



# **2022 Annual Security and Fire Safety Report**

**Containing Crime Statistics for Calendar Years  
(CYs) 2019, 2020, and 2021 Statistics**

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## **For emergencies, call:**

**Public Safety: 911 or 9-911**

**Dean of Students: (406) 683-7900 or 406-925-9782**

**Security/Facility Services: (406) 683-7141**

## **Authority and Jurisdiction**

The University of Montana Western does not have its own Police Department on campus. Since UMW does not have campus police, there are no statements of policy provided to address campus law enforcement's arrest authority, enforcement authority, working relationship to campus security personnel with state and local agencies and the jurisdiction of security personnel.

The University of Montana Western staff has authority and jurisdiction to enforce campus policies and handle disciplinary procedures for policy

violations. The University may request assistance for aid from the Dillon City Police Department during the response or investigation of a call for service and the Dillon City Police will patrol the campus during all hours of the day.

The Dillon City Police have authority to enforce Federal, State and local laws and the arrest authority on campus. They have jurisdiction in the City of Dillon and on all campus property. The campus administration maintains an excellent working relationship with the City of Dillon.

The Dillon City Police will communicate with the University when they need to come on campus to investigate an alleged crime and will have authority to make arrests. UMW does not have any non-campus locations of student organizations, including student organizations with non-campus housing facilities that are officially recognized by the institution, including student organizations with non-campus housing facilities.

## **Law Enforcement Relationship with the University**

The University of Montana Western and Dillon City Police work together to insure the campus is safe and that campus policies and local laws are followed. The University of Montana Western strives to maintain a professional and cooperative relationship with the Dillon City Police Department and Beaverhead County Sheriff's Department. When a crime occurs within the campus community, the Dillon City Police Department serves as the University's campus police with the help of the Sheriff's office.

The University routinely cooperates with the Police and Sheriff in the investigation of, and response to, this type of activity when it is brought to the University's attention.

## **The Campus Security Act** *(also known as the Clery Act)*

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
- Publish crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. (The statistics must be gathered from

campus security, local police, and other University officials who have “significant responsibility for student and campus activities.”) · Publish “timely warning” notices where a crime has occurred on or near campus that, in the judgment of the Chancellor, constitutes an ongoing or continuing threat to members of the University community.

- Make available for public inspection a daily public crime log of “any crime that occurred on campus and is reported to the Dean of Students.”

The Dean of Students Office is responsible for preparing and distributing the annual report. The Dean of Students and the Safety Officer work with other administrative departments and law enforcement agencies to compile the information incorporated in the report.

We encourage members of the University community to use this report as a guide for safe practices on and off campus. The report is available on the Web at <http://w.umwestern.edu/wp-content/uploads/Clery-and-Fire-Safety-Report-2021.pdf> Each member of the University community receives an e-mail that describes the report and provides its Web address. For more information, contact Nicole Hazelbaker at 406 – 683-7900, or e-mail [Nicole.hazelbaker@umwestern.edu](mailto:Nicole.hazelbaker@umwestern.edu).

## How do I report a crime?

Crime is a reality at the University of Montana Western, as it is on every college campus. Preventing crime is everyone’s responsibility. Unreported crime is a criminal’s greatest ally. If you suspect a criminal act has taken place, contact the Dean of Students located in the Dean of Students Center at 528 Poindexter Street.

- For emergencies or crimes occurring on campus, call 911
- For non-emergencies call (406) 683-7388 during office hours or (406) 925-9782 after hours
- You may also report a crime online on the University of Montana Western website:  
<https://cm.maxient.com/reportingform.php?UnivofMontanaWestern>

All members of the UMW community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus, on public property running through or immediately adjacent to the campus, or in other property that is owned or controlled by UMW.

**To report to someone while still maintaining victim confidentiality:** If you are the 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 a confidential report.

With your permission, a therapist in our Counseling Center can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment).

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, UMW can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

**If you are the victim of or witness a crime:** Report the incident immediately to 911. If you can, gather pertinent information, such as sex, race, hair color and length, body size, clothing description, scars and other noticeable characteristics, modes of travel, type of vehicle, color and license information, and information about location.

**Suspicious persons:** If you see anyone acting suspiciously, call 911 or 406-683-7388. Do not approach the individual yourself. Report the type of suspicious behavior and the location. Relay pertinent information concerning the person including: age, sex, dress, vehicle and direction of travel.

### **Reporting to Meet Disclosure Requirements**

Members of the community are helpful when they immediately report crimes or emergencies to the following entities:

- 911 or,
- The Dean of Students and/or,
- The Safety Officer, or
- Residence Assistants and Hall Directors at 406-925-9828, or
- A member of the coaching staff at 406-683-7220, or
- An advisor to an ASUMW club

Crimes should be reported 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 Dean of Students or the appropriate police agency, when the victim of a crime elects to, or is unable to, make such a report.

**What to report:** When calling 911 or the Dean of Students to report an incident, please provide the following information:

1. Your name
2. Location of incident
3. Type of incident
4. Description of suspect, vehicles or other pertinent information
5. Return telephone number

**Medical Response:** When faced with a medical emergency, call 911. Provide as much information as possible regarding the nature of the injury or illness and the state of the person needing assistance.

## **Response to reported crime**

The Dillon City Police will respond to reports of crime against persons and all property owned, controlled, leased or operated by The University of Montana Western. On a 24-hour basis, dispatchers can instantly dispatch Dillon City Police, Dillon Volunteer Fire Department and emergency medical services, and if needed, will request assistance from Beaverhead County Sheriff's Office.

The Dillon City Police will investigate all reports of criminal activity occurring within the jurisdiction of The University of Montana Western. If the investigation confirms a violation of the state criminal code, the matter will be referred to the Beaverhead County Attorney or Dillon City Attorney for prosecution. The Dean of Students or their designee, may also investigate to determine if a campus policy has been violated. Reports of criminal activity received by The University of Montana Western occurring outside its jurisdiction will be referred to the appropriate city or county law enforcement agency.

## **Security of and access to campus facilities, including campus residences**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and guests. The University encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Most campus facilities are open during weekday business hours. Individuals who wish to access campus facilities during non-business hours or

for special events should contact Conference and Event Services (406-683-7566) or Facility Services (406-683-7141).

The Residence Life Office is responsible for the overall management and administration of the five residence halls on campus. The Director of Residence Life is responsible for supervising a team of staff that includes Hall Directors (HDs) and Resident Assistants (RAs) who live on the floors. The Residence Life Office is located within Bulldog Life in the basement of the Student Union Building (SUB). The Residence Life Office is responsible for developing and implementing safety measures, procedures, and programs that promote the greatest possible security for the residence halls.

Residential facilities are only accessible to building residents and their authorized guests and visitors. It is prohibited for residents to allow unknown individuals access to the Residents are helpful if they avoid allowing unknown individuals access to the residential buildings. Housing staff monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

### **Security of Campus**

Phoenix Protective Corp and physical plant operators conduct routine patrols of campus buildings to evaluate and monitor security related matters.

## **Security considerations in the maintenance of campus facilities**

The University of Montana Western is committed to campus safety and security. Exterior lighting and landscape control is a critical part of that commitment. Representatives from various departments conduct security checks to ensure campus lighting is adequate and that the landscape is appropriately controlled. Campus security conducts routine checks of lighting on campus during regularly assigned patrol duties. If lights are not working, officers or staff will initiate an immediate work order, which is acted upon by a representative of the appropriate maintenance office, usually by the next business day. We encourage community members to report any instances of inadequate lighting to Facility Services at 406-683-7142.

Maintenance staff are available to respond to calls for service regarding unsafe facility conditions, or for personal safety and property protection. These conditions also may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

## **Campus Security Authority (CSA)**

A Campus Security Authority (CSA) is an individual who is an official of the institution that has significant responsibility for student and campus activities, including but not limited to:

- Student Housing
- Student Discipline
- Director of Athletics and team coaches
- Director of Residence Life
- Advisor to a student group
- Dean of Students
- Student Resident Assistants (RA) or Hall Director (HD)
- Phoenix Protective Corp.
- Safety/Security Committee
- ASUMW Office Manager
- Title IX Coordinator
- Peer Educators and advisor
- Athletic Trainers
- Title IX Investigators
- Natural Horsemanship Instructors
- All professors traveling with students
- Safe Ride drivers
- Vice Chancellor for Academic and Student Affairs/Provost

Under Clery, a crime is reported when a victim, witness, other third party or even the offender brings it to the attention of a Campus Security Authority (CSA). It does not matter if the individual/s involved in the crime or reporting the crime are associated with the institution. If a CSA receives the crime information and believes it was provided in good faith, he or she should document it as a crime report and PROVIDE THIS REPORT THROUGH MAXIENT. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay.

### **Pastoral and Professional Counselors**

There are two exemptions of Campus Security Authorities offered by the Department of Education, although they have significant responsibilities for students and campus activities are not considered CSA’s under Clery. They are pastoral counselors and professional counselors. A pastoral counselor is defined as a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as

a pastoral counselor. A professional counselor is defined as a person whose official responsibilities include providing mental health counseling to members of the institutions community and who is functioning within the scope of his or her license of certification. This definition applies to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

The university does encourage pastoral and professional counselors to notify individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics.

## **Policy 101.2 – Campus Safety Alerts – Timely Warning Notices, Emergency Notifications, and Public Safety Advisories**

**Date Adopted:** 10/27/2008

**Date Revised:** 5/14/2020

**References:** The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act of 1990

**Issuing Office:** Chancellor

**Approved By:** Beth Weatherby

### **1. Policy**

As circumstances warrant, the University prepares and distributes – either selectively or throughout the campus – campus safety alerts. The Dean of Students or designee will decide when to issue a campus safety alert. The Dean of Students or designee will notify the Chancellor and/or the Provost/Vice Chancellor of Academic and Student Affairs, and the Vice Chancellor for Administration and Finance.

### **2. Purpose**

The purpose of this policy is to protect the safety of those on the campus of the University of Montana Western.

### **3. Procedures**

In the event a crime is reported or a situation arises, within the University of Montana Western 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, on our social media apps, face-to-face, 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)
  - All 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. 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
  -

UMW 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 Communications 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).

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

Emergency Notifications are typically written and distributed by the Director of Communications or designee in consultation with the Dean of Students or designee.

The types of incidents that may cause an immediate threat to the community (and therefore require an emergency notification) could include, but are not limited to:

- An active shooter on campus
- Hostage/barricade situation
- A riot
- Suspicious package with confirmation of a device
- A tornado/earthquake
- A fire/explosion
- Suspicious death
- Structural damage to a University owned or controlled facility
- Outbreak of meningitis, norovirus, or other serious illness
- Biological threat (anthrax, etc.)
- Significant flooding
- A gas leak
- Hazardous materials spill, etc.
- Other risk factors, including ones that have been present in the environment for an extended period of time such as asbestos or lead paint

### **Public Safety Advisories**

Public Safety Advisories are issued at the discretion of UMW.

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 Dillon City Police Department (DPD). The University has requested the DPD inform UMW when crimes are committed on or near campus that might be potential or ongoing threats to the UMW community. This will assist UMW 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 at the Dean of Students Center, or by calling 406-683-7388 during regular business hours, or after hours at 406-925-9782
- The Safety Officer, in person at the Dean of Students Center, or by calling 406-683-7389 during regular business hours, or after hours at 406-925-2180
- Director of Residence Life, or by calling 406-683-7664 during regular business hours, or after hours at 406-925-9828
- Director of Facility Services at 406-683-7145 during regular business hours
- Director of Communications at 406-683-7201 during regular business hours.

4. Authority

The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act of 1990 (<http://clerycenter.org/policy-resources/the-clery-act/>)

5. Responsibility

Chancellor, Provost/Vice Chancellor for Academic Affairs and Student Affairs, Vice Chancellor for Administration and Finance, Dean of Students

## **Daily Crime Log**

A daily crime log is available for review at the Dean of Students Center (DSC). DSC makes the Daily Crime Log for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8am to 5pm, except holidays) at the DSC located at 528 Poindexter. Any portion of these crime logs that are older than 60 days are made available for public inspection within two business days of a request. The information in the crime log typically includes the incident number, crime classification or nature of the crime, date reported, date occurred, general location of the crime, and disposition of each reported crime. Faculty, staff, and students are encouraged to review the log periodically to become more familiar with the types and locations of criminal incidents that may impact the University's campus community.

Additionally, the personal identifying information (name and address) of crime victims will not be listed on the Daily Crime Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the University's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime Log within two business days of when it is reported to the Dean of Students. It is important to note that the University has no expanded jurisdiction outside of its identified Clery geography.

The log is now available for all to see by contacting the Dean of Students at 406-683-7388.

## **Emergency Preparedness**

The University of Montana Western recognizes the need to be prepared for critical incidents. Under the guidance of the Campus Emergency Operation Plan, several departments and offices work together to prepare for, prevent,



respond to, and recover from emergencies. In conjunction with local government first responders, such as the Dillon City Police, Beaverhead County Sheriff, Dillon Fire Department, Department of Emergency Services (DES), and Beaverhead Ambulance. The University is well prepared to respond to a full range of critical incidents.

The University also works with the Beaverhead County emergency preparedness team and our county coroner to ensure our emergency protocols and plan are updated as needed.

## **Emergency Response and Notification**

The Campus Emergency Operation Plan and the Check Off List includes information about emergency guidelines for the campus community. The University conducts numerous emergency response test exercises each year, such as drills of its emergency notification system, fire alarm drills, and tabletop exercises. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

A tabletop and drill was conducted on October 26, 2021, for a potential breaking and entering into a dorm room. The following chart outlines the exercise.

