



Montana Technological University /
Highlands College
Annual Campus Fire & Security Report
Calendar Year 2022

Containing Crime Statistics for Calendar Years (CYs) 2020, 2021, and 2022

Office of the Dean of Students
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Notice

This Annual Security Report (ASR) contains the annual crime statistics for calendar year 2020, 2021, and 2022. The policies and contact information published in this document contain information for the current academic year (2023-2024).

Preparing the Annual Security Report (ASR)

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

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

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

Compiling Crime Statistics

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

- i. The definitions for *Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Weapons: Carrying, Possessing, Etc., Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the "National Incident-Based, Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- ii. The definitions for Fondling, Incest, and Statutory Rape are excerpted from the "National Incident-Based, Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- iii. The definitions for *Larceny-Theft (except Motor Vehicle Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.
- iv. The definitions for *Dating Violence, Domestic Violence, and Stalking* are from the Department of Education's Clery Act implementing regulations at 34 C.F.R. § 668.46.

In addition to the crimes listed in (iii), hate crimes are also disclosed for those listed in (i). The statistics provide an overall picture of crime at MT from January 1 to December 31 for 2019, 2020, and 2021.

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

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

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

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

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

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

It is important to consider the following when reviewing the Montana Tech crime data:

Counting Hierarchy

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

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

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

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

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

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

Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

The crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property are also reported under Clery Act requirements if it is determined the victim was intentionally selected because of the perpetrator's bias against the victim.

Unfounded Crimes

In accordance with 34 C.F.R. § 668.46, Montana Tech may only exclude a reported crime from an upcoming annual security report, or remove a reported crime from its previously reported statistics, after a full investigation by sworn or commissioned law enforcement personnel have made a formal determination that the report was false or baseless and the crime report was therefore "unfounded." This does not include a District Attorney who is sworn or commissioned. A Campus Security Authority who is not a sworn or commissioned law enforcement authority cannot "unfound" a crime report

either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not “unfound” a crime. The findings of a coroner, court, jury (either grand or petit), or prosecutor do not “unfound” crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A case cannot be designated “unfounded” if no investigation was conducted by sworn law enforcement personnel or the investigation was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

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

Crime statistics concerning this campus and others can also be found on the U.S. Department of Education website: <https://ope.ed.gov/campussafety/#/>.

Crime Statistics

Crime statistics can also be found online at: <https://www.mtech.edu/campus-safety/reports/index.html>.

Note: Crimes were requested from local police departments, but not received in all cases.

Montana Tech

Primary Crimes	Year	On Campus		Public Property	Total	Residential Facilities*
			Non-campus			
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	2	0	0	2	2
Fondling	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	1	0	0	1	1

Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	1	0	0	1	0
	2020	1	0	0	1	1
Motor Vehicle Theft	2022	2	0	0	2	0
	2021	2	0	0	2	0
	2020	1	0	0	1	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus		Public Property	Total	Residential Facilities*
			Non-campus			
Liquor Law Violation Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	7	0	0	7	7
	2021	9	0	0	9	7
	2020	12	0	0	12	12
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

VAWA Offenses	Year	On Campus		Public Property	Total	Residential Facilities*
			Non-campus			
Domestic Violence	2022	0	0	0	0	0
	2021	1	0	0	1	1
	2020	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0
	2021	1	0	0	1	1
	2020	3	0	0	3	3

Stalking	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

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

Highlands College

Primary Crimes	Year	On Campus		Public	Total
			Non-campus	Property	
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Arrests and Referrals for Disciplinary Action	Year	On Campus		Public	Total
			Non-campus	Property	
	2022	0	0	0	0

Liquor Law Violation Arrests	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VAWA Offenses	Year	On Campus		Public	Total
			Non-campus	Property	
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Unfounded Crimes

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

Montana Tech and Highlands College

2022: No Unfounded crimes reported

2021: No Unfounded crimes reported

2020: No Unfounded crimes reported

Hate Crimes

Montana Tech and Highlands College

2022: Two incidents of destruction / damage / vandalism of property, classified as race-based hate crimes for Clery reporting, occurred on the Montana Tech (north) campus in non-residential areas.

2021: No hate crimes reported

2020: No hate crimes reported

Montana Tech Annual Security Report and Annual Fire Safety Report

Crime Reporting

Members of the Montana Tech community are encouraged to accurately and promptly report crime and emergencies to the Campus Security and/or the appropriate police agencies, and to the individuals below, including when the victim of a crime elects to, or is unable to, make such a report.

For criminal action or student emergencies, Montana Tech offers three primary means of reporting a crime:

- 1) Call 911 for any emergency situation.
- 2) For non-emergencies, complete the online reporting form: <https://www.mtech.edu/student-life/conduct/index.html>.
- 3) Call Campus Security, 406-496-4357. Campus Security provides 24/7 staffing for Montana Tech.

Policy relating to procedures and facilities for students and others to report criminal actions or other emergencies on campus is also published in the Student Handbook under the Student Code of Conduct.

Response to a Report

In response to an online reporting form or call, the responsible party will take the required action, either dispatching an officer or asking the victim to report to Montana Tech Campus Security to file an incident report.

All reported crimes within the campus jurisdiction will be investigated by the University or by the Butte-Silver Bow Law Enforcement Department and may become a matter of public record. All Montana Tech Campus Security incident reports are forwarded to the Dean of Students Office for review and for potential action, as appropriate. If assistance is required from the Silver-Bow Law Enforcement Department or the Silver-Bow Fire Department, Montana Tech Campus Security or Dean of Students will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including Montana Tech Campus Security, will offer the victim a wide variety of services.

Reporting to Meet Disclosure Requirements

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

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

Campus Security Authorities (CSA)

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

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

- dean of students who oversees student housing, a student center or student extracurricular activities;
- a director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- a faculty advisor to a student group;
- a student resident advisor or assistant;
- a student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- a coordinator of Greek affairs;
- a Title IX coordinator;
- an ombudsperson (including student ombudspersons);
- the director of a campus health or counseling center;
- victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.;
- members of a sexual assault response team (SART) or other sexual assault advocates; and
- officers from local law enforcement who are contracted by the institution to provide campus safety-related services.

For contact information regarding personnel in these various positions, visit Montana Tech’s Directory at <https://www.mtech.edu/app/Directory/>. Montana Tech reporting offices, mandated and confidential alike, share resources to encourage victims of crime to report to the structure they feel is best for them. Confidential resources, such as counseling services and physical health services, also encourage reporting parties to report crimes to Campus Security.

Anonymous Reporting

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

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

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

Pastoral Counselor

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Montana Tech does not employ pastoral counselors. However, victims or witnesses to any crime may seek off-campus pastoral counseling support as desired.

Professional Counselor

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

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

Timely Warnings, Emergency Notification, and Public Safety Advisories

In the event a crime is reported or a situation arises, within the Montana Tech Clery Geography (on-campus, public property, and non-campus property), that, in the judgement of the Dean of Students or designee and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus wide "timely warning," "emergency notification," or "public safety advisory" will be issued.

Depending on the circumstances of the crime, the campus safety alert may be posted on a bulletin board in each building, at the doorway to each campus building, or electronically through email, webpage, or the University's emergency notification service (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 campus 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).
 - Cases involving sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.

- Sometimes cases involving sexual assault are reported after a significant amount of time has passed, thus there is no ability to distribute a “timely” warning notice to the community.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Dean of Students or designee

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

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

Timely Warning Notices are typically written and distributed by the Executive Director of Marketing & 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). Examples may be a gas leak in a campus building, an active shooter on campus, approaching tornado, an armed robbery that just occurred, etc.

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

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

Public Safety Advisories

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

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

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

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

- Campus Security: (406) 496-4357 or security@mtech.edu
- Dean of Students (Joe Cooper): (406) 496-4198 or deanofstudents@mtech.edu
- Director of Residence Life (Troy Franklin): (406) 496-4500 or housing@mtech.edu
- Director of Physical Facilities (Layne Sessions): (406) 496-4399 or lsessions@mtech.edu
- Executive Director, Marketing & Communications (Amanda Badovinac): (406) 496-4828 or abadovinac@mtech.edu

- Director of Environmental Health and Safety (Marissa Morgan): (406) 496-4463 or mmorgan@mtech.edu

Campus Security is staffed and provides campus coverage 24/7. The other offices listed above may only be available during regular business hours.

