall and Prospector Hall evacuates to Centennial Hall, in the event that both building need to be evacuated all students should report to Leonard which is on the south side of Park Street from the Residence Halls. Students are to follow all directions given by members of the Residence Life staff.

9. Students will be advised when it is safe to re-enter the building by a Residence Life staff member.

All students must leave the building when a fire alarm sounds. Students found remaining in the hall are placing themselves and others in a potentially dangerous position.

- No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

- Fire safety education is provided to all students living on-campus during hall meetings at the beginning of the semester. Students are informed of fire-safety policies and proper evacuation procedures. Each student is given a Resident Handbook, which includes these policies and procedures as well as a map of evacuation routes. Students with disabilities will be given the option to have a “buddy” assigned to
them. Residence Life staff members also receive fire extinguisher training provided by the local fire department.

- Per federal law, Montana Tech is required to annually disclose statistical data on all fires that occur in oncampus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether Montana Tech’s Residence Life Director or Environmental Health & Safety Office (EHS) may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following: Residence Life Director (406) 496-4500 & EHS (406) 496-4463. When calling, please provide as much information as possible about the location, date, time and cause of the fire. If an active fire is in process call 911 immediately.

### Plans for Improvement to Fire Safety
The university does not have any planned improvements in fire safety at this time.

### Fire Statistics
Montana Tech Residential Facilities

**Statistics and Related Information Regarding Fires in Residential Facilities for CY 2019**

<table>
<thead>
<tr>
<th>Residential Facilities (Name and Address)</th>
<th>Total Number of Fires in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries That Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire (in USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prospector Hall, 1301 West park Street, Butte, MT 59701</td>
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<tr>
<td>Residential Facilities (Name and Address)</td>
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### Statistics and Related Information Regarding Fires in Residential Facilities for CY 2017

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<th>Total Number of Fires in Each Building</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries That Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damage Caused by Fire (in USD)</th>
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Appendix 1. Clery Geography

Figure 1. Highlands College Clery Geography
Figure 2. Montana Tech Clery Geography