Exercise	Drill	Follow-Through Activities	Community Notification
On October 26, 2021, UMW conducted a tabletop exercise/ drill to test and evaluate the effectiveness of emergency plans and surveillance capabilities of video cameras located in Davis Hall. Data from this exercise will be used to evaluate and/or improve our safety and measures, practices, and help justify the addition of equipment (cameras) on campus.	Drill consisted of a <i>hypothetical</i> breaking and entering incident report from a student living in an on-campus housing (dorm). Student reported an unknown person attempted to gain access to their dorm room.	Upon completion of the tabletop exercise and the drill, the Safety and Security Committee, in conjunction with the Dillon Police Department and the concluded there was a need for a re-vamp of video surveillance on campus.  In May of 2022, the Executive Safety and Security team began working with the State of Montana to investigate and implement enhanced video surveillance capabilities on campus. This project is currently in progress.	In November 2021, an email communication to UMW faculty, staff, and students was sent communicating the drill was conducted and that the Executive Safety Committee would be pursuing upgrades to our campus-wide video surveillance system.

Safety and Security Committee and trained campus personnel have received training in Incident Command and Responding to Critical Incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Dean of Students, Dillon City Police, Dillon Fire Department, DES, and Beaverhead Ambulance. All departments typically respond and work together to manage the incident. Depending on the nature of the incident, other University departments and other local or federal agencies could also be involved in responding to the incident. General information about the emergency response and evacuation procedures for The University of Montana Western are publicized, in conjunction with at least one test per calendar year, as part of the institution's Clery Act compliance efforts.

An emergency notification will go out to the campus community through Regroup (text message to individual phones), email, and or phone calls. If any of these systems fail or the University deems it appropriate, in person

communication may be used to communicate an emergency. This is done through the Dean of Students office and is coordinated with the Dillon City Police. Emergency notifications will be sent if there is an imminent threat to the health and safety of the community at large or isolated to the campus. The University of Montana Western will, without delay, and taking into account the safety of the community to determine the content of the notification and initiate Regroup, unless issuing a notification will, in the professional judgment of the Dean of Students or their designee, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of an emergency, Montana Western will initiate and provide, immediately, 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, employees, and visitors.

If the Dean of Students, or designee, in conjunction with other University administrators, local first responders, Public Health Officials and/or the National Weather Service, 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 UMW Community, the Dean of Students and University Communications 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 UMW Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/ Distributor	Backup Message Sender/ Distributor
PRIMARY	Director of Communications	Dean of Students, or their designee	Dean of Students, or their designee	Dean of Students, or their designee	Director of Communications
SECONDARY	Dean of Students, or their designee	Senior Director of Auxiliaries or Facilities	Senior Director of Auxiliaries or Facilities	Dean of Students, or their designee	Senior Director of Auxiliaries or Facilities Director

		Director	Director		
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To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through <https://www.umwestern.edu/section/regroup/>

The messages will describe the emergency, provide basic instructions and will direct you to where you can receive additional information. If you will shelter in place, the message will direct you to do so, if you need to evacuate, the message will tell you where you can evacuate.

Follow-up information will be distributed through the same identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Montana Western homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, please follow the emergency notification procedures.

### **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. 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 Dean of Students or designee does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are determined by time of day, 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, the Dean of Students or designee 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 UMW, evacuation drills are used 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 notify the Dean of Students (406-925-9782) Police Emergency or dial 911.

1. Remain Calm
2. Do NOT use Elevators, Use the Stairs.
3. Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Dean of Students 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, Regroup, Dean of Student Services, Safety Officer, Housing Staff members, other University employees, Local PD, 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 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 the Dean of Student 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.

## Safe Ride

Safe Ride is a program that provides safe transportation for students from the downtown area to their residences on and off campus. The vans run from 11:00 pm to 2:00 am every Wednesday, Friday, and Saturday nights during the academic year, except for holidays and block breaks.

## Emergency Notification Systems

Montana Western can get emergency information to our community in several ways. They are as follows:

**Email:** We can send a mass email to all faculty, staff, and students informing them of an emergency and what to do to protect themselves and those around them.

**Phone:** We can send a mass message to any on campus phone line. This would show as a message on the line so the user would need to be able to access the message on a particular phone line. These messages can be retrieved at the phone or off campus by accessing the message area of the phone line.

**Regroup:** We can send a mass message to students through text messaging or email. We can send emergency messages as well as information about events, activities, academic information, or general information.

To enable these systems, you must be authorized and have passwords to activate the systems. Messages will be approved by administration before broadcast unless the information is considered an emergency and time is of the essence.

## Emergency Phones

Blue light emergency phones are installed at various locations throughout the campus. One is located between the Roe House and Administration Building and the other is between the Library and the Student Union Building. When using the blue light phones, make sure you remain by the phone so the emergency personnel will be able to find you when they arrive at the phone.

## Procedures for Drills, Trainings, and Exercises

Each year the safety/security committee works on drills, trainings, and exercises. At the beginning of fall semester, the committee schedules fire drills throughout all campus buildings. Information on the drills can be found under

the Fire Log at the end of this document. Any repairs or changes are handled during these drills. Trainings are offered throughout the year for Faculty, Staff, and Students through a variety of resources. Peer Educators train and present in classes, clubs, and athletic teams, twice a year during mandatory employee meetings trainings are offered, and table top exercises are done with first responders and the campus community. The Dean of Students, or their designee, helps plan these drills, trainings, and exercises to make sure they are done regularly. Due to COVID many of these drills were not performed because we were not holding face-to-face classes and many people were working from home.

## **Crime Prevention Education Programs and Security Awareness**

Each year during orientation and Bulldog Bound, our students are made aware of safety issues, crime prevention, and sexual assault awareness. Throughout the year, Student Affairs hosts programs and speakers to create a greater understanding of each topic.

The University of Montana Western encourages and supports safety and security for all who live, learn, and enjoy the beautiful environment on our campus. The Dean of Students Office along with the administration at Montana Western, Dillon City Police, Beaverhead County Sheriff, Safety and Security Committee, and Facilities work together to create and maintain a safe campus environment. Montana Western provides safety and security information to students during Bulldog Bound (summer registration days), floor projects, orientation, and various activities, workshops, drill exercises and presentations. Topics include personal safety, alcohol awareness, tobacco use, sexual misconduct, violent assaults, healthy living, emergency procedures, and safety drills.

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.

All crime prevention and security awareness programs encourage students and employees are encouraged to be responsible for their own security and the security of others. The Dean of Students Office seeks external and internal relationships to secure a safe community to promote learning, living, and working at the University of Montana Western. The Dean of Students Office along with outside community help encourages information and educational safety and security opportunities in an effort to increase a safe campus.

Programs the Dean of Students Office offers:



- EverFi:
  - Haven (sexual assault awareness)
  - Alcohol EDU (yearly)
  - Achieve – Financial Awareness (yearly).
- New student Bulldog Bound and orientation (summer and beginning of each semester)
- Sexual misconduct prevention (twice a year)
- Safety information and trainings (one to two times a year)
- Annual Fire Alarm Drills (yearly)
- Residence Life safety training for Resident Assistants and Hall Directors (yearly and throughout the year during weekly meetings)
- Annual employee training (once a year)
- Athletic Coaches training (once a year)
- Emergency Operation Plan (monthly meetings)
- Emergency Check-off list in all classrooms/offices (yearly)
- Timely warnings posted on “Regroup” and through email to inform campus community about criminal incidents considered to be potentially threatening to students and employees (as needed)
- Campus wide emails, Regroup notifications for faculty, staff, and students, and voice mails activated in case of an emergency (as needed)
- Crime logs available for public review (daily upon request)
- Educational programs for residence halls, student organizations, employee, and campus wide programs that provide awareness and prevention on safety and security issues (several times a year)
- Tobacco Free Awareness (yearly)
- Violent Assault Prevention (several presentations throughout the year)
- Mental Health Issues (at least yearly)
- Health and Wellness surveys and trainings for all students (yearly)
- Facility Services annually evaluates the safety of campus during different times of the day (several times a year)
- Confidential crime reports gathered and compiled in the Dean of Students Office through a computer program Maxient (yearly or as needed)

## **Emergency Preparedness Check-Off List**

Every office, classroom, or room has an Emergency Preparedness Check Off List posted on the wall. The list addresses what to do in case of a specific emergency, who to contact, and what to do until help gets to the area of concern. Some of the areas addressed are weapons, hostage situation, bomb threat, fire, earthquake, and assaults.

## **Crime Prevention Tips and Programs**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Dillon City Police personnel facilitate what to do should there be an active shooter. This is offered once a semester. The Safety Security Committee offers a quick reminder of what to do in a crisis. The Run, Hide, Fight method is taught and the participants are reminded to be aware of their surroundings and to be responsible for themselves.

The UMW Peer Educators provide trainings throughout the year on the program Step Up – Bystander Intervention. This presentation starts with orientation and goes through the year being offered to athletics, clubs, and departments.

Here are some tips to help keep you and your property safe:

- Report all suspicious persons/circumstances to the Dean of Students at (406) 683-7388 or contact Dillon City Police at 911 or (406) 683-3701.
- Avoid walking alone at night regardless of gender. Contact the Residence Life Staff on duty at (406) 925-9828 or Facility Services at (406) 683-7141.
- Do not allow tailgating into any building (letting someone follow you through a locked door). Remember that residence halls are restricted to the students who live there and their guests.
- Know the locations of the emergency telephones and the emergency call boxes located around campus. One is located between the Library and the BARC parking lot and a second one is located between the Business and Technology Building and Main Hall.
- Add the Dean of Students cell phone to your cell phone contacts (406) 925-9782.
- Inventory your personal property and insure it with personal insurance coverage. Take and keep photos of valuable items.
- Backup your computer daily in case it is stolen.
- Lock up bicycles using proper locking procedures and a good quality lock.
- Always lock car windows and doors when leaving your car.
- If you know that you will be returning to your vehicle when it is dark outside, use well-lit parking lots. Park under a streetlight if possible.

- Do not leave valuables in your car. If you must, put valuables in your trunk prior to arrival at your destination.
- Carry only those items of value that you need on your person; e.g. limit the amount of cash and the number of credit cards you carry, and never carry your social security card in your purse or wallet.
- Never leave valuables (wallet, purses, books, laptops, etc.) unattended and unsecured – even for a bathroom break.
- Always lock the door to your residence hall room, whether or not you are there. Keep windows closed and locked when you are away.
- Do not leave messages on your door advertising that you are leaving or when you are returning. This alerts thieves to your absence.

Anyone with information about crimes or potential threats to the campus community should report them to the Dillon City Police at (406) 683-3701 or call 911.

## **The Sexual Assault Victim’s Bill of Rights**

The Sexual Assault Victim’s Bill of Rights (P.L. 102-325) requires each institution receiving federal funding under Title IV to develop and distribute with the Security Report a policy statement regarding programs to prevent sexual offenses and procedures to follow when a sexual offense occurs. The policy must include the following:

### **101.4 Discrimination, Harassment, and Retaliation Policy [INTERIM]**

#### **Policy Information**

<b>Policy Number</b>	101.4
<b>Implementation Date</b>	August 14, 2020
<b>Next Review Date</b>	August 14, 2023
<b>Responsible Office</b>	Title IX Coordinator, Dean of Students

#### **References**

[Titles IV, VI, and VII of the Civil Rights Act of 1964](#)

[34 C.F.R. pt. 100](#)

[Title IX of the Education Amendments of 1972](#)

- [C.F.R. pt. 54](#)
- [C.F.R. pt. 106](#)

[Section 504 of the Rehabilitation Act; 34 C.F.R. pt. 104](#)

[Age Discrimination Act of 1975](#)

- [C.F.R. pt. 110](#)

[Titles I and II of the Americans with Disabilities Act; 28 C.F.R. pt. 35](#)

[Montana Human Rights Act and Governmental Code of Fair Practices, Title 49, Montana Code Annotated](#)

[Board of Regents Policy 507](#)

## **I. Policy**

The University of Montana Western, an affiliate of the University of Montana, (hereafter referred to as UMW or University) commits to a learning and working environment that emphasizes the dignity and worth of every member of its community that is free from discrimination, harassment, and retaliation based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation (taken together, generally, “protected-class harm”). An inclusive environment is necessary to a healthy and productive University community.<sup>[1]</sup> The University will take appropriate action to prevent, resolve, and remediate protected-class harm.

## **II. Applicability**

This Policy prohibits members of the University community including employees, students, affiliates, and visitors from engaging in Prohibited Conduct as described below at Section XI, while engaged in activities directly related to the nature of their University affiliation. This Policy incorporates the Discrimination Grievance Procedures, which set forth by the University’s resolution processes for violations of this Policy.

## **III. Reporting to the Office of Equal Opportunity & Title IX**

The University encourages prompt reporting of conduct that may violate this Policy. Reports of Prohibited Conduct should be made directly to the University’s Title IX Coordinator. All Reports of Prohibited Conduct, as described below, or informational requests and inquiries about this Policy or the Procedures, should be filed with the Title IX Coordinator:

**Title IX Coordinator, Nicole Hazelbaker**  
Dean of Students Center

528 Poindexter, Dillon MT 59725  
(406) 683-7900 |

[nicole.hazalbaker@umwestern.edu](mailto:nicole.hazalbaker@umwestern.edu) or <https://cm.maxient.com/reportingform.php?UnivofMontanaWestern>

Some forms of conduct contemplated by this Policy may also constitute crimes and the University strongly encourages individuals to make reports to law enforcement at Dillon City Police Department, 406-683-3700 or other appropriate law enforcement agency<sup>[2]</sup>. The Title IX Coordinator can aid in reporting to law enforcement.

Particular conduct reported under this Policy may trigger a timely warning notification in accordance with the Clery Act. Specifically, the University must issue timely warnings for incidents reported that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The University will undertake efforts to ensure that names and other personally identifiable information is not released, while providing sufficient information to members of the campus community to make informed decisions consistent with the circumstances.