Emergency Response and Evacuation Procedures

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

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

- Montana Tech's Emergency Procedures, including but not limited to bomb threats, workplace violence, earthquakes, and evacuating procedures are published in the on the Environmental Health & Safety website: <https://www.mtech.edu/env-health-safety/emergency/index.html>.
- In the event of an emergency, Montana Technological University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.
- Procedures to immediately notify the campus community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus are contained in the Montana Tech Emergency Notification Plan. The instructions on what to do during significant emergencies are published in the Student Handbook under Emergency Procedures. The Montana Tech Emergency Phone Numbers are included in the Emergency Action Plan and Crisis Protocol Manual (<https://www.mtech.edu/env-health-safety/emergency/index.html>) and contain names and titles of contact persons on campus.

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

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

All persons on campus are automatically enrolled in the system and do not have the ability to opt out of the notifications. Pre-scripted messages for notification have been provided to the persons authorized to activate the notification system. Butte-Silver Bow’s “reverse 911” system would be used for informing the larger community of an emergency situation on campus. The local media may also be available to members of the larger community. Montana Tech’s Executive Director, Marketing & Communications is charged with keeping the campus and the general public informed via website postings and press conferences.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
PRIMARY Email and Text	Dir. Of Environmental Health, and Safety	Vice Provost for Student Success/Dean of Students	Executive Director, Marketing & Communications	Dir. of Environmental Health and Safety	Vice Chancellor of Administration and Finance
		Vice Chancellor of Administration and Finance			Vice Provost for Student Success/Dean of Students
					Executive Director, Marketing & Communications
SECONDARY Website	Executive Director, Marketing & Communications	Web Developer	Executive Director, Marketing & Communications	Executive Director, Marketing & Communications	Web Developer
Fire alarm	Dir. Of Environmental Health, and Safety	Dir. of Physical Facilities	Dir. Of Environmental Health, and Safety	Dir. Of Environmental Health, and Safety	Dir. of Physical Facilities

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

A description of the process used to determine confirmation of a significant emergency situation and how the notification systems will be deployed is outlined in the Montana Tech Emergency

Notification Plan. If the Director of Environmental Health and Safety, in conjunction with administration, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Montana Tech Community, the emergency/crisis management team and Executive Director, Marketing & 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 Montana Tech Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

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

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

Emergency Evacuation Procedures

The emergency evacuation procedures are tested annually. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Montana Tech Director of Environmental Health and Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Montana Tech Director of Environmental Health and Safety on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Montana Tech evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and call 911 and notify Environmental Health & Safety (406) 496-4463 and Security (406) 496-4357.

1. Remain Calm
2. Do NOT use elevators - use the stairs.

3. Assist those who may be physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform Montana Tech Campus Security or the responding fire department of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

Shelter-in-Place Procedures—What it Means to “Shelter-in-Place”

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

Basic “Shelter-in-Place” Guidance

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

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

A shelter-in-place notification may come from several sources, Director of Environmental Health and Safety, Campus Security, Residence Life staff, other University employees, Butte-Silver Bow Police, or other authorities utilizing the University’s emergency communications tools.

How to “Shelter-in-Place”

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (residence hall staff, faculty, or other staff) to call the list in to Montana Tech Campus Security so they know where you are

sheltering. If only students are present, one of the students should call in and report the list of those present.

7. Listen and await for further instructions.
8. Make yourself comfortable.

Missing Student Notification and Procedures

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

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

Procedures

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

Disciplinary Procedures for Crimes Reported

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

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a respondent, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The University will make such accommodations or protective and

supportive measures, if requested and if they are reasonable and available, regardless of whether the complainant chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator, Vanessa Van Dyk, MG 205, 406-496-4322, VVandyk@mtech.edu by calling, emailing, or coming into the office to report in person.

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

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective and supportive measures, if appropriate. 6. Institution will provide complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence
	<ol style="list-style-type: none"> 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate

	<ol style="list-style-type: none"> 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate

Security of and Access to Campus Facilities

During normal business hours, Montana Tech Campuses (excluding certain housing facilities) will be open and accessible to students, parents, employees, contractors, guests, and invitees. During nonbusiness hours, access to all University facilities is by key/keycard, if issued, or by admittance via Campus Security or Residence Life staff. In the case of periods of extended closing, the University will admit only those with prior written approval to all facilities. Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. The Residence Life Handbook (<https://www.mtech.edu/student-life/housing-dining/housing/docs/housing-handbook.pdf>)

addresses specific security and access related to campus living throughout the publication. Residential facilities are only accessible to building residents and their authorized guests and visitors. Residents are helpful if they avoid allowing unknown individuals access to the residential buildings. Residence Life staff and Montana Tech Campus Security monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Montana Tech Campus Security staff conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.

Security Considerations Used in the Maintenance of Campus Facilities

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

Campus Security Policies

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

Policy and practice require accurate and prompt reporting to the appropriate police agencies. There is a Memorandum of Understanding (MOU) with Butte-Silver Bow Law Enforcement Department regarding law enforcement jurisdiction, safety and security jurisdiction, student conduct, emergency response, criminal investigation and mutual aid on the Montana Tech campuses and/or properties and/or involving Montana Tech students, faculty, staff, and/or guests.

Crime Prevention and Security Awareness Programming

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

During the 2022 spring and fall semesters, Montana Tech offered multiple crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year. These were presented during new student orientation, residence hall meetings, passive programming (bulletin boards, signage, etc.), and required virtual trainings.

- Students and employees are informed about campus security procedures and encouraged to be responsible for their own security and the security of others through orientation programs, email notifications, the Student, Faculty/Staff, and Residence Hall Handbook publications.
- Crime prevention has been incorporated into the ongoing campus programming. Safety and Security topics and programs are incorporated into Orientation and Residence Hall meetings and addressed throughout the semester. Montana Tech offers workshops, trainings, publications,

educational models, and speakers that focus on topics such as healthy relationships, personal safety, personal wellness, drug and alcohol abuse.

HEOA Notification to Victims of Crimes of Violence

Montana Tech will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Montana Tech will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Non-Campus Locations of Officially Recognized Student Organizations

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

Alcohol and Drugs

- Montana Tech's Alcohol Policy and Drug Free Workplace Policy are published in the Montana Tech Additional Policies (<https://www.mtech.edu/facultystaff/files/additional.pdf>), Residence Hall Handbook, and Faculty/Staff Handbook. Violators are subject to Montana Tech disciplinary action, criminal prosecution, fine and imprisonment.
- Use, possession, manufacture, sale, or distribution of any illegally controlled substance on Montana Tech's property or at Montana Tech-sponsored activities is prohibited. Montana Tech prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. Butte-Silver Bow police is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.
- This is in compliance with federal and state statutes, Montana Tech's Community Expectation Program (Student Conduct Code), and the Drug-Free Workplace Act of 1988.

Drug Free Schools and Communities Act

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

University Policy

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

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

5) Alcohol and Drug Offenses:

- a) Tobacco: Smoking, Vaping, or tobacco use on campus is a violation of the [Tobacco Free Montana Tech Policy](#) and of this Student Code of Conduct.
- b) Alcohol: Use, possession, or distribution of intoxicants, including alcohol, in the buildings or on the grounds of Montana Technological University, except as expressly permitted by law or University policy, is prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
- c) Drugs: Use, possession, manufacture, distribution or sale of narcotics or dangerous drugs as defined by city, state or federal laws. This includes mind-altering drugs, designer drugs or synthetic substances used as a substitute for a controlled substance, except as expressly permitted by law or University policy. This also includes the abuse, distribution, or improper use of prescription drugs.

Sanctions

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

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

- **Censure and Warning:** Written notification that the student's behavior is unacceptable and that continuation or repetition of such conduct may result in more severe disciplinary action.
- **Disciplinary Probation:** A written reprimand including a statement that any further violation of University policy may result in suspension or expulsion.
- **Interim Suspension:** Immediate separation from the University for a period defined by the Dean of Students to: 1. ensure safety and well-being of people and property; or 2. prevent disruption or interference of normal operations of the University.

- **Suspension:** Termination of a student's enrollment at the University for a specified period of time. This may also include restricting access to campus or University events during the suspension.
- **Expulsion:** Permanent termination of enrollment, including no further access to campus or any University events without written approval from the Dean of Students.
- **Restitution:** Reimbursement for damage to or misappropriation of property. At the discretion of the Dean of Students, this may take the form of work, community service, or other compensation such as service to the University community.
- **Withholding or Revocation of a Degree:** A degree is withheld, or a previously awarded degree is rescinded. This sanction may be imposed when a person who is no longer enrolled is found to have violated the Code during the time of enrollment (see "Definitions of Student").
- **Chemical/Mental Health Assessment:** Performed by a qualified chemical dependency counselor for the purpose of determining possible patterns of abuse. The student is encouraged to follow the treatment recommendation(s) provided by the counselor.
- **Other:** In addition to or in place of the above, other sanctions may be imposed such as eviction from University housing, restriction or banning from certain on-campus facilities, restriction or prohibition from attending campus events or participating in campus activities, and requirements to attend and complete classes, programs, workshops, and/or counseling sessions. Details of the terms of the sanction will be provided to the student in writing.

The [Student Handbook](#) is emailed to all students each semester and is located on the [Dean of Students webpage](#).

Residence Life Policies (Residence Life Handbook)

Alcohol & Drugs

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

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

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

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

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

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

First Offense - \$50 fine and Alcohol Education

Second Offense - \$100 fine and educational/community service

Third Offense - \$200 fine and mandatory meeting with a Montana Tech counselor or the Dean of Students. Removal from the halls is likely.

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

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

Drug Free Workplace

1. In mandatory compliance with the Drug-Free Workplace Act of 1988 and the 1989 Amendments, Montana Tech is committed to providing drug-free/alcohol-free classrooms and workplace. The abuse or unlawful use of drugs and alcohol is not permitted at campus events and activities. The unlawful manufacture, distribution, sale, possession, or use of a controlled substance in the workplace or while conducting Montana Tech or university system business is prohibited. This law applies to faculty, staff, and students.
2. Employees must comply with this policy and notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The supervisor is responsible for notifying the Personnel Office immediately upon notice from the employee. The Personnel Office is responsible for notifying the federal granting agency, when appropriate, of the conviction within ten days of learning of the conviction.
3. Violations of this policy may result in disciplinary action up to and including termination and may have other legal consequences. At the option of the employer, an employee violating this policy may be required to satisfactorily complete a drug-abuse assistance or rehabilitation program as an alternative to termination.
4. Drug dependency and the abuse of alcohol are major health problems and interfere with the learning environment and workplace productivity, safety, and security. Employees and students are encouraged to seek assistance in dealing with drug problems. Conscientious efforts to seek help for drug dependency will not jeopardize an employee's job status.

Procedures

1. This policy is published in the employee handbook accordingly which is available and accessible online at [fac-staff-handbook-acc.pdf \(mtech.edu\)](#).
2. Upon request, Human Resources or Student Affairs shall provide confidential referrals to drug counseling or rehabilitative programs and shall counsel employees on available assistance under the group insurance plan.

The [Residence Life Handbook](#) is reviewed with all on-campus students during their first floor meeting, and it is located on the [Residence Life webpage](#). Students may also request a physical copy from the Residence Life Office in Prospector Hall.

Student Athlete Conduct Code (Student Athletic Handbook)

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

The Athletic Handbook is given to [student athletes](#).

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

Health Risks of Alcohol and Drug Abuse

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

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

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

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

Second-Hand Effects

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

Risks Associated with Dependency or Addiction

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

impairment of immediate memory, overdose, stupor, shock, coma or death), acute withdrawal, psychosis, or aggravation of existing mental illness.

Symptoms of dependency include the following:

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

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

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

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

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

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

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

Narcotics: Users of narcotics, such as heroin, codeine, morphine, and opium, develop dependence and increase the likelihood of an overdose that can lead to convulsions, coma, and death.

Alcohol: Alcohol is chemically classified as a mind-altering drug because it contains ethanol and has the chemical power to depress the action of the nervous control system. This depression affects motor coordination, speech, and vision. In great amounts, it can affect respiration and heart rate control. Death can result when the level of blood alcohol exceeds 0.40%. Prolonged abuse of alcohol can lead to alcoholism, malnutrition and cirrhosis.

Resources and Assistance

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/Mental Health	Individual, couples, and group counseling	Montana Tech Mantra Health Virtual Therapy	Student Union Building Room 107 Mantra Health
Health	Throat Cultures, Allergy shots, health care counseling, treat sprains, remove stitches and basic medical care	Montana Tech (must be registered in 7 or more credits on North Campus, South campus students must opt in to paying the health center fee to gain access to the service)	Student Union Building, Rm. 111
Dean of Students	Referral, support, and guidance	Montana Tech	Dr. Joe Cooper
OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/Mental Health	Provide range of services for mental health and substance use disorder issues	Western Montana Mental Health	81 W. Park Street, Butte MT 59701 406-497-9000
Health	Hospital (forensic nurses available)	St. James Healthcare	400 S. Clarke St., Butte MT 59701
Chemical Dependency	Addiction treatment center	Montana Chemical Dependency Center	525 E. Mercury St. Butte MT, 59701

Drug and Alcohol Programs and Interventions

Current Practices

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

Individual Level Programs

1. Referral Programs to off-Campus treatment providers for students. Student Health Services and Counseling Services utilize trained individuals who are available to assist students requiring treatment referral.

Institutional Level Programs

1. Vector Solutions.

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

In 2011, Montana Tech required all 18-21-year old to complete AlcoholEdu. In Fall 2014, AlcoholEdu became a mandatory requirement for all incoming first-year, transfer, and graduate students. (The current program used is now Vector Solutions.) On October 15, 2014 the Montana University System Office of the Commissioner of Higher Education issued a directive on protocol for student completion of educational programs on sexual assault awareness and prevention, alcohol use and abuse, and financial literacy (https://mus.edu/che/directives/CommissionersDirective_EverFi%2010-15-14.pdf). The goals of the continued use of this program for Montana Tech students include:

- a. Decreasing high-risk drinking during critical times, especially the first 8 weeks of the fall term.
- b. Increasing basic knowledge of alcohol.
- c. Tracking and monitoring students' alcohol use.
- d. Decreasing alcohol-related disruptions in residence halls.
- e. Changing culture and expectations around alcohol use.

2. Residence Life Programs

Residence Life Resident Assistants provide passive programs that convey information in a logical, interesting format in which no active participation is necessary. Residents are able to absorb the information at their own pace. In addition, Residence Life staff host active programs, which include floor meetings, workshops, guest speakers, etc. The success of these programs are assessed by the RA and the professional Residence Life staff.

Community and Environmental-level Programs and Interventions

1. Amnesty for Drug and Alcohol Possession and Consumption Violations (<https://www.mtech.edu/campus-safety/docs/discrimination-sexual-misconduct-policy.pdf>)

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

2. Wellness Taskforce

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

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

This online publication has been distributed to all students, faculty and staff each month and it has articles that relate to substance use. We analyze annually which articles are the most viewed and that can help inform our campus programming events. This program will transition to a new partnership Montana Tech has committed to with Mantra Health, which features a comprehensive care hub.