## **A. Report of Prohibited Conduct**

A Report of Prohibited Conduct may be filed with the Title IX Coordinator by any individual, including a third party, and is intended to alert the University of a potential violation of this Policy. Except for reports submitted within a University employee's Mandatory Reporter obligation, described below, a Report of Prohibited Conduct may include any information deemed relevant by the reporting person, including: names and contact information for all individuals involved; date(s); location(s); and a description of the protected-class harm.

Upon receipt of a Report of Prohibited Conduct, the Title IX Coordinator will promptly reach out to the identified Complainant to offer Supportive and Protective Measures, as described below at Section VI, consider the Complainant's wishes with respect to Supportive and Protective Measures, inform the Complainant of the availability of Supportive and Protective Measures with or without the filing of a Formal Complaint, and invite the Complainant to meet with the Title IX Coordinator to assess jurisdiction and discuss potential resolution options, including the process for filing a Formal Complaint. A Report of Prohibited Conduct does not trigger a Grievance Proceeding or Informal Resolution Process.

## **B. Mandatory Reporting**

All University employees must, within 24 hours of receiving the information, report information they have about Discrimination based on sex and Sexual Harassment, as defined by this Policy, involving students to the Title IX Coordinator. The employee must provide the Title IX Coordinator with all information they have directly related to the incident. This includes, but is not limited to the names of people involved, as well as facts, including the date(s), time(s), and location(s). Employees should not conduct their own investigations or engage in fact-finding, but as described above, should report information they have. Confidential Resources as defined in this Policy at Section V are exempt from this mandatory reporting requirement.

## **C. Formal Complaint**

The University will not initiate a Grievance Proceeding or Informal Resolution Process, defined in the Procedures at Sections IV and V, respectively, in the absence of a Formal Complaint. A Formal Complaint

means a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct by a named Respondent and requesting that the University investigate and adjudicate the allegation(s) of Prohibited Conduct; and meet the applicability and jurisdiction requirements set forth in this Policy at Sections II and IV, respectively. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or at the contact information listed in the Policy at Section III. The Formal Complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

The Title IX Coordinator will not sign a Formal Complaint without a requesting and participating Complainant unless the Title IX Coordinator deems it necessary for campus safety based on factors such as:

- Patterned Prohibited Conduct, as evidenced by more than one report of distinct but similar Prohibited Conduct against the same Respondent;
- Excessive violence, as evidenced by reported Prohibited Conduct involving a weapon, significant bodily injury, or ongoing and continued threats of physical harm; or
- Harm to minors, as evidenced by any report of Prohibited Conduct against a child.

## **IV. Jurisdiction**

### **A. Adjudicatory Jurisdiction**

The objective of this Policy is to provide a learning and working environment that is free from the Prohibited Conduct described below consistent with the University's commitment to diversity, equity, and inclusion. While UMW strongly opposes all forms of protected-class harm, the University's jurisdiction to investigate and adjudicate Formal Complaints is limited. Except as otherwise specified in the definitions below, adjudicatory jurisdiction under this policy extends to Prohibited Conduct that is alleged to have occurred within a University Program or Activity, or that has a material adverse effect on an individual's participation in or attempted participation in a University Program or Activity. A University Program or Activity includes locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Prohibited Conduct is alleged to have occurred, and also includes any buildings owned or controlled by a student organization that is officially recognized by the University.

Jurisdiction is determined by the Title IX Coordinator.

Federal regulations limit the University's jurisdiction to resolve a Formal Complaint alleging Sexual Harassment to conduct occurring against a person in the United States.

### **B. Supportive and Protective Measures Jurisdiction**

Individuals should not avoid reporting Prohibited Conduct to the University on jurisdictional grounds. While the University may not have jurisdiction to investigate or adjudicate a report of Discrimination, Harassment, or Retaliation that occurred separate from a University Program or Activity, Title IX has broad jurisdiction to coordinate and implement Supportive and Protective Measures, as described below at Section VI, to members of the University community adversely affected by protected-class harm.

Similarly, individuals should not wait to report ongoing conduct until it becomes sufficiently serious to constitute a Policy violation. The Title IX Coordinator can provide advice and, in some cases, may take non-

punitive preventive measures, to address conflict in the interest of maintaining a safe and equitable campus environment.

## **V. Confidential and Non-Confidential Resources**

There is a distinction between making a report to the University or law enforcement and seeking confidential assistance through Confidential Resources described below. Not every campus or community resource is confidential and this section explains to whom individuals who have experienced Prohibited Conduct can talk without their disclosure being revealed to any other person without their express permission or as required by law.

### **A. Confidential Resources**

Confidential Resources are those campus and community professionals who can maintain legally-protected confidentiality within the University for the individual who shared the information. Confidentiality means that information shared by an individual with a Confidential Resource cannot be revealed to any other person without express permission of the individual, or as otherwise permitted or required by law. Confidential Resources are prohibited from disclosing confidential information unless (1) given permission by the person who disclosed the information; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Confidential Resources available to individuals include the Student Counseling Center or other licensed medical health-care professionals acting in their health care capacity. Information about on-campus and off-campus resources is attached to this Policy as Appendix A.

### **B. Non-Confidential Resources**

The Title IX Coordinator is not a Confidential Resource. Nevertheless, the Title IX Coordinator will make every effort to respect and safeguard the privacy of the individuals involved in reporting or otherwise participating in any process described by this Policy or the accompanying Procedures. Privacy means that reports of Prohibited Conduct will only be shared with limited individuals who need to know for the purpose of assessment, implementation of Supportive and Protective measures, and resolution of a Formal Complaint, and to the extent required by law or court order.[\[3\]](#)

## **VI. Supportive and Protective Measures**

The Title IX Coordinator is responsible to coordinate Supportive and Protective measures in response to conduct contemplated by this Policy. Supportive and Protective measures are non-disciplinary, non-punitive individualized services and tools offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent before, during or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive and Protective measures are designed to restore or preserve equal access to the University's Programs and Activities without unreasonably burdening the other party, and includes measures designed to protect the safety of all parties or the University's campus environment, or prevent or deter potential Prohibited Conduct.

Supportive and Protective measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing

locations, leave of absence, increased security and monitoring of certain areas of campus, safety planning, referrals to on and off-campus services, trainings, mutual restrictions on contact, and other similar measures. Additional information about mutual restrictions on contact is attached as Appendix B, and incorporated here by reference.

## **VII. Emergency Removal/Administrative Leave/Suspension**

If the University determines that a student poses an immediate threat to the physical health or safety of any student or other individual, it may remove such student from the University in accordance with the [Student Code of Conduct](#). The University may place a non-student employee who is alleged to have violated this Policy on administrative leave or suspension in accordance with the accompanying Procedures and applicable collective bargaining agreements, during the pendency of the Grievance Proceeding described in the accompanying Procedures.

## **VIII. Amnesty for Drug or Alcohol Possession or Consumption**

The University strongly encourages students to report instances of potential Prohibited Conduct involving students. Therefore, students who report information about Prohibited Conduct involving students will not be disciplined by the University for any violation of the University's drug or alcohol possession or consumption policies in which they might have engaged in connection with the reported incident. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

## **IX. Free Expression and Academic Freedom**

The University of Montana Western has a long tradition of, and a deep commitment to, academic freedom. The welfare and strength of the University and of society at large depend upon the ability to engage in free expression in the search for meaning. To this end, the University of Montana Western recognizes and protects full freedom of inquiry, teaching, research, discussion, study, publication, and for artists, the creation and exhibition of works of art, without hindrance, restriction, equivocation, or reprisal. This right extends to other facets of campus life to include the right of a faculty member or student to speak on general educational questions or about the Administration and operation of their own institution and the Montana University System.

Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment that should characterize higher education. In the spirit of a true university environment, individuals are encouraged to invite, rather than inhibit, discourse on ideas. In addressing all reports under this Policy, the University will take all permissible actions to ensure the safety of students and employees while complying with free speech requirements for students and employees. While the University will vigilantly protect students' and employees' rights against Prohibited Conduct, this Policy does not apply to curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials.

## **X. Prohibited Conduct**

The following conduct is prohibited.



## **A. Discrimination**

Discrimination is conduct based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation ("protected classes") that:

1. Adversely affects a term or condition of an individual's employment, education, living environment or participation in a University activity; or
2. Is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a University activity; or
3. Constitutes Harassment, as defined below, by unreasonably interfering with an individual's employment, educational performance, on-campus living environment, or participation in a University Program or Activity.

Discrimination includes failing to provide reasonable accommodation to persons with disabilities. Under the Policy, a person with a disability means a person with a physical or mental impairment that substantially limits a major life activity; has a record of such impairment; or is regarded as having such an impairment. Determinations of whether individuals have a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) are made on a case by case basis. In accordance with the Americans with Disabilities Act (ADA), as amended, Section 504 of the Rehabilitation Act of 1973, and applicable federal and state laws, the University is committed to providing access and reasonable accommodation in its services, programs, activities, education, and employment for individuals with disabilities.

An exception to the definition of Discrimination is a bona fide occupational qualification.

## **B. Harassment**

The University prohibits two forms of Harassment as described below: (1) Discriminatory Harassment; and (2) Sexual Harassment.

### **1. Discriminatory Harassment**

Discriminatory Harassment is unwanted conduct that is: (a) based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation; and (b) that has the purpose or effect of unreasonably interfering with a reasonable person's participation in a University Program or Activity.

Discriminatory Harassment emphasizes the consequence of conduct on an individual's participation in a University Program or Activity.<sup>[4]</sup> The following factors will be considered in assessing whether conduct objectively constitutes an unreasonable interference in a University Program or Activity:

1. The identity of the parties, the nature of the parties' relationship, and the influence of that relationship on the complainant(s)' employment or education;
2. The nature, scope, frequency, and duration of the protected class conduct;

3. The degree to which the protected class conduct affected one or more students' education or individual's employment; and
4. The nature of higher education.

## 2. Sexual Harassment

Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, and/or gender identity of those involved.

Sexual Harassment is conduct that: (1) occurs within a University Program or Activity located in the United States; (2) affects an individual participating or attempting to participate in a University Program or Activity at the time the Formal Complaint is filed; (3) is based on sex, gender identity, gender expression, or sexual orientation; and (4) satisfies the elements of Quid Pro Quo Conduct, Hostile Environment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, or Sexual Exploitation, as defined below.

1. Quid Pro Quo Conduct occurs when:
  1. an employee of the University,
  2. conditions the provision of an aid, benefit, or service of the University,
  - on an individual's participation in unwelcome sexual conduct.
1. A Hostile Environment is created by:
  1. unwelcome<sup>[5]</sup> conduct,
  2. determined by a reasonable person,
  - to be so severe, and
  - 1. pervasive, and,
  - 2. objectively offensive,
  - 3. that it effectively denies a person equal access to a University Program or Activity.
1. Sexual Assault is:
  1. Non-consensual touching, or coercing or forcing another to touch a person's intimate body parts (defined as genital area, groin, inner thigh, or breast);
  2. Penetration, no matter how slight, of a person's vagina or anus, by any body part or object, or oral penetration by a sex organ of another person without consent; or
  - Sexual intercourse between persons who are related to each other to the degree they cannot marry under state law.

**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, under the statutory age of consent, 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.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred.

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. The absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Incapacitation:** Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

1. Dating Violence is:

1. violence,
2. committed by a person,

- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
- The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

1. Domestic Violence is:

1. violence,
2. committed by a current or former spouse or intimate partner of the Complainant,

- by a person with whom the Complainant shares a child in common, or

1. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
2. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Montana, or
3. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Montana.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

1. Stalking is:
  1. engaging in a course of conduct,
  2. 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 purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to,
  - acts in which the Respondent 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.
  - Reasonable person means a reasonable person under similar circumstances
  - and with similar identities to the Complainant.
  - Substantial emotional distress means significant mental suffering or
  - anguish that may but does not necessarily require medical or other professional treatment or counseling.
1. Sexual Exploitation is any instance in which a person takes non-consensual or abusive sexual advantage of another for any person's benefit other than the person being exploited. Sexual Exploitation is conduct that falls within other categories of Sexual Harassment but is identified separately for clarity. Examples of behavior that could rise to the level of Sexual Exploitation include:
    2. Prostituting another person;
    3. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
    - Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
  1. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
  2. Inducing incapacitation for sexual purposes;

3. Engaging in non-consensual voyeurism;
  - Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
  - Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals; or
1. Possessing, distributing, viewing or forcing others to view illegal pornography.

## C. Retaliation

Retaliation means any adverse action, including efforts to intimidate, threaten, coerce or discriminate, and any adverse employment or educational actions, that would discourage a reasonable person from engaging in activity protected under this policy, against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, responded to a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and accompanying Discrimination Grievance Procedures.

## XI. Resolution, Sanctions, Appeal

The University's resolution processes are described in the accompanying Discrimination Grievance Procedures.

The possible sanctions and corrective actions that can occur as a result of violating this Policy are described in the accompanying Discrimination Grievance Procedures.

The University's procedure to appeal a finding of responsibility for violating this Policy is described in the accompanying Discrimination Grievance Procedures.

## Appendices:

A: University Resource Guide; B: Mutual Restriction on Contact Guidelines

*[1] As an affiliate campus, the Title IX Coordinator at the University of Montana Western will collaborate with the EO/TIX Office at the University of Montana for training, for resolution of Formal Complaints, to share resources and ensure adherence to these policies and procedures.*

*[2] Information about on-campus and off-campus resources, including contact information for relevant law enforcement agencies, is attached to this policy as Appendix A.*

*[3] As an affiliate of the University of Montana, limited individuals who need to know may include the members of the Equal Opportunity/ Title IX staff at the University of Montana for such purposes.*

*[4] Although some protected class conduct may be egregious in nature, the lack of proximity of the conduct to the University may limit its effect on an individual's education or employment. Other conduct may be relatively less severe but, for example, occur between colleagues of the same office or students in a shared seminar and therefore result in a greater impact on an individual's education or employment.*

*[5] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality*

*of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.*

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## **Discrimination Grievance Procedures**

### **Accompanying the Discrimination, Harassment, and Retaliation Policy [INTERIM]**

#### **University of Montana Western Title IX**

##### **I. Introduction and Purpose**

The purpose of these Discrimination Grievance Procedures (the Procedures), as set forth below, is to provide prompt and equitable resolution of protected-class harm based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, gender, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation as contemplated and prohibited by the University’s Discrimination, Harassment, and Retaliation Policy (the Policy).