State of Montana Laws on Alcohol and other illegal drugs

Montana’s Underage Consumption of Alcohol Law

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

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

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

	3rd or Subsequent Offense	<p>Shall be fined an amount not less than \$300 or more than \$900 and: shall be ordered to perform 60 hours of community service, shall be ordered, and the person’s parent or parents or guardian shall be</p> <p>ordered, to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8).</p> <p>if the person has a driver’s license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b).</p>
18 Years of age or older who is convicted	1st Offense	<p>Shall be fined an amount not less than \$100 or more than \$300 and: shall be ordered to perform 20 hours of community service; and shall be ordered to complete and pay all costs of participation in a community-based substance abuse information course that meets the requirements of subsection (9).</p>
	2nd Offense	<p>Shall be fined an amount not less than \$200 or more than \$600 and: shall be ordered to perform 40 hours of community service; and shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the court’s discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both.</p>
	3rd or Subsequent Offense	<p>Shall be fined an amount not less than \$300 or more than \$900, and: shall be ordered to perform 60 hours of community service; shall be ordered to complete and pay for an alcohol information course at an alcohol treatment program that meets the requirements of subsection (9), which may, in the sentencing court’s discretion and on recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and</p> <p>in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months</p>
A person under the age of 21 (Attempts to purchase an intoxicating substance)		<p>A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.</p>

Montana's Medical Amnesty Law

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

A person under 21 years of age may not be charged or prosecuted under subsection (1) if:

- i. the person has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment;
- ii. the person accompanies another person under 21 years of age who has consumed an intoxicating substance and seeks medical treatment at a health care facility or contacts law enforcement personnel or an emergency medical service provider for the purpose of seeking medical treatment for the other person; or
- iii. the person requires medical treatment as a result of consuming an intoxicating substance and evidence of a violation of this section is obtained during the course of seeking or receiving medical treatment.

Montana's Carrying False Identification Law

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

It is a misdemeanor for a person to:

1. display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or altered driver's license, identification card, or tribal identification card;
2. lend the person's driver's license, identification card, or tribal identification card to any other person or knowingly permit its use by another;
3. display or represent as one's own any driver's license, identification card, or tribal identification card not issued to the person;
4. fail or refuse to surrender to the department upon its lawful demand a driver's license or identification card that has been suspended, revoked, or canceled;
5. use a false or fictitious name in an application for a driver's license or identification card or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application; or
6. permit any unlawful use of a driver's license, identification card, or tribal identification card issued to the person.
7. Fines typically range between \$280 and \$500.

Montana's Public Drunkenness Law

61-8-508. Intoxicated pedestrian

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

Montana's Driving Under the Influence of Substances Law

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

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

- a) alcohol to drive or be in actual physical control of a vehicle upon the ways of this state open to the public;
- b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;
- c) any other drug to drive or be in actual physical control of a vehicle within this state; or
- d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within this state.
- e) Fines typically range between \$600 and \$5,000.

Offense Level	Penalty
1st Offense	<p>Shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than \$1,200 or more than \$2,000.</p> <p>The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person’s physical or mental well-being.</p> <p>The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.</p>
2nd Offense	<p>Except as provided in subsection (4) or (5), a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than \$1,200 or more than \$2,000 and by imprisonment for not less than 7 days or more than 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than \$2,400 or more than \$4,000 and by imprisonment for not less than 14 days or more than 1 year.</p> <p>The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person’s physical or mental well-being.</p> <p>The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person’s successful completion of a chemical dependency treatment program pursuant to 61-8-732.</p>

3rd Offense	<p>Except as provided in subsection (4) or (5), a person convicted of a third violation of 61-8- 401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$2,500 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than 1 year and by a fine of not less than \$5,000 or more than \$10,000.</p> <p>The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person’s physical or mental well-being.</p> <p>The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person’s successful completion of a chemical dependency treatment program pursuant to 61-8-732.</p>
4th Offense – Felony	<p>4. If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 618-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration, driving under the influence of delta-9-tetrahydrocannabinol, or aggravated driving under the influence.</p>
	<p>5. If the person has a prior conviction or pending charge for a violation of 61-8-465, the person shall be punished as provided in 61-8-465.</p>

Montana’s law on selling or furnishing alcohol to minors

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

- A. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under 21 years of age by the person’s parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under 21 years of age.
 - B. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under 21 years of age.
 - C. For the purposes of this section, “intoxicating quantity” means a quantity of an alcoholic beverage that is sufficient to produce:
 - i. a blood, breath, or urine alcohol concentration in excess of 0.05;
 - ii. substantial or visible mental or physical impairment.
2. A person is guilty of a misdemeanor who:
- i invites a person under the age of 21 years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;
 - ii permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for the person; or
 - iii holds out the person to be 21 years of age or older to the owner of the establishment or to the owner’s employee.

3. It is unlawful for any person to fraudulently misrepresents the person's age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card, including a tribal identification card.
4. A person 21 years of age or older who violates the provisions of subsection (1)(b) is, in addition to applicable criminal penalties, subject to civil liability for damages resulting from a tortious act committed by the person to whom the intoxicating substance was sold or provided if the act is judicially determined to be the result of the intoxicated condition created by the violation.

Montana's open container laws

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

1. Except as provided in subsection 2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.
2. This section does not apply to an open alcoholic beverage container:
 - a. in a locked glove compartment or storage compartment;
 - b. in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
 - c. behind the last upright seat of a motor vehicle that is not equipped with a trunk;
 - d. in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
 - e. in the immediate possession of a passenger:
 - i. of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
 - ii. in the living quarters of a camper, travel trailer, or motor home.
3. A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.
4. A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

Sec. 4.04.030. Public drinking or display of open alcoholic beverages; containers; prohibited

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

Sec. 4.04.070. Violation; penalty

It is a misdemeanor for any person to violate any of the provisions of this article. b) Anyone found guilty of the offense of having an open container under section

4.04.030 shall be fined an amount not less than \$100.00 and not to exceed \$500.00 or be imprisoned in the county jail for a term not to exceed six months, or both. The first \$100.00 of a fine under this section may not be suspended.

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

Montana’s public urination or defecation laws

Sec. 24.06.010. Public urination and defecation

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

Possession of Dangerous Drugs (PODD)

45-9-102. Criminal possession of dangerous drugs

Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

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

		<p>A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.</p>
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Possession of Dangerous Paraphilia (PODP)

45-10-103. Criminal possession of drug paraphernalia

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

Sexual Violence

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Montana Tech prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the *Clery Act*) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the university community. Toward that end, Montana Tech issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

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

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

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

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

(1)

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

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

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

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

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

(i) mentally disordered or incapacitated;

(ii) physically helpless;

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

(iv) less than 16 years old;

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

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

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

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

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

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

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

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

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

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

(B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim.

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

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

(xii) a parent or guardian involved in a child abuse or neglect proceeding under Title 41, chapter 3, and the perpetrator is:

- (A)employed by the department of public health and human services for the purposes of carrying out the department’s duties under Title 41, chapter 3; and
- (B)directly involved in the parent or guardian’s case or involved in the supervision of the case.
- (c)Subsection (1)(b)(v) does not apply if the individuals are married to each other and one of the individuals involved is on probation, conditional release, or parole and the other individual is a probation or parole officer of a supervising authority.
- (d)Subsections (1)(b)(vi) and (1)(b)(vii) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- (e)Subsection (1)(b)(viii) does not apply if the individuals are married to each other and one of the individuals involved is a program participant and the other individual is a worker affiliated with the program.
- (f)Subsection (1)(b)(ix) does not apply if the individuals are married to each other and one of the individuals involved is a psychotherapy client and the other individual is a psychotherapist or an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the client.
- (g)Subsection (1)(b)(x) does not apply if the individuals are married to each other.45-5-501, MCA

Clery VAWA Crime Definitions

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

i. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.

ii. For purposes of this definition:

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

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

Domestic Violence

A felony or misdemeanor crime of violence committed:

- (a) By a current or former spouse or intimate partner of the victim.
- (b) By a person with whom the victim shares a child in common.
- (c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- (d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

(e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

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

Sexual Assault

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

Rape

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary mental incapacity.

Incest

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

Statutory Rape

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

State of Montana Crime Definitions; Montana Code Annotated

Dating Violence

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

Statutory Rape

Montana state law has no separate statute that prohibits statutory rape. Instead, that prohibition is incorporated in the crimes of sexual assault 45-5-502 and sexual intercourse without consent 45-5-503 and aggravated sexual intercourse without consent. (45-5-508). By Montana law, as explained in

the definition of consent, “the victim is incapable of consent because the victim is less than 16 years old.

45-5-206 Partner or Family Member Assault

(1) A person commits the offense of partner or family member assault if the person:

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

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

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

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

(3)

(a)

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

(ii) An offender convicted of a second offense under this section shall be fined not less than \$300 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year.

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

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

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

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

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

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

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

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

- (v) a conviction for strangulation of a partner or family member under 45-5-215;
- (vi) a conviction in another state for an offense related to domestic violence between partners or family members, as those terms are defined in this section, regardless of what the offense is named or whether it is misdemeanor or felony, if the offense involves conduct similar to conduct that is prohibited under 45-5-202, 45-5-213, or this section; or
- (vii) a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or in another state for a violation of a statute similar to this section, which forfeiture has not been vacated.

(4)

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

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

(i) with a person licensed under Title 37, chapter 17, 22, or 23;

(ii) with a professional person as defined in 53-21-102; or

(iii) in a specialized domestic violence intervention program.

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

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

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

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

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

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

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

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

(2)

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

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

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

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

45-5-502 Sexual Assault

(1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

(2)

(a) On a first conviction for sexual assault, the offender shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

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

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

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

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

(5)

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

- (i) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation, conditional release, or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
- (ii) less than 14 years old and the offender is 3 or more years older than the victim;
- (iii) receiving services from a youth care facility, as defined in 52-2-602, and the perpetrator:
 - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (B) is an employee, contractor, or volunteer of the youth care facility;
- (iv) admitted to a mental health facility, as defined in 53-21-102, is admitted to a community-based facility or a residential facility, as those terms are defined in 53-20-102, or is receiving community-based services, as defined in 53-20-102, and the perpetrator:
 - (A) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (B) is an employee, contractor, or volunteer of the facility or community-based service;
- (v) a program participant, as defined in 37-48-102, in a private alternative adolescent residential or outdoor program, pursuant to Title 37, chapter 48, and the perpetrator is a worker affiliated with the program, as defined in 37-48-102; or
- (vi) the victim is a client receiving psychotherapy services and the perpetrator:
 - (A) is providing or purporting to provide psychotherapy services to the victim; or
 - (B) is an employee, contractor, or volunteer of a facility that provides or purports to provide psychotherapy services to the victim and the perpetrator has supervisory or disciplinary authority over the victim.
- (vii) a student of an elementary, middle, junior high, or high school, whether public or nonpublic, and the perpetrator is not a student of an elementary, middle, junior high, or high school and is an employee, contractor, or volunteer of any school who has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting.

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

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

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

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

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

45-5-503 Sexual Intercourse Without Consent

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

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

(3)

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

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

(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury on a person in the course of committing each offense, the offender shall be:

(i) punished by death as provided in 46-18-301 through 46-18-310, unless the offender is less than 18 years of age at the time of the commission of the offense; or

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

(4)

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

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

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

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

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

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

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

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

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

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

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

(8) If as a result of sexual intercourse without consent a child is born, the offender who has been convicted of an offense under this section and who is the biological parent of the child resulting from the sexual intercourse without consent forfeits all parental and custodial rights to the child if the provisions of 46-1-401 have been followed.

45-5-508 Aggravated Sexual Intercourse Without Consent

(1) A person who uses force while knowingly having sexual intercourse with another person without consent or with another person who is incapable of consent commits the offense of aggravated sexual intercourse without consent.

(2) A person convicted of aggravated sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

45-5-220 Stalking

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

(a) fear for the person's own safety or the safety of a third person; or

(b) suffer other substantial emotional distress.

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

(a) "Course of conduct" means two or more acts, including but not limited to acts in which the offender directly or indirectly, by any action, method, communication, or

physical or electronic devices or means, follows, monitors, observes, surveils, threatens, harasses, or intimidates a person or interferes with a person's property.

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

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

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

(4)

(a) Except as provided in subsection (4)(b), for the first offense, a person convicted of stalking shall be imprisoned in the county jail for a term not to exceed 1 year or fined an amount not to exceed \$1,000, or both.

(b) For a second or subsequent offense within 20 years or for a first offense when the offender violated any order of protection, when the offender used force or a weapon or threatened to use force or a weapon, or when the victim is a minor and the offender is at least 5 years older than the victim, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed \$10,000, or both.

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

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

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

(a) a conviction, as defined in 45-2-101, in this state;

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

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

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

45-5-220, MCA

45-5-507 Incest

(1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter.

The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2)

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

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

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

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

(5)

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

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

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

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

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

(6) In addition to any sentence imposed under subsection (3), (4), or (5), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable costs of

counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

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

How to Be an Active Bystander, (Montana Tech's "Frontstander")

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

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

Risk Reduction

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

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Education programs to promote awareness and prevention of VAWA offenses:

Montana Tech educates the student community about sexual assaults/misconducts through ongoing programs offered throughout the academic year. Montana Tech requires all new students to take the online educational modules through Vector Solutions that focus on increasing awareness

regarding sexual violence and harassment and alcohol and substance usage and abuse. A required component of new student orientation for undergraduates also includes “Sex Signals,” an engaging program that educates students and addresses topics such as consent, bystander intervention, sexual assault, and support/resources.

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

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

- A. Montana Tech is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at Montana Tech. Acts of discrimination, harassment, domestic violence, dating violence, sexual assault, sexual misconduct, stalking, and retaliation are prohibited.
- B. Domestic Violence A felony or misdemeanor crime of violence committed by:
 - A current or former spouse or intimate partner of the victim
 - A person with whom the victim shares a child in common
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner • A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred
 - Any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred
- C. Relationship (Dating) Violence is abuse or violence between partners or former partners who is or has been in a social relationship of a romantic or intimate nature with the victim involving one or more of the following elements:
 - Battering that causes bodily injury;
 - Purposely or knowingly causing reasonable apprehension of bodily injury;

- Emotional abuse creating apprehension of bodily injury or property damage;
 - Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.
- D. Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death, or fear for the person's safety or the safety of others.
- E. Sexual Assault means an actual or attempted sexual contact with another person, including same sex rape, without that person's consent. Sexual assault includes, but is not limited to:
1. Involvement in any sexual contact when the victim is unable to consent.
 2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
 3. Sodomy and sexual assault with an object
 4. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 5. Sexual intercourse without consent, including acts commonly referred to as "rape."
- F. Montana Tech defines consent as: informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. This definition is used in Montana Tech's policy on Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation.
- G. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and how to intervene;
- H. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. I. Information regarding:
- a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in "Procedures Victims Should

Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Occurs” elsewhere in this document)

- b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective and supportive measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

Primary Prevention and Awareness Programs

These programs include mandatory online modules that focus on sexual assault prevention and alcohol education, mandatory new student orientation programs that focus on bystander training, health relationships, and more. Additional programming focused on specific populations (athletes and classroom presentations) are also conducted as required and appropriate. There were a variety of tabling events that occurred throughout the year that promoted Know your Title IX Coordinator, Safe Space (Local women’s shelter), and Bystander awareness. Specifically, the University offered the following primary prevention and awareness programs for all incoming students in 2022. Additional programming took place as part of the floor meetings in the residence halls as well:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Alcohol Education / Sexual Violence Education (Vector Solutions)	Online Module (Fall 2022)	Online	Sexual Assault Prevention & Responsible Drinking (DoV, DaV, SA, S)
Risky Business/ Frontstander	New Student orientation (Fall 2022 & Spring 2022)	Multiple Locations	Sexual Assault Prevention, Theft, Bullying (DoV, DaV, SA, S), Healthy Relationships
David Coleman	New Student Orientation (Spring 2022 & Fall 2022)	Multiple Locations	Domestic/Partner Violence, Sexual Assault (DoV, DaV, SA, S), Health Relationships
Wellness Fair	Fall 2022	Courtyard	Suicide Prevention, SA, DoV, DaV, S, Healthy Relationships, Wellbeing

Wellness Fair	Spring 2022	Highlands College	SA, DoV, DaV, S
FreshCheck	Fall2022	Courtyard	Suicide Prevention, Wellbeing

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

The University offered the following primary prevention and awareness programs for all new employees in 2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Preventing discrimination and sexual violence plus title IX VAWA and Clery Act for faculty and staff	Online module (Fall 2022)	online	SA, DoV, DaV, S

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

Ongoing Prevention and Awareness Campaigns

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

The University offered the following ongoing awareness and prevention programs for students and employees in 2022:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Wellness Fair	Fall 2022	Courtyard	Suicide Prevention, SA, DoV, DaV, S, Healthy Relationships, Wellbeing
FreshCheck	Fall 2022	Courtyard	Suicide Prevention, Wellbeing
QPR	Fall 2022	Highlands College and Wellness Center	Suicide Prevention, Wellbeing
Risky Business/ Frontstander	New Student orientation (Fall 2022 & Spring 2022)	Multiple Locations	Sexual Assault Prevention, Theft, Bullying (DoV, DaV, SA, S), Healthy Relationships

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

Involvement of Law Enforcement and Campus Authorities

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report.