These Procedures address reports of protected-class harm, including conduct prohibited by the Policy (Prohibited Conduct). The Policy is referenced here and incorporated as if fully set forth herein.

##### **II. Definitions**

1. **Advisor** means a person chosen by a party to be present during an investigation and hearing, and to conduct cross-examination on behalf of a party during any live hearing conducted under these Procedures. If a party does not have an Advisor during a live hearing, the University will appoint an Advisor to conduct cross-examination on behalf of that party.
2. **Complainant** means an individual who is alleged to be the subject of Prohibited Conduct under the University’s Discrimination, Harassment, and Retaliation Policy.
3. **Day** means any day the University is open for business, which excludes weekends and University recognized holidays.
4. **Exculpatory Evidence** means evidence that tends to clear a Respondent from responsibility for Prohibited Conduct.
5. **Formal Complaint**, as set forth in the Policy at Section III(C), means a document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct by a Respondent and requesting that the University investigate and adjudicate the allegation of Prohibited Conduct; and meet the applicability and jurisdiction requirements set forth in UMW’s Discrimination, Harassment,

and Retaliation Policy at Sections II and IV, respectively. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or at the contact information listed in the Policy at Section III. The Formal Complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

6. **Grievance Proceeding** means the process described below in Section IV, and includes an investigation, live hearing, and where applicable, a sanction and opportunity to appeal.
7. **Hearing Panel** is composed of a representative appointed by The University of Montana Western may have a representative appointed by each of the Faculty Senate, Staff Senate, Student Senate, and a Chair appointed by the President, at the University of Montana, and is responsible for determining whether the Respondent(s) is responsible for the allegations of Prohibited Conduct. The Chair of the Hearing Panel is responsible for the writing the final written report. The Chair will make the final decision in the event that the Hearing Panel does not reach consensus.
8. **Hearing Panel File** means the final written decision, the recording or transcription of the live hearing, and all evidence directly related to the matter.
9. **Inculpatory Evidence** means evidence that tends to establish responsibility for the alleged Prohibited Conduct.
10. **Investigator** means an individual who does not have a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent; has been trained on the definitions of Prohibited Conduct, and the scope of the University's jurisdiction, how to conduct a fair and impartial investigation, on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
11. **Prohibited Conduct** means conduct described in Section XI of the University's Discrimination, Harassment, and Retaliation Policy.
12. **Report of Prohibited Conduct** means information submitted to the Title IX Office at the contact information listed at Section III of the policy, a phone call to or message left at (406) 683-7900, or through the University's Maxient system at <https://cm.maxient.com/reportingform.php?UnivofMontanaWestern> , as set forth in the Policy at Section III(A).
13. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.
14. **Supportive and Protective Measures** are defined in Section VI of the University's Discrimination, Harassment, and Retaliation Policy.
15. **Title IX Coordinator** means the individual who is responsible for coordinating efforts of the University to notify applicants for admission and employment, students, employees, and all unions holding collective bargaining agreements with the University of the identity of the Title IX Coordinator, information about how to file reports of Prohibited Conduct, for disseminating the Policy and Procedures and non-discrimination notices, for coordinating responses to reports of Prohibited Conduct, for ensuring that the Grievance Procedure provides for prompt and equitable resolution of Formal Complaints of Prohibited Conduct, for ensuring that investigators, Advisors, Hearing Panel members, and all other University officials facilitating an Informal Resolution or Formal Grievance Proceeding are properly trained, and for ensuring effective implementation of any remedies. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.
16. **University Program or Activity** means locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which Prohibited

Conduct is alleged to have occurred, and also includes any buildings owned or controlled by a student organization that is officially recognized by the University.

### **III. University Response**

#### **A. Following receipt of a Report of Prohibited Conduct and/or a Formal Complaint,**

the Title IX Coordinator will promptly contact the Complainant to offer Supportive and Protective Measures, consider the Complainant's wishes with respect to Supportive and Protective Measures, inform the Complainant of the availability of Supportive and Protective Measures with or without the filing of a Formal Complaint, and invite the Complainant to meet with the Title IX coordinator to assess jurisdiction and discuss potential resolution options, including the process for filing a Formal Complaint.

#### **B. The Title IX Coordinator may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.**

#### **C. Notice.**

Following receipt of a Formal Complaint, the EO/Title IX Coordinator will promptly issue a written notice to the Complainant(s) and Respondent(s) who are known. The notice will include a link to or copy of these procedures; a description of the allegations in the Formal Complaint, including sufficient details, including the identity of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), if known. The written notice will include a statement that the Respondent(s) is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Grievance Process. The notice will inform the parties that they may have an Advisor of their choice, and that the parties may inspect and review evidence as described in these Procedures. If any student is a party, the written notice will also reference the Student Conduct Code, Section V.A.3, which prohibits students from providing false information during the Grievance Process.

#### **D. Dismissal.**

The Title IX Coordinator may dismiss a Formal Complaint, if at any time during the investigation or hearing, the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or withdraw any allegations the Complainant has made; the Respondent is no longer enrolled or employed by the University; or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. Upon dismissal of the Formal Complaint for any reason, the Title IX Coordinator will promptly send written notice of the dismissal and the reason(s) therefore to the parties.

#### **E. The University has two processes to resolve a Formal Complaint:**



#### (1) Grievance Proceeding.

A Grievance Proceeding involves an investigation, a hearing, and, if applicable, sanctions and an appeal. There are two hearing formats to be utilized under these Procedures, one applies to any matter in which Sexual Harassment is alleged; the other applies to all other forms of Prohibited Conduct. All hearings under these Procedures will be conducted in accordance with the Rules of Decorum for Equal Opportunity & Title IX Hearings, attached as Appendix A. The format for all live hearings under these Procedures will comply with the Grievance Proceeding described below at Section IV.

#### (2) Informal Resolution.

An Informal Resolution, as described below at Section V, involves both parties' voluntary written consent to participate in the Informal Resolution Process. The Informal Resolution Process may not be used to resolve allegations that an employee Sexually Harassed a student.

### **IV. Grievance Proceeding**

#### **A. Burden of Proof and Standard of Evidence.**

Neither a Complainant nor a Respondent has any burden to prove or disprove Prohibited Conduct. The University has the burden to prove through the Grievance Proceeding that a Respondent engaged in Prohibited Conduct. The University presumes that the Respondent has not engaged in Prohibited Conduct until it has made a final determination at the conclusion of the Grievance Proceeding. The standard of evidence for determining whether a Respondent has engaged in Prohibited Conduct is the preponderance of the evidence standard. The preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

#### **B. Investigation.**

The EO/Title IX Coordinator will assign a properly trained and impartial investigator.

1. The investigator is responsible to gather evidence sufficient to reach a determination regarding responsibility or no-responsibility.
2. The investigator may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to a party, unless the University obtains that party's voluntary, written consent to do so for this Grievance Process.
3. The investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence.
4. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.[1]
5. The investigator will provide the parties with the same opportunities to have support persons, and an Advisor of their choice, present during any interview or meeting related to the investigation.
6. The investigator will provide written notice of the date, time, participants, and purpose of all investigative interviews, and other meetings, with sufficient time for a party to prepare to participate.

7. The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and Inculpatory or Exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
8. If in the course of the investigation, information becomes available that leads to the investigation of additional allegations about the Respondent or Complainant that were not included in the initial written notice, the investigator will provide an additional written notice to the parties whose identities are known, of the additional allegations.
9. Prior to the completion of the investigation, the investigator will provide to each party and the party's Advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have at least 10 working days to submit a written response, which the investigator will consider prior to completion of the investigative report.
10. The investigator will create a pre-hearing investigative report that fairly summarizes relevant evidence. The pre-hearing investigative report will state whether there is reasonable cause to believe that Prohibited Conduct occurred based upon an objective evaluation of all relevant evidence. The objective evaluation will be based upon the presumption that the respondent(s) is not responsible for the alleged conduct and the preponderance of the relevant evidence standard.
11. The investigator will send to each party and the party's Advisor, if any, the investigative report in an electronic format or a hard copy.
12. Upon receipt of the investigative report, each party has 10 days to submit a written response to the investigator.
13. After receipt of the parties' responses to the investigative report, or expiration of the time permitted for such responses, the investigator will provide the following to the EO/Title IX Coordinator and to the parties and their respective Advisors, if any the following:
  14. Written Notice described at Section III(C), above, and any additional written notices;
  15. Description of the procedural steps taken from the receipt of the Formal Complaint through the final investigative report and receipt of any responses to the final investigative report, including all notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence;
- All evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint and any additional allegations of which the parties were provided written notice, including evidence upon which the investigator did not rely in forming an opinion, and any Inculpatory or Exculpatory evidence whether obtained from a party or other source;
  1. The pre-hearing investigative report; and
  2. All written responses and any other submissions provided by the parties, and their advisors to the investigator.

### **C. Hearing.**

After receipt of the information described above, in Section III(B)(m), the EO/Title IX Coordinator will provide such information to the Hearing Panel and will work with the Hearing Panel, the parties, and their Advisors, to schedule a date, time, and location for a live Hearing.

1. The Chair of the Hearing Panel may convene a pre-hearing conference with the parties and their Advisors to discuss matters of procedure, including logistics of technologies to be used, and any requests for parties to be located in separate rooms; time allocations; identity and logistics of witnesses to be called; sequestration of witnesses; evidence to be presented; recording or transcription of the hearing; identify of support persons to be present; process for questions and cross-examinations; anticipated evidentiary disputes; the Rules of Decorum for Equal Opportunity & Title IX Hearings; other matters that will help to enable a fair and impartial hearing. Prior to the pre-hearing conference, the Chair of the Hearing Panel will request each party to submit a list of anticipated witnesses and cross-examination questions. The Chair of the Hearing Panel will discuss the party's submitted questions with the submitting party and their Advisor during the pre-hearing conference.
  2. The Chair of the Hearing Panel will conduct all proceedings in accordance Rules of Decorum for Equal Opportunity & Title IX Hearings. For all hearings conducted under these Procedures, the Chair will make determinations regarding relevancy and will permit only relevant cross-examination and other questions to be asked of parties and witnesses.
  3. Each party will be afforded an opportunity to make an opening and closing statement, personally, or through their Advisor. Following any opening statements, the Hearing Officer will invite parties and witnesses to answer questions posed by the Hearing Panel.
  4. For charges of Sexual Harassment, cross-examination will be conducted as follows, in accordance with federal requirements and Rules of Decorum for Equal Opportunity & Title IX Hearings:
  5. Before a Complainant, Respondent, or witness answers a cross-examination question, the Chair will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  6. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Asking a question of a particular individual previously asked of and answered by that individual is impermissible as irrelevant.
1. If a party or witness does not submit to cross-examination at the Hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Hearing panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
  2. Each party's Advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination will be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally.
  3. For Hearings involving only other charges of Prohibited Conduct and not Sexual Harassment, cross-examination will be conducted as follows, in accordance with the Rules of Decorum for Equal Opportunity & Title IX Hearings:
  4. Cross-examination questions will be asked directly by the Chair of the Hearing Panel based on the questions submitted beforehand and discussed at the pre-hearing conference. Additional questions

may be submitted to the Chair in writing during the hearing, which the Chair may ask of parties and witnesses.

5. If a party or witness does not attend the Hearing or refuses to answer a specific question at the Hearing, the Hearing Panel may elect to consider any other evidence made available to it during the hearing, including testimony offered by parties and witnesses present, and any documentation evidence included in the pre-hearing investigation report if authenticated by the EO/TIX office. The Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
6. Either party may request that the hearing occur with the parties located in separate rooms with technology enabling the Hearing Panel and parties to simultaneously see and hear the party or the witnesses answering questions.
7. The University will create an audio or audiovisual recording, or transcript of the live hearing and will make it available to the parties for inspection or review. Other recordings or transcriptions of the hearing will not be permitted.[2]
8. Following conclusion of a Grievance Proceeding, the Hearing Chair will promptly issue a written determination on behalf of the Hearing Panel regarding responsibility. To reach this determination, the Hearing Panel will begin its analysis with the presumption that the Respondent(s) is not responsible for the alleged conduct and will weigh the evidence to determine whether the preponderance of the relevant evidence weighs in favor of a finding of responsibility or no finding of responsibility for the alleged Prohibited Conduct.
9. The written determination will be provided to the Complainant and Respondent as simultaneously as possible and will include the following:
  10. Identification of the allegations potentially constituting Prohibited Conduct;
  11. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
  1. Conclusions regarding the application of the Policy to the facts;
  2. A statement of, and rational for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the Respondent; and whether remedies designed to restore or preserve equal access to the University's Program or Activity will be provided by the University to the Complainant; and
  3. The University's procedures and permissible bases for the Complainant and Respondent to appeal.
  4. The Chair of the Hearing Panel will provide to the EO/Title IX Coordinator the final written decision, the recording or transcription of the live hearing, and all evidence directly related to the matter ("Hearing Panel File").

## **F. Appeal.**

Either or both parties may appeal from a determination regarding responsibility and from the University's dismissal of a formal complaint or any allegations therein.