Furthermore, victims have the right to decline to notify law enforcement. However, the University's Dean of Students will assist any victim with notifying law enforcement if the victim so desires. Butte-Silver Bow police department can also be reached by dialing 911 if it is an emergency situation or 406-497-1130 if it is in a non-emergency situation. The Office of Victim Services is also available to assist and can be reached at 406-444-3653. The Butte-Silver Bow Police department may be found online at: <https://co.silverbow.mt.us/197/Law-Enforcement> and The Office of Victim Services can be found online at: <https://dojmt.gov/victims/>

Victims of sexual misconduct of any kind are strongly encouraged to report campus personnel. Every faculty and staff member (excluding licensed counselors) are required to assure your situation gets to the Title IX Coordinator for review and support. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;

- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

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

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they

nevertheless should consider speaking with Campus Security or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the University at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

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

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

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

Incident Being Reported	Procedure Institution Will Follow
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Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess need to implement interim or long-term protective and supportive measures, if appropriate. 6. Institution will provide complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
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Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence
	<ol style="list-style-type: none"> 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order

	<ol style="list-style-type: none"> 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective and supportive measures to protect the complainant, if appropriate 6. Institution will provide the complainant with a written explanation of their rights and options 7. Institution will provide a “No Contact” directive to accused party if deemed appropriate

Assistance for Victims: Rights & Options

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

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective and supportive measures; and
- an explanation of the procedures for institutional disciplinary action

Rights of Victims and the Institution's Responsibilities for Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

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

Type Of Order	Rights of Victims	Institution’s Responsibilities
Orders of protection	<p>It is against the law for a partner or family member to cause you bodily harm or cause you to fear bodily harm.</p> <p>If you are being hurt or threatened with harm, your partner is breaking the law. An Order of Protection is a court order. It’s signed by a judge and says the person who has hurt you or threatened you cannot do that again. It can keep that person from having contact with you. The paperwork necessary to apply for an Order of Protection is here</p>	The University will do its part in providing reasonable accommodations that comply with an order of protection.
No contact orders	A court may issue a standing no contact order and direct law enforcement to serve the order on a defendant charged with or arrested for a violation of 45-5-206 or, if the victim is a partner or family member of the defendant, a violation of 45-5-202 or 45-5-213 . The court order	The University will do its part in providing reasonable accommodations that comply with a no contact order.

	<p>may specify conditions necessary to enhance the safety of any protected person. The court-ordered conditions may include prohibiting the defendant from contacting the protected person in person, by a third party, by telephone, by electronic communication, as defined in 45-8-213, and in writing. The court may impose up to a 1,500-foot restriction on the defendant to stay away from the protected person's location.</p>	
Temporary Order of protection	<p>40-15-201. Temporary order of protection. (1) A petitioner may seek a temporary order of protection from a court listed in 40-15-301. The petitioner shall file a sworn petition that states that the petitioner is in reasonable apprehension of bodily injury or is a victim of one of the offenses listed in 40-15-102, has a relationship to the respondent if required by 40-15-102, and is in danger of harm if the court does not issue a temporary order of protection immediately.</p>	<p>The University will do its part in providing reasonable accommodations that comply with a temporary order of protection.</p>

- The victim is required to apply directly for these services through the department of justice in conjunction with the office of victim services. The office of victim services can be reached at 406-444-3653 and additional information can be found on their website: <https://dojmt.gov/victims/>. A full description of the orders of protection and the corresponding forms can be found at <https://dojmt.gov/victims/forms/>.
- 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.
- Montana Tech Discrimination Grievance Procedures – <https://www.mtech.edu/campus-safety/docs/discrimination-grievance-procedures.pdf>
- Reporting Options for Sexual Misconduct – <https://www.mtech.edu/campus-safety/docs/sexual-assaultreporting-options.pdf>
- Student Handbook—Safety: Title IX – <https://www.mtech.edu/student-life/student-handbook.pdf>
- Student Handbook—Campus Sexual Misconduct Programs Established to Prevent Sexual Offenses, And the Procedures to Follow When and Incident Has Occurred – <https://www.mtech.edu/student-life/student-handbook.pdf>

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

- Title IX Procedures Montana Tech Discrimination Grievance Procedures – <https://www.mtech.edu/campus-safety/docs/discrimination-grievance-procedures.pdf>

Accommodations and Supportive Measures Available for Victims

- Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Montana Tech will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and supportive measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).
- At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, supportive measures or transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.
- To request changes to academic, living, transportation and/or working situations or supportive measures, a victim should work with the Title IX Coordinator (Vanessa Van Dyk, VVandyk@mtech.edu) and the Dean of Students (Dr. Joe Cooper, jcooper2@mtech.edu) If the victim wishes to receive assistance in requesting these accommodations, they should contact the Title IX Coordinator (Vanessa Van Dyk, VVandyk@mtech.edu) and the Dean of Students (Dr. Joe Cooper, jcooper2@mtech.edu)

On and Off Campus Services for Victims

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

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/Mental Health	Individual, couples, and group counseling	Montana Tech	Student Union Building Room 107 Mantra Health
Health	Throat Cultures, Allergy shots, health care counseling, treat sprains, remove stitches and basic medical care	Montana Tech (must be registered in 7 or more credits on North Campus, South campus students must opt in to paying the health center fee to gain access to the service)	Student Union Building, Rm. 111
Visa and Immigration Assistance	Assist with Visas, I20s and tax forms	Montana Tech	Margie Pascoe MPascoe@mtech.edu
Student Financial Aid	Manages Grants, loans, scholarships	Montana Tech	Financialaid@mtech.edu , Student Success Center 3.126
Dean of Students	Referral, support, and guidance	Montana Tech	Dr. Joe Cooper, Student Union Building 201
OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling/Mental Health	Provide range of services for mental health and substance use disorder issues	Western Montana Mental Health	81 W. Park Street, Butte MT 59701 406-497-9000
Health	Hospital (forensic nurses available)	St. James Healthcare	400 S. Clarke St., Butte MT 59701
Victim Advocacy	Provide free confidential help and services to crime victims	Montana Department of Justice	155 W. Granite ST, Butte MT 59701 406-497-6243
Visa and Immigration Assistance	Homeland Security	Homeland Security RAC Helena	2800 Skyway Drive, Helena MT 59602

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

<https://www.rainn.org/> - Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education , Office of Civil Rights

Confidentiality

Victims may request that directory information on file with the University be withheld by request contact Enrollment Services 406-496-4256, enrollment@mtech.edu, SSC rm. 3.126 for assistance or fill out the online form at <https://www.mtech.edu/campus-safety/docs/discrimination-grievance-procedures.pdf>.

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

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

Registered Sex Offender

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

Adjudication of Violations

The University’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence,

sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consulting and advising his or her advisee, but they cannot speak for the advisee at any meeting or hearing.
5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

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

Montana Tech's Policy on Discrimination, Harassment, and Retaliation, which includes Reports of Prohibited Behaviors as well as Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, Sexual Harassment and Stalking.

How to file a complaint under this policy

Title IX prohibits sex discrimination in education programs that receive federal funding. This includes sexual harassment and sexual assault. The goals of a Title IX include: having a thorough, reliable, and impartial investigation, the process should be prompt, effective, and equitable (fair under the circumstances it does not mean the same for each party), and the remedies should end the discrimination, prevent the reoccurrence, and remedy the effects upon the victim(s) and the community. The University is required by Federal law to investigate allegations of Sexual Misconduct and take any remedial action deemed necessary to preserve your safety and that of the University community, whether or not you wish to make a formal complaint of Sexual Misconduct. You will be

informed of whatever action is taken. The University may not be able to ensure complete confidentiality. To report an incident of discrimination, sexual assault, harassment or retaliation fill out an online form here: https://cm.maxient.com/reportingform.php?MontanaTech&layout_id=31

Steps in the Discrimination, Harassment and Retaliation Grievance Procedure

University Response and Supportive and Protective Measures

Following receipt of a Report of Prohibited Conduct and/or a Formal Complaint, the first response of the University is for the EO/Title IX Coordinator is to promptly contact the Complainant to offer available options for interim supportive and protective measures. Examples of interim protective and supportive measures include, but are not limited to: A University order of no contact, residence hall relocation, adjustment of course schedules, changing academic, living, transportation or working situations, a leave of absence, or reassignment to a different supervisor or position arrangements, class requirements, and testing schedules as needed. The University will make such accommodations or protective and supportive measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the local law enforcement.

The Title IX Coordinator will consider the Complainant's wishes with respect to protective and supportive measures but the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective and supportive measures as soon as possible. These remedies may be applied to one, both, or multiple parties involved.¹ Violations of the Title IX Coordinator's directives and/or protective and supportive measures will constitute related violations that may lead to additional disciplinary action. Protective and supportive measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Title IX Coordinator and/or the Dean of Students.

The next step is for the EO/Title IX Coordinator to provide the employee or student (Complainant) with a written explanation of the students or employee's rights and invite the Complainant to meet with the EO/Title IX Coordinator or their designee to assess jurisdiction and discuss potential resolution options, including the process for filing a Formal Complaint.

Formal Complaints and Notice

Once a Formal Complaint is received, 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,

¹ Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

Section V.A.3, which prohibits students from providing false information during the Grievance Process.

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

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.

Processes for Resolution of a Formal Complaint

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.

The format for all live hearings under these Procedures will comply with the Grievance Proceeding described below.

(2) Informal Resolution.

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

Grievance Proceeding

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.

Investigation

The EO/Title IX Coordinator will assign a properly trained and impartial investigator. The investigator is responsible to gather evidence sufficient to reach a determination regarding responsibility or no-responsibility.

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.

The investigator will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other Inculpatory and Exculpatory Evidence. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

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. 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. 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.

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.

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.

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. 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.

Upon receipt of the investigative report, each party has 10 days to submit a written response to the investigator. 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:

- Written Notice described at Section III(C), above, and any additional written notices;
- 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;
- The pre-hearing investigative report; and
- All written responses and any other submissions provided by the parties, and their advisors to the investigator.

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.

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.

- 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.
- 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.

- 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:
- 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.
- 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.
- 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.
- 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.

For Hearings involving only 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:

- 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.
- 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.
- 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.
- 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.
- 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.

- The written determination will be provided to the Complainant and Respondent as simultaneously as possible and will include the following:
 - Identification of the allegations potentially constituting Prohibited Conduct;
 - 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;
 - Conclusions regarding the application of the Policy to the facts;
 - 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
 - The University's procedures and permissible bases for the Complainant and Respondent To appeal.
- 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").

Hearing Panel Defined

The Hearing Panel is composed of three (3) Montana Tech representatives appointed by the Title IX Coordinator, and a chair appointed by the Chancellor or his designee 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.

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. 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. The grounds for appeal are:

- Procedural irregularity that affected the outcome of the matter;
- 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.
- 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.
- 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 Chancellor or their designee, written statements submitted by the parties, the final written decision and will make available the Hearing Panel File.

- 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.
- 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.
- 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

Informal Resolution

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.

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. 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. 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.

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.

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.

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.

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.

Sanctions - (Student Respondents)

Student Respondents. The Hearing Panel is responsible for determining sanctions against student respondents.

Possible sanctions against students may include one or more of the following:

- 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;
- Restriction from employment at the University: Prohibition of or limitation on University employment;
- 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;
- Educational project: Completion of a project specifically designed to help the respondent understand why certain behavior was inappropriate and to prevent its recurrence;
- 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;
- Removal from specific courses or activities: Suspension or transfer from courses or activities at the University for a specified period of time or permanently
- 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;
- Permanent No Contact: Restriction from entering specific University areas and/or from all forms of contact with certain persons;
- Suspension: Separation from the University for a specified period of time or until certain conditions are met;

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:

The nature of the conduct at issue and the Prohibited Conduct for which Respondent was charged;

- The impact of the Prohibited Conduct on the Complainant;
- The impact of the Prohibited Conduct on the community or the University;
- 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;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the University community;
- 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
- Any other mitigating, aggravating, or compelling circumstances, including those set forth in the impact or mitigation statements.

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.

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.

Fire Safety Report

Montana Tech fire statistics concerning the number of fires and the cause of fires, number of deaths related to the fire, number of injuries related to the fire that resulted in treatment at a medical facility and value of property damage related to the fire are submitted to the Department of Education's WebBased Fire Safety Report. The Web-Based report information is published on the college's website at <https://www.mtech.edu/campus-safety/reports/index.html>.

A description of the fire safety system, the number of fire drills held the previous calendar year, procedures for evacuation, policies for fire safety education and training, policies on portable electrical appliances, smoking, and open flames, and a list of titles to which individuals should report that a fire occurred in the residence halls is published in the Residence Hall Handbook. The Fire Log is kept by Residence Life and is available at the Residence Life Office in Prospector Hall building.

Fire Safety Systems

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial ² Sprinkler System	Full ³ Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) drills each calendar year
Prospector Hall, 1301 West park Street, Butte, MT 59701	Yes		X	Located in each room	Located in Hallways and public lobby areas	Distributed to residence at the beginning of each semester.	2
Centennial Hall, 1225 West Broadway Street, Butte MT 59701	Yes		X	Located in each room	Located in Hallways and public lobby areas	Distributed to residence at the beginning of each semester.	2
Living Learning Center (LLC), 1440 West Park Street, Butte MT 59701	Yes		X	Located in each room	Located in Hallways and public lobby areas	Distributed to residence at the beginning of each semester.	2
“Upper Missoula” Apartments Odd Numbers 10011039, Missoula Ave, Butte MT 59701	Yes		X	Located in each room	Located in each apartment in kitchen		0

² Partial Sprinkler System is defined as having sprinklers in the common areas only.

³ Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

“Middle Missoula” Apartments Even Numbers 10001038, Missoula Ave, Butte MT 59701	Yes		X	Located in each room	Located in each apartment in kitchen		0
“Lexington” Apartments Odd Numbers 10011039, Lexington Ave, Butte MT 59701	Yes		X	Located in each room	Located in each apartment in kitchen		0

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

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

- Candles/Incense Due to potential fire danger, the use and/or possession of candles, incense, and other items causing noxious odors through open flame are prohibited in the residence halls. The possession of these items is subject to disciplinary action. Use of certified products such as “PlugIns” is recommended.
- Cooking & Appliances Both residence halls have a designated kitchen area (with a stove, sink, and microwave) for cooking. For fire safety and sanitary reasons, cooking is restricted in all other areas. Electric coffee pots, microwaves, and popcorn poppers may be used in individual rooms, but no other cooking is allowed. Hot plates, crock pots, electrical frying pans, grills, and other open-coil appliances are prohibited due to fire hazard. Pressure cookers are prohibited in the Residence Halls. George Foreman and similar grills are not allowed. All air conditioners must be approved by the Director of Residence Life before they are brought into the Residence Halls. Air conditioners that need to hang from or out of the window to be installed properly are not permitted. Satellite dishes are also not permitted in the residence halls.
- Fires in student rooms have resulted from electrical defects in, or careless use of, electrical appliances. Items such as halogen lamps and space heaters are strictly prohibited due to the fire hazard they cause. For this reason, only the following appliances are acceptable for use in your room: Coffee pot Clock Electric blanket Hair dryer Curling iron Popcorn popper Radios Television DVD/Blu-Ray Electric razor Stereo Microwave Refrigerator (none over 4.5 cubic feet) Surge protectors/power strips are recommended for computers and other sensitive electronics. Extension cords are not allowed under any circumstance. Residents will be required to remove excess electrical appliances if they cause a safety concern or an electrical overload.