1. An appeal must be submitted to the EO/Title IX Coordinator within 10 days of the date the written determination was submitted to the parties.
  2. Grounds for appeal are:
  3. Procedural irregularity that affected the outcome of the matter;
  4. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or member(s) of the Hearing Panel had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
1. Upon receipt of an appeal, the EO/Title IX Coordinator will notify the other party in writing when an appeal is filed and will issue instructions, including reasonable deadlines for the non-appealing party to submit a written response.
  2. Once the EO/Title IX Coordinator has received the written statements or the deadlines for submission of the written statements has expired, the EO/Title IX Coordinator will provide to the Chancellor of the University of Montana Western or their designee, written statements submitted by the parties, the final written decision and will make available the Hearing Panel File.
  3. The Chancellor or designee will issue a written decision describing the result of the appeal and the rationale for the result and will provide the written decision simultaneously to both parties.
  4. A decision by the Chancellor or their designee is the final decision of the University and thus the conclusion of the grievance proceeding. As such, appropriate disciplinary sanctions may be immediately imposed, regardless of whether a party files an appeal under Board of Regents Policy 203.5.2 described below. The University may also determine to impose interim measures/sanctions consistent with the final University determination, pending an appeal under the Board of Regents policy.

## **V. Informal Resolution**

1. At the discretion of the EO/Title IX Coordinator, this process is available to resolve all allegations of Prohibited Conduct except Sexual Harassment by employees against students.
2. After the parties are provided with written notice of Formal Complaint, pursuant to Section II.(C). of these procedures, the Title IX Coordinator may reach out to both parties to explore whether they would like to engage in an Informal Resolution Process.
3. The EO/Title IX Coordinator is responsible for either overseeing or conducting the informal resolution process. Examples of Informal Resolution include mediation, facilitated conversation, and education.
4. Both parties must provide voluntary written consent to Informal Resolution, and the EO/Title IX Coordinator must determine an Informal Resolution process is appropriate, before the EO/Title IX Coordinator will initiate an Informal Resolution process.
5. At any time, before completing a resolution, any party has the right to withdraw from the Informal Resolution Process and resume the Grievance Process with respect to the Formal Complaint. A completed resolution must contain signatures of the parties and the EO/Title IX Coordinator. The EO/Title IX Coordinator retains the authority to determine whether any Informal Resolution is sufficient.

6. The only record resulting from the Informal Resolution process will be a Written Agreement of Informal Resolution signed by both parties and the EO/Title IX Coordinator. Each party will receive a copy of the written agreement and the EO/Title IX Coordinator will maintain a copy in the EO/Title IX Office records.
7. None of the information learned solely as a result of the Informal Resolution process may be used in the Grievance Process. The fact that the parties participated or that any party declined to participate or withdrew from the Information Resolution Process may not be considered in a Formal Grievance Process.

## **VI. Sanctions**

1. Student Respondents. The Hearing Panel is responsible for determining sanctions against student respondents.
2. Possible sanctions against students may include one or more of the following:
3. Disciplinary probation: A designated period of time during which the respondent is not in good standing with the University. The terms of disciplinary probation may involve restrictions of privileges and/or set specific behavioral expectations;
4. Restriction from employment at the University: Prohibition of or limitation on University employment;
5. Class/Workshop/Training/Program attendance: Enrollment in and completion of a class, workshop, training, or program that could help the respondent or the University community;
6. Educational project: Completion of a project specifically designed to help the respondent understand why certain behavior was inappropriate and to prevent its recurrence;
7. University housing transfer or removal: Permanent placement in another room or housing unit or removal from University housing. Housing transfers or removals may be for a specified time (e.g., a year) or permanent depending on the circumstances;
8. Removal from specific courses or activities: Suspension or transfer from courses or activities at the University for a specified period of time or permanently
9. Banning from all or specific University activities and events: The University may prohibit an individual from attending University sponsored activities either on or off-campus;
10. Permanent No Contact: Restriction from entering specific University areas and/or from all forms of contact with certain persons;
11. Suspension: Separation from the University for a specified period of time or until certain conditions are met;
12. Expulsion or permanent separation: Termination of student status for an indefinite period for students or termination from employment for employees;
13. Transcript hold: The University may prevent a student from receiving a copy of their transcript; or
14. The University may delay the conferral of the degree pending the outcome of an investigation or withhold the conferral of the degree due to a finding of prohibited conduct. In extraordinary circumstances, the University may revoke the conferral of a degree.
15. Student Respondents may submit to the Hearing Panel, a mitigation statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the sanctions imposed. Complainants may submit to the Hearing Panel an impact statement describing the impact of the Prohibited Conduct on the complainant and expressing the complainant's preferences regarding appropriate sanctions.

- In determining the appropriate sanctions for students, the Hearing Panel will be guided by a number of considerations, including:
  1. The nature of the conduct at issue and the Prohibited Conduct for which Respondent was charged;
  2. The impact of the Prohibited Conduct on the Complainant;
  3. The impact of the Prohibited Conduct on the community or the University;
  4. Whether the Respondent has accepted responsibility for the Prohibited Conduct, which may be considered as a factor that may lessen, not increase, the severity of the sanctions;
  5. Maintenance of a safe and respectful environment conducive to learning;
  6. Protection of the University community;
  7. The necessity of any specific action in order to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects on the Complainant or other University community members; and
  8. Any other mitigating, aggravating, or compelling circumstances, including those set forth in the impact or mitigation statements.
  9. Employee Sanctions. If the Respondent(s) is an employee, the Hearing Panel will not make a determination regarding sanctions. After any appeal or opportunity for appeal has been exhausted, the EO/Title IX Coordinator will provide the Hearing Panel's written decision, and any final decisions on appeal, to the University administrator with the authority to impose sanctions in accordance with applicable employment policies and procedures and collective bargaining agreements. The EO/Title IX Coordinator will inform the Complainant(s) of the status of the employee sanctioning process and outcomes, as they directly relate to the Complainant(s)'s participation in University Programs or Activities.
  10. Student-Employee Sanctions. If the Respondent is a student-employee, the Hearing Panel will determine sanctions with respect to the Respondent's status as a student and the EO/Title IX Coordinator will provide the Hearing Panel's decision to the Respondent's supervisor to impose sanctions in accordance with applicable employment policies and procedures.

## **VII. Records**

1. The EO/Title IX Coordinator from the University of Montana and the Title IX Coordinator from the University of Montana Western are responsible to maintain for a period of seven years the following records:
  2. Records of the Grievance Process following the filing of each Formal Complaint including:
    3. Hearing Panel File;
    4. Any disciplinary sanctions imposed upon the Respondent(s);
    5. Any remedies provided to the Complainant(s) designed to restore or preserve equal access to the University's Programs or Activities;
    6. Any documents submitted as part of an appeal and any written decisions as a result of an appeal;
    7. Any written agreement of Informal Resolution.
  8. All materials used to train the EO/Title IX Coordinator and any deputy Title IX Coordinators, investigators, the Hearing Panel, the Chancellor (or designee), all other decision-makers for appeals, and any person who facilitates an Informal Resolution Process. The EO/Title IX Coordinator(s) must make these training materials available on the Title IX Student Affairs website.
- Records of all Reports of Prohibited Conduct including:

1. A record of the initial report;
2. A record of any actions taken in response to a report of Prohibited Conduct;
3. A record of supportive measures provided to a Complainant, or if supportive measures are not provided to a Complainant, documentation of the reasons why such a response was not clearly unreasonable in light of the known circumstances;
4. Documentation of measures taken by the University to restore or preserve equal access to the University's Programs or Activities;
5. Documentation of the basis for the conclusion that the University's response was not deliberately indifferent to a report of Prohibited Conduct.
6. The University will keep confidential the identity of any individual who has made a report or filed a Formal Complaint of Prohibited Conduct, any Complainant, any Respondent, and any witnesses, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, appeal, or judicial proceeding arising thereunder.

## VIII. Timeframe

Consistent with timeframes identified herein and where otherwise unspecified, the University will respond to and seek resolution of all Reports of Prohibited Conduct and Formal Complaints under these Procedures, promptly, as determined by fact and circumstance, and in accordance with federal regulation. The EO/Title IX Office will set and provide advanced notice of timelines and deadlines to parties, witnesses, and Advisors.

Except as otherwise specified, the EO/Title IX Coordinator may extend a deadline or permit delay of any resolution process described herein upon a showing of good cause and written notice to the parties of the reason for extension or delay. Good cause may include considerations such as the unavailability of a party, witness, or Advisor; concurrent law enforcement activity; or the need for language assistance or accommodation of disability.

## IX. Board of Regents Policy 203.5.2 – Appeals

[Board of Regents Policy 203.5.2](#) provides that any party may appeal the final decision of a university president, within thirty (30) days of the president's decision to the commissioner of higher education.

## Appendices:

A: University Rules of Decorum for Equal Opportunity & Title IX Hearings

*[1] The University will not restrict students' and employees' ability to discuss the allegations under investigation to the extent such discussion aligns with a party's right to meaningfully participate in furthering the party's interests in the case. However, this provision in no way immunizes a party from abusing the right to discuss the allegations under investigation by, for example, discussing those allegations in a manner that constitutes Retaliation as defined at Section XI(C) of the Discrimination, Harassment, and Retaliation Policy. Similarly, where a party's conduct toward a witness might constitute tampering (for instance, by attempting to alter or prevent a witness's testimony), it is prohibited and may constitute a violation of the Student Code of Conduct or relevant employment agreement or policy.*

*[2] Personal or unauthorized audio or video recording of any meeting, interview, Grievance Proceeding, or Informal Resolution contemplated by the Policy or these Procedures is prohibited.*



# **What To Do If You Are Sexually Assaulted**

## **Personal Safety Options**

If you are sexually assaulted, resources are available on and off campus to help you. It is important to preserve evidence in case you decide to press charges.

If you are raped or sexually assaulted on campus:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence. Do not wash, use the toilet or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper bag (no plastic bags).
- You have the option to notify law enforcement. Call the Dillon City Police at (406) 683-3701 or 911. Dillon City Police may also be reached in person at the Courthouse. The Title IX Coordinator can help you report to law enforcement. Furthermore, victims have the right to decline to notify law enforcement.
- Individuals may also report an incident of Sexual Assault to the institution's Title IX coordinator. The Title IX Coordinator is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator is the Dean of Students, phone number 406-683-7900, and is located at 538 Poindexter in the Dean of Students Center. The institution's sexual harassment policy, including a description of the grievance procedures can be found here <https://w.umwestern.edu/section/101-4-discrimination-harassment-and-retaliation/> Notifying the Title IX coordinator will help you determine whether the University can provide interim measures such as changes to your living situation or academic accommodations and can start the conversation about a campus investigation.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action. Call 911 or get to the hospital for safe and private environment.
- Talk with an advocate or a counselor serving in a professional role in which communication is privileged under Montana law (e.g. medical providers, licensed professional counselors, rape crisis counselors), who can help explain your options, give you information, and provide emotional support. On campus, the counseling office located in the Dean of Students Center provides

confidential counseling services to UMW students who have experienced sexual or relationship violence, stalking or harassment (406-683-7388). These resources do not have to report to the Title IX Coordinator as other employees would. Talking with them does not start a campus or law enforcement investigation.

Community Health Center is available to UMW students (406-683-4440). CHC can assist with most medical concerns, including pregnancy and STD testing following an assault. CHC does not collect evidence in cases of sexual assault. CHC providers do not have to report to the Title IX Coordinator. Talking with them does not start a campus or law enforcement investigation.

## **What To Do If You Experience Stalking, Domestic or Dating Violence**

### **If you are in an abusive relationship:**

You have choices. Remember, no one deserves to be abused; it is not your fault. The following are recommendations to assist you in dealing with this crime. You can:

- Seek medical attention for any injuries; visit Community Health or a hospital, or consult a private physician; ask your physician about documenting your injuries.
- Try to preserve all physical evidence. Do not wash, use the toilet or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper bag (no plastic bags).
- Find someone you can safely talk to about the situation, such as a friend, family member, and/or contact Community Resource Support Center for more information or support. An advocate or counselor will talk with you about your options and rights, and offer you any referrals you may need. Call them on their 24-hour hotline 800-253-9811.
- Report abuse to law enforcement or to the University's Title IX Coordinator. Individuals may also report an incident of Domestic Violence, Dating Violence or Stalking to the institution's Title IX coordinator. The Title IX Coordinator is responsible for coordinating the institution's compliance with Title IX. The Title IX Coordinator is the Dean of Students, phone number 406-683-7900 and can be located at 538 Poindexter in the Dean of Students Center. The institution's sexual harassment policy, including a description of the grievance procedures can be found here

<https://w.umwestern.edu/section/101-4-discrimination-harassment-sexual-misconductstalking-and-retaliation/> The Title IX Coordinator can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the University can provide interim measures such as changes to your living, academic, or on-campus working situations and can start the conversation about a campus investigation.

- Obtain a Temporary Order of Protection; for assistance, contact the Community Resource Support Center (406-683-6106).
- Develop a safety plan.
- Speak with a University counselor. For an appointment, contact Counseling Services (406-683-7388).

### **If you are being stalked:**

You have choices. Early intervention is critical. Most stalking does not end on its own. Recognizing stalking behavior is the first step. Many people minimize the seriousness of stalking, assuming that the stalker has poor social skills or misplaced romantic notions. There are several signs that indicate stalking behavior. Trust your feelings. The following are recommendations to assist you in dealing with this crime. You can:

- Develop a safety plan. You can contact counseling services for assistance (406-683-7388).
- Develop a network of support, such as resident assistants, friends, or family.
- Clearly state that you are not interested in the attention of the stalker and that you want the behavior to stop.
- Try to preserve all physical evidence.
- Develop documentation of stalking incidents.
- Report the behavior to law enforcement (406-683-3701 or 911).
- Obtain a Temporary Order of Protection; for assistance, call Community Resource Support Center (406-683-6106).
- The Title IX Coordinator can help you report to law enforcement. Notifying the Title IX Coordinator will allow her to help you determine whether the University can provide interim measures such as changes to your living,

academic, or on-campus working situations and can start the conversation about a campus investigation.

## **Bystander Intervention and Sexual Misconduct Prevention and Awareness Campaigns**

The University of Montana Western is able to provide research based rape prevention programming on campus. Montana Western received a Rape Prevention Education Grant through the CDC and brought in the bystander intervention program, Step Up, to campus. The Montana University system has purchased the Everfi program HAVEN

Understanding Sexual Assault for new Montana Western Students and Montana Western is requiring all faculty and staff to complete the HAVEN

Understanding Sexual Assault for Employees program. Montana Western has also brought in speakers who talk about the importance of rape prevention.

Montana Western's Peer Education program PATH (Peers Advocating Towards Health) also provide programming to students throughout the year on consent and healthy relationships. Montana Western also utilizes promotional items for all rape prevention efforts.

## **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, 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, working situations, if reasonably available. The University will make such accommodations or protective measures, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Dean of Students at 406-683-7900 or the Dean of Students Center located at 538 Poindexter.

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:

<b>Incident Being Reported</b>	<b>Procedure the University will Follow</b>
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), Montana Western will provide complainant with access to medical care.</li> <li>2. Montana Western will assess immediate safety needs of complainant.</li> <li>3. Montana Western will assist complainant with contacting the Dillon City Police if complainant requests AND provide the complainant with contact information for Dillon City Police Department.</li> </ol>
	<ol style="list-style-type: none"> <li>4. Montana Western will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. Montana Western will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Montana Western will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Montana Western will provide a No Contact directive to respondent if deemed appropriate.</li> <li>8. Montana Western will provide instructions on how to apply for a Protective Order.</li> <li>9. Montana Western 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.</li> <li>10. Montana Western will inform the complainant of the outcome of the investigation, whether or not the respondent is in violation of a policy and what the outcome of the hearing is.</li> <li>11. Montana Western 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.</li> </ol>

<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Montana Western will assess immediate safety needs of complainant.</li> <li>2. Montana Western will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</li> <li>3. Montana Western will provide written instructions on how to apply for a Protective Order.</li> <li>4. Montana Western will provide written information to complainant on how to preserve evidence.</li> <li>5. Montana Western will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Montana Western will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Montana Western will provide a "No Contact" directive to the accused party if deemed appropriate.</li> </ol>
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<b>Dating Violence and Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Montana Western will assess immediate safety needs of complainant.</li> <li>2. Montana Western will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department.</li> <li>3. Montana Western will provide instructions on how to apply for a Protective Order.</li> <li>4. Montana Western will provide written information to complainant on how to preserve evidence.</li> <li>5. Montana Western will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Montana Western will provide the victim with a written explanation of the victim's rights and options.</li> <li>7. Montana Western will provide a "No Contact" directive to the accused party if deemed appropriate.</li> </ol>
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### **Assistance for Victims: Rights and 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:

- Consider seeking medical attention as soon as possible at the closest hospital emergency department after an incident of sexual assault, dating violence, or domestic violence. If victims of sexual assault 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.
- Preserve evidence that may assist investigators during the course of a criminal investigation prove that the criminal offense occurred, or is occurring. 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. This evidence may be helpful in obtaining a protection order.
- Save text messages, instant messages, social networking pages, other communications as evidence; and keep pictures, logs, or copies of documents if they have any that could be useful to University adjudicators/investigators or local police.
- Some people, such as counselors or victim advocates, can talk with you in confidence without triggering a report or an investigation. Specifically, you can contact any of the on or off campus confidential resources.
- When faculty and staff not involved in the confidential resource offices learn about sexual harassment and/or sexual violence involving students or employees, they have a legal obligation to report it.
- Even if you do not seek out a confidential resource or ask for privacy, Montana Western will only disclose information to individuals who are responsible for handling the response to sexual harassment and/or sexual violence and have a clear need to know.
- You have the right to talk with University officials about protecting your safety and privacy.
- Montana Western does not publish the names of crime victims or other identifiable information regarding victims in the Daily Crime and Fire 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 Campus Safety Alert or Timely Warning Notice is issued based on a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information will be withheld.
- The University of Montana Western 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. If you have experienced sexual discrimination, and/or sexual violence (including sexual assault, dating violence, domestic violence, or stalking) in particular, please come to the Dean of Students Center to pick up a brochure, which includes some things, you should know about your rights.

- Upon notification of an incident of sex discrimination, the University may take appropriate interim measures to protect the parties involved. Interim measures can be requested by any involved party, or can be imposed by the University. Such measures may include changes to academic, living, working, or transportation situations/conditions, regardless of whether the victim chooses to move forward with an investigation or report the crime to law enforcement.

### **Rights of victims and the University of Montana Western's responsibilities for Orders of Protection or No Contact Orders.**

The University of Montana Western complies with the State of Montana's law in recognizing Orders of Protection and/or No Contact Orders. Any person who obtains an Order of Protection from Montana or any State should provide a copy to the Dean of

Students or the Title IX Coordinator. A complainant may then meet with The Dean of Students to develop a safety action plan, which is a plan for the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.)

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.

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

<http://www.rainn.org> – Rape, Abuse and Incest National Network  
<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights.

### **Confidentiality**

The law allows release of certain personally identifiable student information, known as "directory information," to third parties without student consent. However, a student may request that all of the items identified as directory or public information, with the exception of name, be withheld and considered restricted information by filing a written request at the UMW Registrar's Office.



A request for nondisclosure will be honored by the institution and remain active on a semester-by-semester basis. Students must notify the institution of their desire for continued directory records restriction. The following items of student information are considered “directory information” and may be released to third parties:

- Name, campus address, home and permanent address, telephone, email address.
- Age, date, place of birth.
- Name and address of parents.
- Major Field of study, including department or program in which the student is enrolled.
- Classification as a freshman, sophomore, junior, senior, or graduate student, etc.
- Participation in officially recognized activities and sports.
- High schools attended, high school graduation date.
- Weight, height, and pictures of athletic team members.
- Class schedules, dates of attendance and graduation, degrees received.
- Honors and awards received.
- The most recent educational institution attended by the student.
- Individual student class schedules.
- Photographs of students.

Release of directory information is handled with discretion. Use of this information for commercial solicitation purposes will generally be denied, with the exception under the Solomon Amendment that institutions are required to provide directory information to United States Military recruiting offices.

Regardless of whether a complainant has opted-out of allowing Montana Western to share “directory information,” personally identifiable information about the complainant 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 complainant, 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 complainant to the extent that maintain such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Montana Western does not publish the name of crime victims or other identifiable information regarding victims/complainants 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 based on a report of domestic violence, dating violence, and sexual assault or stalking, the name of the victim/complainant and other personally identifiable information about the victim/complainant will be withheld.

## **Adjudication of Violations**

### **Decisions**

The EGP will deliberate in closed session to determine whether the respondent is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If a majority of the panel finds an individual respondent or organization responsible, the panel will recommend appropriate sanctions to the Title IX Coordinators.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinators, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinators within two days following the end of deliberations.

The Title IX Coordinators (or designee) will inform the respondent and the complainant of the final determination within three business days after receiving the report. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' University -issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered and received.

### **Sanctions**

Sanctions or responsive actions will be recommended by the EGP to the Title IX

Coordinators. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous complaints or allegations involving similar conduct
- Any other information deemed relevant by the EGP
- The need for sanctions/responsive actions to bring an end to the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation

- The need to remedy the effects of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation on the victim and the community

### **Student Sanctions**

- The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:
- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure or directive will result in more severe sanctions/responsive actions.
  - *Probation*: A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders and/or other measures deemed appropriate.
  - *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria is met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the University. This sanction will be noted as a Conduct Suspension on the student's official transcript.
  - *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend University -sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
  - *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.
  - *Revocation of Degree*: The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
  - *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

## **(HEOA) Notification to Victims of Crimes of Violence**

Montana Western 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 such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of said victim shall be treated as the alleged victim for purposes of meeting this request.

## **Sexual and Violent Offender Registry**

The Montana's Sexual and Violent Offender Registration Act is designed to protect the public from sexual or violent offenders by requiring offenders to register with local law enforcement agencies in the jurisdiction where they reside. Information about these offenders is then made available to the public.

This registry provides an up-to-date listing of sexual and violent offenders who are required to register their whereabouts. The registry can be found on the Montana Attorney General's office website (<https://app.doj.mt.gov/apps/svow/search-results.aspx>).

## **Campus Resource Organizations**

### **Emergency Response Team**

The Emergency Response Team responds if a situation should warrant the need to involve campus. The emergency operation plan is updated yearly and time is spent retraining those on the team throughout the year.

### **Emergency Preparedness Check-Off List**

Each classroom and office on campus has this check-off list posted on the wall. This is for immediate information for those involved in an emergency. The list has whom to contact and what to do before emergency personnel can get to the situation.

### **Bulldog Bound**

At the beginning of each year, new student orientation has a section about sexual assault prevention, alcohol prevention, and safety and security on campus. All first-time students are required to attend Bulldog Bound.

### **P.A.T.H (Peers Advocating Towards Health)**

An organized group of students who go through intense training on healthy life style choices. They give classroom presentations; organize workshops, rallies, and presentation on campus for students to be aware of the different ways to keep themselves safe and healthy.

### **Residence Hall Floor Projects**

Resident Assistants on each floor do prevention floor projects to help students be prepared and safe on and off campus.

## **Health and Wellness**

The Health and Wellness Coordinator sponsors activities and awareness of safety in the Monday Memo, EverFi surveys, and Student Health 101 located in every bathroom across campus.

## **Safety Walks**

Dean of Students and Facilities personnel and students conduct periodic “safe walks” to identify and resolve potential environmental safety issues. Inadequate lighting, physical obstructions and other potential safety hazards related to crime prevention through environmental design and maintenance are noted so that changes can be made.

The campus and local community are encouraged to report safety and security issues and concerns to Facilities Office at 406-683-7142.

## **Safety and Security**

The health and safety of students, faculty, staff, and visitors are of primary concern to Montana Western. This document, in compliance with the Drug-Free Schools & Communities Act and the Student Right To Know & Campus Security Act (Clery Act) outlines policies and procedures to aid in a safe and productive learning, working, and living environment.

The Campus Security Office is a part of Facilities Services. This operation is a 24-hour-a-day function. During normal weekday, working hours (Monday through Friday 8 a.m. to 5 p.m.) safety and security issues and questions should be addressed by calling 683-7142. On weekends, holidays or outside normal weekday working hours, call 683-7141 or cell phone 596-2222.

Campus Security is responsible for a full range of public safety services including vehicle violations, maintaining instructional integrity and building security, fire safety, key issuance, preparing and submitting incident reports, as well as keeping a nightly log book. Security personnel are to make assessments based on established laws and policies, direct training, and personal judgment.

Creating and maintaining a healthy and safe environment requires the cooperation and involvement of everyone. All students, faculty, staff, and visitors must assume responsibility for their personal health and safety and the security of their personal belongings. Precautionary measures are the key. For example, although the campus is well lit, anyone may contact Campus Security at 683-7141 or cell phone 596-2222 for an escort if traveling across campus late at night.

# **Alcohol Policy**

## **1. Policy**

Consumption of alcoholic beverages on property belonging to the Montana University System is prohibited except as expressly permitted (Board of Regents Policy 503.1). Specifically, the use or possession of alcoholic beverages is prohibited: 1) in University of Montana Western buildings, grounds, and athletic fields, 2) at on-or-off campus University-sponsored events, and 3) at on- or off-campus University-recognized student club events, except in limited approved circumstances.

Except for the limited exceptions listed below, no event involving the service of alcoholic beverages may take place without the prior written approval of the Chancellor or his/her designee. Alcoholic beverages *may* be limited to beer and wine.

## **2. Purpose**

The purpose of this policy is to provide regulations governing the use and possession of alcoholic beverages on University-owned or controlled property, for University-sponsored events, and for events by University-recognized student clubs.

## **3. Procedures**

It is the University's intent to comply with applicable laws pertaining to the sale, possession, and consumption of alcoholic beverages and to foster responsible attitudes toward alcohol among members of the University community, including students, faculty, staff, and visitors

### **1. Definitions**

University clubs, organizations, and campus events include, but are not limited to, sports groups, academic honoraries, athletic teams, service organizations, sponsored parties, tailgate parties, dances, picnics, banquets, field trips, sponsored recreational events, and social functions.

"Alcoholic beverage" means any beverage subject to the "Montana Alcoholic Beverages Code."

### **2. Exceptions**

The consumption of alcoholic beverages at University-recognized events is allowed with advance written approval by the Chancellor or his/her designee providing certain stipulations are met. Guidelines, procedures and [Alcohol Registration Forms](#) are available from the Conference & Event Services Office (see UMW Policy 600.3). Alcoholic beverages may be consumed in the privacy of a Family Housing apartment, the Chancellor's residence, and University rental houses, in accordance with local, state, and federal laws and existing University student conduct regulations.

## **Residence Hall Alcohol Policy**

The University of Montana Western follows all state and federal statutes. In accordance with state law, students under the age of 21 cannot consume or possess alcohol. When both residents of the room are under the age of 21, neither they nor their guests/visitors may possess or consume alcohol. This includes shot glasses, alcohol decorations (trophy bottles), empty alcohol containers, etc.

For rooms in which one roommate is 21 or older while the other roommate is not of legal drinking age, the resident who is of legal drinking age may not consume alcohol in his/her room. Rooms where both or all roommates are of legal drinking age may consume alcohol inside their room and must keep their behavior from being disruptive. No guests under the age of 21 may be present in the room while the of-age roommate/guests are consuming alcoholic beverages.

Alcohol is not allowed in any public areas of the building or in rooms occupied by underage residents. Most alcohol situations are brought to attention because of disruptive behavior. This behavior is addressed through student conduct and may require attendance at a behavioral Health Options (Options). The cost of the Options program is the responsibility of the student.

Alcohol violations carry with them the prospect of a Minor In Possession (MIP) and other criminal charges, and more severe consequences are dependent on the behavior displayed at the time of documentation.

### **3. On-Campus Events**

Alcoholic beverages on University property shall conform to the following conditions:

1. All events held on University property that involve service of alcoholic beverages, except those in Family Housing apartments, the Chancellor's residence, and University rental houses, must be scheduled with the UMW Conference & Event Services Office.
2. Consumption shall be in connection with a substantive event, such as a banquet, official entertainment, reception, or approved tailgate party.
3. Food and nonalcoholic beverages shall be available.
4. The event shall be monitored to prevent consumption by persons not of legal age.
5. All events involving alcoholic beverages must have appropriate licenses and permits.
6. The sale of alcoholic beverages or any indirect means of collecting money to pay for alcoholic beverages is prohibited unless a licensed alcohol vendor caters the event or a temporary alcohol permit is obtained from the State. The vendor must possess a current Montana all-beverage license and an annually renewable catering permit.
7. University or student club funds may not be used to buy alcoholic beverages.
8. Each club or organization sponsoring an event shall adhere to the risk management guidelines contained in this policy.
9. Unreasonable or irresponsible conduct or violation of any regulation or noncompliance with any limitation outlined herein will justify discontinuance of the event and subsequent denial of University service and facilities.

10. UMW Foundation events serving alcoholic beverages on campus are not subject to this policy unless co-sponsored by a student club. Events are approved through the catering policy.

## **4. Off-Campus Events**

University-sponsored events must meet the same requirements that apply to on-campus events.

Any University-recognized student club that sponsors any gathering, meeting, or other activity off-campus that involves alcoholic beverages must meet the same requirements that apply to on-campus events, with the exception of the following privileges and restrictions:

1. Student officers or officials must meet with the club's advisor to ensure their risk management plan adheres to University alcohol policies and risk management guidelines and have the event approved by the Chancellor.
2. A University-recognized student club that sponsors an event involving alcoholic beverages off University property must have the event catered by a licensed vendor, if fifteen (15) or more persons attend the event. Vendor approval by Conference & Event Services is not required.
3. A University-recognized student club that sponsors an event involving alcoholic beverages off University property is not required to have the event catered by a licensed vendor if fourteen (14) or fewer persons attend the event. However, the sale of alcohol is prohibited unless a licensed vendor caters the event. Event participants may contribute personal funds to purchase alcoholic beverages for the event. Students who organize and participate in this type of event assume the responsibility for serving alcohol and monitoring its use in accordance with local ordinances, state, and federal laws, and Board of Regents and UMW policies.
4. University-recognized student clubs may not apply for a special permit from the State of Montana Liquor Division.
5. Violations of University alcohol regulations are also violations of the UMW Student Conduct Code. Violators are subject to disciplinary action pursuant to the Code. The University, including ASUMW, may deny privileges to a student club or impose other sanctions for alcohol violations.

## **5. Alcohol Risk Management Guidelines**

Risk Management guidelines are intended to help safeguard the University community against potential harm and exposure to legal liability. Therefore, it is imperative that policies are consistently enforced and the following strategies be incorporated into planning and implementing any event.

1. Alcohol-free events should be promoted.
2. Reasonable amounts of food and nonalcoholic beverages must be available at the same place and featured as prominently as alcoholic beverages.



3. Alcoholic beverages **must not be** served to minors. Adults risk criminal liability, as well as civil liability, when minors consume alcoholic beverages.
4. At social functions where alcoholic beverages are provided by the sponsoring organization, direct access should be limited to designated servers and consumption permitted only within designated and monitored areas.
5. Drinking competitions are prohibited.
6. Activities promoting forced consumption of alcohol are not allowed and could subject those individuals providing alcohol to liability.
7. Service and consumption of alcoholic beverages must not exceed four (4) hours. Exceptions may apply.
8. Service must be refused to anyone who appears to be intoxicated.
9. A plan must be implemented for controlling and limiting the quantity of alcohol served.
10. Access to the event must be controlled.
11. Assistance should be provided to individuals who are abusing alcohol.
12. Safe transportation to and from events should be encouraged and/or provided, including a designated driver program.
13. Alcohol consumption at tailgate parties may begin no earlier than two (2) hours before the scheduled start of the game, and may continue no later than the start of the second half of the game.
14. Ongoing education should be provided by the University to inform individuals about the potential risks associated with excessive use of alcohol.
15. Alcohol may not be the focus of the event.
16. The amount of alcohol may not be used as an inducement to attend or participate in an event, and event promotional material may not make reference to the amount of alcohol available for consumption, such as number of beer kegs.
17. Event advertisements should mention the availability of nonalcoholic beverages as prominently as alcohol.
18. Alcoholic beverages are not to be provided as free awards to individual students or campus groups.

## **6. Advertising and Promotion Involving Alcohol**

For any University-related event or activity, The University of Montana Western will not:

1. Use beer, wine, or liquor products (name, trademark, or logo) in advertisements and promotions for, or as sponsors of, any University event or activity, regardless of location.
2. Use any University logo, trademark, or name in conjunction with alcoholic beverage products or symbols.
3. Make alcohol the focus of any University event, or use availability of beer or other alcoholic beverages to promote any University event.

## **4. Authority and References**

Board of Regents Policy 503.1, UMW Policy 600.3

## **5. Responsibility**

Chancellor, Vice Chancellor for Administration and Finance, Provost/Vice Chancellor for Academic Affairs and Student Affairs, Dean of Students, Conference and Event Services

# **Drug Free Campus Policy**

## **I. POLICY**

University of Montana Western is committed to providing a drug-free campus.

The unlawful manufacture, distribution, sale, possession, or use of a controlled substance on University-owned or controlled grounds is prohibited.

## **II. PURPOSE**

The purpose of this policy is to comply with the Drug-Free Schools & Communities Act of 1989.

## **III. PROCEDURE**

Any faculty member, staff member, or student who violates this prohibition, or who does not cooperate with the University in its attempts to maintain a drug-free environment, will face disciplinary action up to and including expulsion or dismissal from Western. Such persons also may be required, as a condition of continuing their relationship with the University, to enroll, at their own expense, in a substance abuse counseling and/or treatment program.

Individuals violating any town ordinances, state criminal laws, or federal laws relating to alcohol or drug use also risk fines and imprisonment.

If questions arise related to any of these guidelines or policies, contact the Student Affairs Office for the appropriate department for referral. Faculty, staff, and students are encouraged to familiarize themselves with resources available in the area of substance abuse, counseling, and treatment. In addition, the Campus Counseling Program is available to assist students with substance-related problems.

## **IV. AUTHORITY**

Drug-Free Schools & Communities Act of 1989

## **V. RESPONSIBILITY**

Chancellor, Dean of Students, Campus Counselor

## **Medical Marijuana**

Although Montana state law permits the use of medical marijuana, (i.e., use by persons possessing lawfully issued medical marijuana cards), federal laws prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. The use, possession, or cultivation of marijuana for medical purposes is therefore not allowed in any University of Montana Western housing or any other University of Montana Western property; nor is it allowed at any University sponsored event or activity off campus.

## **Drug and Alcohol Education Programs**

According to the U.S. Department of Education's Drug-Free Schools and Campuses regulations, each Institution of Higher Education is required to develop and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Such a program must include two components: 1) annual notification of: standards of conduct, a description of sanctions for violating federal, state, and local law and campus policy, a description of health risks associated with alcohol and other drugs (AOD), a description of treatment options and 2) a biennial review of the program's effectiveness and the consistency of the enforcement sanctions.

Regarding annual notification, the primary tool used by The University of Montana Western is Alcohol Edu, which each student is required to complete upon his or her arrival. Self-Over-Substance alcohol risk management classes are required for all students who receive sanctions for on-campus alcohol violations or MIP's in the Dillon community. Montana Western peer educators (PATH) provide peer education and leadership regarding alcohol risk management. In addition, our campus maintains a relationship with the Beaverhead County DUI Task Force, which provides programming to minimize the impact of drunk driving in the Dillon and Beaverhead County. Regarding treatment options, outpatient drug and alcohol counseling and education services are available free to students from Montana Western Student Counseling. Counseling services can also help students to coordinate care in the Dillon community and other communities for students seeking or needing higher-level care such as outpatient services, residential treatment, and withdrawal management services.

A biennial review of Montana Western's AOD Prevention Plan will be completed as follows. It has been suggested we do the annual review on even number of years and we must do an annual notification before doing the review. This review will assess the effectiveness of the above-mentioned programs and propose enhanced ways of annual notification for staff, faculty, and students of

standards of conduct, description of sanctions, and descriptions of health risks of AOD.

In compliance with the Drug Free Schools and Communities Act, Montana Western 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 UMW students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at: <https://w.umwestern.edu/wp-content/uploads/2018-Biennial-Review.pdf>

## **Right of Privacy, Release of Confidential Records (FERPA)**

The Family Educational Rights and Privacy Act of 1974 (FERPA) grants students' certain rights, privileges, and protections relative to individually identifiable student educational records that are maintained by Montana Western. Specifically:

- 1) Students' educational records (with the exception of directory information) will be released to third parties only with the written consent of the student.
- 2) Students have the right to inspect and review their own individually identifiable educational records. This right may be exercised by contacting the Registrar.
- 3) Students have the right to challenge information contained in individually identifiable educational records. Contact the Registrar for information.
- 4) A copy of the policy statement describing Montana Western's regulations for this Act is contained in the University Catalog.

FERPA permits the release of directory-type information to third parties without written consent of the student provided the student has been given the opportunity to withhold such disclosure. Montana Western releases, upon inquiry from third parties and for Montana Western's News & classification, class schedules, photos of students (if available), class, major, dates of attendance, and degrees, honors, and awards conferred; and/or the height, weight, name of high school attended and year of graduation of members of athletic teams.

Students may withhold directory information by checking the appropriate box on Montana Western's registration form for that particular semester/term, or by contacting the Registrar's Office, ADM-105, (406) 683-7371.

NOTE: While a request to withhold directory information may be made at any time, students wishing to have directory information withheld from the student directory for a specific term/semester should submit their requests no later than the end of the second week of classes for that particular term.

## **Dangerous or Disruptive Student**

Montana Western is concerned about the physical, mental, and emotional welfare of its students. The University believes that all students have a responsibility for self-welfare, self-guardianship, and self-care. In addition, students are responsible for conducting themselves in a manner that is not violent or disruptive. Any behavior that may threaten the well-being of Montana Western students will be dealt with in a sensitive and appropriate manner.

Montana Western strives to promote the health and safety of individual students with those of the broader campus community. When, in the judgment of appropriate University administration, a student's behavior constitutes a disruption or danger to the living/learning environment, which the University seeks to create, the University will intervene.

## **Suicide Attempts**

Montana Western will consider all suicide attempts as serious. The University views any decision to attempt suicide as an indication of problems that are beyond the student's immediate ability to cope. The counseling office will assist in the identification of resources for students in need of immediate help. In addition, Montana Western recognizes that others in the community are affected by suicide attempts.

Upon notification of a Montana Western student attempting suicide the University will provide crisis intervention. The Counselor, Residence Life Director, and Dean of Students are to be notified immediately so that appropriate intervention may be coordinated.

The Dean of Students may arrange for any student who attempts suicide to withdraw from the University, effective immediately, so that the student can give full attention to recovering. Students who would like to re-enroll must follow the University's readmission procedures for returning to Montana Western.

# Missing Student Policy and Procedure

## 1. Policy

The University of Montana Western takes student safety very seriously. To this end, the following policy and procedure has been established to assist in locating Montana Western students living in college-owned or on-campus housing who, based on the facts and circumstances known to Montana Western, are determined to be missing.

## 2. Purpose

The purpose of this policy is to establish procedures for the University's response to report a missing student, as required by the Higher Education Opportunity Act of 2008.

## 3. Procedures

1. At the beginning of each academic year, Montana Western will inform all students residing in on-campus housing that the University will notify either a parent or an individual selected by the student no more than 24 hours after the time that the student is determined to be missing. This information will include the following:
  1. Students have the option of identifying an individual to be contacted by Montana Western no later than 24 hours after the time the student has been determined to be missing. Students can register this confidential contact information through Bulldog Life.
  2. Montana Western will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined to be missing.
  3. If Montana Western or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, Montana Western will initiate the emergency contact procedures in accordance with the student's designation.
  4. In addition, if the student is under 18 years of age, and not an emancipated individual, Montana Western is required to notify a custodial parent or guardian no later than 24 hours after the time that the student is determined to be missing.
2. Montana Western will comply with the following notification procedure for a missing student who resides in on-campus housing:
  1. All reports will be submitted to the Dean of Students or Bulldog Life Office.
  2. Once the Dean of Students Office or the Bulldog Life Office receives a missing student report, the following offices will be notified:
    1. Bulldog Life Office or Dean of Students Office
    2. Provost/Vice Chancellor for Academic and Student Affairs
  3. Any official law enforcement missing person report relating to this student shall be referred immediately to the Dean of Students.
  4. If the Dean of Students Office, after investigating the official report, determines the student has been missing for more than 24 hours, Montana Western will contact the individual identified by the student, the custodial parent or legal

guardian if the student is under 18 and not emancipated, or local law enforcement if these do not apply.

5. Upon notification from any entity that any student may be missing, Montana Western may use any of the following resources to assist in locating the student. These resources may be used in any order and combination.
  1. Check student's room and talk with roommate and/or friends on the floor.
  2. Search public areas on campus.
  3. Issue an ID picture to assist in identifying the missing student.
  4. May contact known friends, family or faculty members for last sighting or additional contact information.
  5. Access vehicle registration information for vehicle location.
  6. ITS may be asked to look up email logs for last login and use of Montana Western email and WebCT system.
  7. If there is any indication of foul play, the local law enforcement will immediately be contacted for assistance.

#### 4. Authority

Higher Education Opportunity Act of 2008

#### 5. Responsibility

Dean of Students, Provost/Vice Chancellor Academic and Student Affairs, Senior Director of Auxiliary Services

## **Crime Statistics**

The Dean of Students office maintains a close relationship with the Dillon City Police and Beaverhead County Sheriff departments to ensure that crimes reported directly to these departments, that involve the University, are brought to the attention of the Dean of Students. Law Enforcement will not inform the University if the student request them not to report the crime.

## **Preparation of the Annual Disclosure of Crime Statistics - How do we compile these statistics?**

In accordance with the Jeanne Clery Disclosure of Public Safety and Campus Crimes Statistics Act (the Clery Act) of 1998 and the Higher Education Amendments of 1992 and 2008, the Dean of Students office collects the crime statistics disclosed in the charts through a number of methods.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following

sources: PIMA Director, Montana Youth Challenge Academy Director, Human Resource, Birch Creek

Coordinator, Dillon City Police, and non-police officials identified by Federal Law as Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

Reports from Residence Life Staff, Dillon City Police, Sheriff Department, and others with authority to report a crime and compiled by using Maxient (a program that keeps track of all incidents on campus or reported to the Dean of Students or Director of Residence Life) or the Chief of Police. Once these reports have been entered on to a spread sheet and are in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook the information is handed over to the Dean of Students to report the crimes on a chart on the following pages.

## Definitions

**Campus** is defined as “any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including student halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or retail vendor).”

**Non-campus building or property** is defined as “any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.”

**Public property** is defined as “all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to the facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a similar manner related to the institution’s educational purposes.”



## **Definitions of reportable crimes in the Campus Security Act**

*(From the FBI's Uniform Crime Reporting Program)*

**Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident Based Reporting System User Manual from the FBI UCR Program, 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."

- **Rape** is defined as 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** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence, and/or by putting the victim in fear.

**Aggravated assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a felony; breaking and entering with intent to commit a larceny; housebreaking and safecracking; and all attempts to commit any of the aforementioned acts.

**Motor vehicle theft:** The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Liquor law violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, or possession of intoxicating liquor, maintaining unlawful drinking places, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance, and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

**Drug abuse violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone), and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**Weapon laws violation:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons, the carrying of deadly weapons, (concealed or openly), the furnishing of deadly weapons to minors, aliens possessing deadly weapons, and all attempts to commit any of the aforementioned acts.

**Domestic violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.

**Dating violence:** The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

*NOTE: The above definitions for Domestic Violence, Domestic Violence, and Stalking are the federal definitions for these crimes.*

**Hate Crime:** is defined as a criminal offense committed against a person or property, which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin. For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:

- Murder and Non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

- Intimidation: To unlawfully place another person in reasonable fear of bodily, harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

## **Off-campus Resources:**

Lucy France (406) 243-4742 University of Montana Legal Counsel

Jeremy Alvarez, Chief of Police (406) 683-3701 Dillon Police Department

Paul Craft, Sheriff (406) 683-3700 Beaverhead County Sheriff Department

BJ Klose, Fire Chief (406) 683-5051 Beaverhead County Fire Department

Community Resource Support Center (406) 683-6106

## Crime Reports

### Campus Crime Log

The Dean of Students keeps a crime log that records crimes by their nature, date, time, general location, and disposition of the complaint. The crime log is available for inspection by the campus community or the public in the Dean of Students Center.

### Clery Crime Statistics Table

#### Campus Crime Statistics University of Montana Western Campus

OFFENSE	YR	ON-CAMPUS	RESIDENTIAL FACILITIES (subset of on-campus)	NON-CAMPUS	PUBLIC AREAS
MURDER/NON- NEGLIGENT MANSLAUGHTER	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
RAPE	2019	3	3	1	0
	2020	2	2	0	0
	2021	1	1	0	0
FONDLING	2019	0	0	0	0
	2020	0	0	0	0
	2021	1	1	0	0
INCEST	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
STATUTORY RAPE	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
ROBBERY	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
AGGRAVATED ASSAULT	2019	1	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
BURGLARY	2019	0	0	0	0
	2020	1	0	0	0
	2021	0	0	1	0
MOTOR VEHICLE THEFT	2019	0	0	0	0
	2020	0	0	0	0
	2020	0	0	0	0

ARSON	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
STALKING	2019	2	1	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DATING VIOLENCE	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DOMESTIC VIOLENCE	2019	0	0	0	0
	2020	0	0	1	0
	2021	0	0	0	0
LIQUOR LAW ARRESTS	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
DRUG LAW ARRESTS	2019	1	1	0	0
	2020	0	0	0	0
	2021	0	0	0	0
WEAPON LAW ARRESTS	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0
LIQUOR LAW REFERRALS FOR DISCIPLINARY ACTION	2019	35	35	3	3
	2020	27	27	0	0
	2021	23	23	0	0
DRUG LAW REFERRALS FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2020	3	3	0	0
	2021	0	0	0	0
WEAPON LAW REFERRAL FOR DISCIPLINARY ACTION	2019	0	0	0	0
	2020	0	0	0	0
	2021	0	0	0	0

HATE CRIMES: There were no reported hate crimes for 2019-2021.

UNFOUNDED CRIMES: There were no reported unfounded crimes for 2019-2021

## Annual Fire Safety Statement

The University of Montana Western maintains compliance with Fire and Life-Safety standards in all buildings in accordance with the National Fire Protection Association

(NFPA). The compliance involves annual inspections of all fire detection systems (smoke detectors, heat sensors, horn strobe devices, etc.) and fire

protection systems (sprinkler systems, fire extinguishers, kitchen hood systems, etc.) In addition to fire inspections, emergency egress and relocation drills are conducted with sufficient frequency to familiarize occupants with drill procedures. Fire evacuation drills are conducted one time per academic year in all buildings on campus.

## **Reporting Fires**

Per federal law, Montana Western is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, and then dial 911. Once the emergency has passed, you should notify the Dean of Students at 406-925-

9782 to investigate and document the incident for disclosure in the University's Annual Fire Statistics. If a member of the UMW community finds evidence of a fire that has been extinguished, and the person is not sure whether the Dean of Students has already responded, the community member should immediately notify the Dean of Students at 406-925-9782 to investigate and document the incident for disclosure in the University's Annual Fire Statistics.

If there is an active fire, contact 911 immediately and then call the following people if you are able to use a phone without harming yourself or others.

Facility Services	On-Call	406-683-7142
Nicole Hazelbaker	Dean of Students	406-683-7900
Mike Piazzola	Senior Director of Aux. Services	406-683-7664
Matt Raffety	Director of Communications	406-683-7201

## On-campus student housing and life safety systems

The University has six on-campus student-housing facilities. All are equipped with fire detection systems, including smoke and heat detectors, fire alarm pull-box stations, and sprinklers for fire suppression. Family Housing is equipped with fire detection systems, including smoke and heat detectors. Evacuation plans and place cards are also located in student housing areas.

All fire life-safety systems report to Facilities, the Dean of Students, and Residence Life.

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial <sup>1</sup> Sprinkler System	Full <sup>2</sup> Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) drills each calendar year
Jordan Hall 750 E. Cornell	X		X	X	X	X	1
Davis Hall 750 E. Cornell	X		X	X	X	X	1
Centennial Hall 750 E. Cornell	X		X	X	X	X	1
Mathews Hall 750 E. Cornell	X		X	X	X	X	1
Clark Hall 750 E. Cornell	X		X	X	X		1
Family Housing 750 E. Cornell	X			X	X		1

## Plans for Improvement to Fire Safety

Plans for future improvements in fire safety are to put sprinklers in Family Housing. These plans are barring unforeseen circumstances such as budgetary restrictions.

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<sup>1</sup> Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>2</sup> Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.



## **Mandatory supervised fire drills**

The Dean of Students, Residence Life, and Facilities conduct one mandatory fire evacuation drill per calendar year. The Dean of Students, a team of University employees, and the Beaverhead County Fire Department supervise the fire evacuation drills. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student housing facility.

## **Procedures for Students and Employees to Follow in Case of a Fire**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system as they leave. Once safely outside a building, it is appropriate to contact 911 and the Dean of Students. 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, University policy is that all occupants must evaluate from the building, closing doors as they leave. 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.

Should you discover smoke or fire or hear the fire alarm you should do the following:

- Call 911.
- Pull the fire alarm if it is not already sounding.
- Notify other people.
- Immediately leave the building by means of the nearest available exit.
- Before opening the door, see if it is hot by placing the palm of your hand against it.
- If the door is hot, remain in the room.
- If you are on a ground floor, carefully exit through a window, if possible. If you are on an upper floor, call 911 and give the operator your location. Block

the entrance from smoke and heat. Open the window. Do not exit onto ledges. Remain calm. Firefighters will assist you as soon as possible.

- If the door is cool, open the door slightly and check for smoke in the corridor.
- If the corridor is smoke-free, proceed to the nearest available exit (exterior door or stairwell). Stay low, near the floor, to avoid smoke and heat. Close doors behind you. If the corridor is too smoky to reach the stairway or an exit, remain in the room. If you have evacuated the building, get clear of the entire area.
- Go to the practice field and wait for further instructions from authorized University personnel or law enforcement.

## **Student Housing Evacuation Procedures In Case of a Fire**

Evacuation Guidelines:

1. Open curtains, pull up blinds or shades.
2. Close window.
3. Put on shoes and a coat, in case you must remain outside for an extended period.
4. Turn off all lights.
5. Close door and take your room key as staff will enter your room to conduct a visual check and will lock your room door.
6. Leave building by the nearest exit, unless that path is obstructed by fire, in which case, find an alternate exit.
7. Use stairs, not elevators during evacuation, as you could become trapped.
8. If you smell smoke while in your room, first feel your door and doorknob to determine if heat is present. If it is not, place a towel over your mouth and open your door. If you see smoke, crawl to the nearest exit (heat and smoke rise, and you are safer closer to the floor).
9. When you feel your door, if heat is present, do not open your door. Put a towel over your mouth and under your door, open your window, hang a piece of white cloth out the window, and then close the window. The cloth will let firefighters know where to find you. Unless you live on the first floor, do not jump out of your window. Never break your window, as this will draw smoke into your room. Notify the Hall Director (406-925-9828) that you are still in your room.
10. Remain outside until a signal is given to re-enter the building.

## FIRE STATISTICS

### 2019 Fire Statistics

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

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Centennial Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Clark Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Davis Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Jordan Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Family Housing 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Mathews Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a

### 2020 Fire Statistics

#### Statistics and Related Information Regarding Fires in Residential Facilities for CY 2020

Residential Facilities (Name and Address)	Total Number of Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire (in USD)
Centennial Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Clark Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Davis Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a
Jordan Hall 750 E. Cornell	0	0	n/a	n/a	n/a	n/a

<b>Family Housing 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Mathews Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a

## 2021 Fire Statistics

### Statistics and Related Information Regarding Fires in Residential Facilities for CY 2021

<b>Residential Facilities (Name and Address)</b>	<b>Total Number of Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>Number of Injuries That Required Treatment at a Medical Facility</b>	<b>Number of Deaths Related to a Fire</b>	<b>Value of Property Damage Caused by Fire (in USD)</b>
<b>Centennial Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Clark Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Davis Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Jordan Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Family Housing 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a
<b>Mathews Hall 750 E. Cornell</b>	0	0	n/a	n/a	n/a	n/a

## Residence Halls

### Portable Electrical Appliances - Cooking in Rooms

Because of health concerns, only minimal cooking is allowed in residence hall rooms. Popcorn poppers are allowed if there is no exposed heating element. Coffee pots are allowed only if equipped with an automatic shutoff, but care should be taken to maintain these appliances. Small microwave ovens are allowed if under 800 watts. Refrigerators under 4.2 cubic feet are allowed. Toaster ovens, toasters and George Foreman-type grills are not allowed. Items will be confiscated by Residence Hall staff and held until the semester ends.

### Smoking

All smoke or smokeless Tobacco is not permitted on campus.

## **Fire Hazards**

Residents are responsible for taking all possible precautions to prevent fires. The use of multi-socket extension cords or the installation of non-approved wiring by residents is prohibited by fire regulations.

## **Candles, Incense & Other Fire Hazards**

Because of the threat of fire to residents and their property candles, incense, beanbag chairs, wall hangings that can obstruct fire sprinklers and halogen lamps are prohibited. Possession of any of the above items will result in community service hours. Items will be confiscated by Residence Hall staff and held until the semester ends.

## **Fire Drills & Fire Equipment**

Misuse of any fire equipment, starting fires, setting off false alarms, or failing to evacuate and/or hindering in the evacuation of others will result in disciplinary action and possible criminal action.

### ***Participation in fire drills is mandatory.***

Fire drills are conducted at least once each year in each hall to inform residents of the proper evacuation procedures. The RA on each floor will explain the evacuation procedures at the first-floor meeting and an evacuation plan will be posted at each floor exit door. Be sure you are familiar with these procedures. Your life may depend on it.

## **Training**

The University conducts fire-safety training for residents, RA's, and building managers.

RA training and building manager training covers:

Evacuation and Emergency Preparedness.

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester. These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire and distribute information on the University's fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them. Hall Directors and Resident Assistants who have been trained by local fire authorities teach fire safety education training programs.

An all campus training is offered each year to go over our emergency response, what to do in case of an emergency, and who to contact when an emergency arises.

## **Fire Log**

A fire log is available for review at the Bulldog Life Office, Basement of the Student Union Building, 710 S. Atlantic, from 8 a.m. – 5 p.m. Monday through Friday, excluding holidays. The information in the fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.