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

Procedures Students and Employees Should Follow in Case of a Fire

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

Procedures for Student Housing Evacuation in Case of a Fire

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

1. If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**
2. Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
3. Close your room door and windows before leaving the building. When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
4. Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.
5. All students must leave the building by the nearest exit. Do not take a longer egress or use the stairway leading to the lobby area of the hall unless you are avoiding the fire.
6. When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit.
Always know more than one path out of your location and the number of doors between your room and the exit.
7. DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
8. Once outside of the building, all students will proceed to the following areas: Centennial Hall evacuates to Prospector Hall and Prospector Hall evacuates to Centennial Hall, in the event that both building need to be evacuated all students should report to Leonard which is on the south side of Park Street from the Residence Halls. Students are to follow all directions given by members of the Residence Life staff.
9. Students will be advised when it is safe to re-enter the building by a Residence Life staff member.

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

- No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member’s only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.
- Fire safety education is provided to all students living on-campus during hall meetings at the beginning of the semester. Students are informed of fire-safety policies and proper evacuation procedures. Each student is given a Resident Handbook, which includes these policies and procedures as well as a map of evacuation routes. Students with disabilities will be given the option to have a “buddy” assigned to them. Residence Life staff members also receive fire extinguisher training provided by the local fire department.
- Per federal law, Montana Tech is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether Montana Tech’s Residence Life Director or Environmental Health & Safety Office (EHS) may already be aware. If you find evidence of such a fire or if you hear about such a fire, please contact one of the following: Residence Life Director (406) 496-4500 & EHS (406) 496-4463. When calling, please provide as much information as possible about the location, date, time and cause of the fire. If an active fire is in process call 911 immediately.

Plans for Improvement to Fire Safety

The University does not have any planned improvements in fire safety at this time.

Fire Statistics

Montana Tech Residential Facilities

Statistics and Related Information Regarding Fires in Residential Facilities for CY 2022

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)
Prospector Hall, 1301 West park Street, Butte, MT 59701	0	0	NA	NA	NA	NA
Centennial Hall, 1225 West Broadway Street, Butte MT 59701	0	0	N/A	NA	NA	NA

Living Learning Center, 1440 West Park Street, Butte, MT 59701	0	0	N/A	NA	NA	NA
“Upper Missoula” Apartments Odd Numbers 10011039, Missoula Ave, Butte MT 59701	0	0	N/A	NA	NA	NA
“Middle Missoula” Apartments Even Numbers 10001038, Missoula Ave, Butte MT 59701	0	0	NA	NA	NA	NA
“Lexington” Apartments Odd Numbers 10011039, Lexington Ave, Butte MT 59701	0	0	NA	NA	NA	NA

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

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)
Prospector Hall, 1301 West park Street, Butte, MT 59701	0	0	NA	NA	NA	NA
Centennial Hall, 1225 West Broadway Street, Butte MT 59701	1	1	Cooking	0	0	\$0-99

Living Learning Center (LLC), 1440 West Park Street, Butte MT 59701	0	0	NA	NA	NA	NA
“Upper Missoula” Apartments Odd Numbers 10011039, Missoula Ave, Butte MT 59701	0	0	NA	NA	NA	NA
“Middle Missoula” Apartments Even Numbers 10001038, Missoula Ave, Butte MT 59701	0	0	NA	NA	NA	NA
“Lexington” Apartments Odd Numbers 10011039, Lexington Ave, Butte MT 59701	0	0	NA	NA	NA	NA

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)
Prospector Hall, 1301 West park Street, Butte, MT 59701	0	0	NA	NA	NA	NA
Centennial Hall, 1225 West	0	0	NA	NA	NA	NA

Broadway Street, Butte MT 59701						
Living Learning Center (LLC), 1440 West Park Street, Butte MT 59701	0	0	NA	NA	NA	NA
“Upper Missoula” Apartments Odd Numbers 1001-1039, Missoula Ave, Butte MT 59701	0	0	NA	NA	NA	NA
“Middle Missoula” Apartments Even Numbers 1000-1038, Missoula Ave, Butte MT 59701	0	0	NA	NA	NA	NA
“Lexington” Apartments Odd Numbers 1001-1039, Lexington Ave, Butte MT 59701	0	0	NA	NA	NA	NA

Appendix 1. Clery Geography

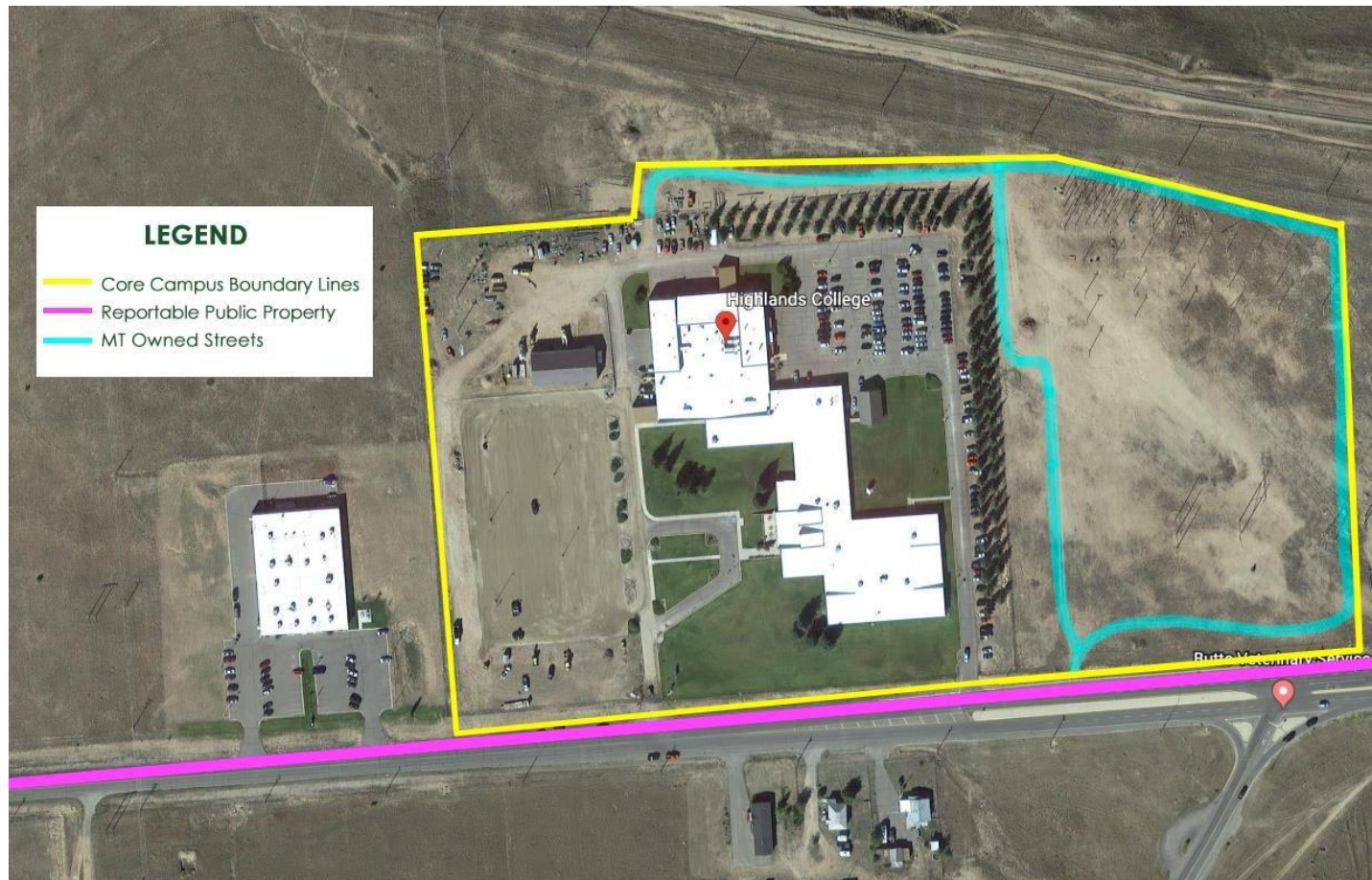


Figure 1. Highlands College Clery Geography

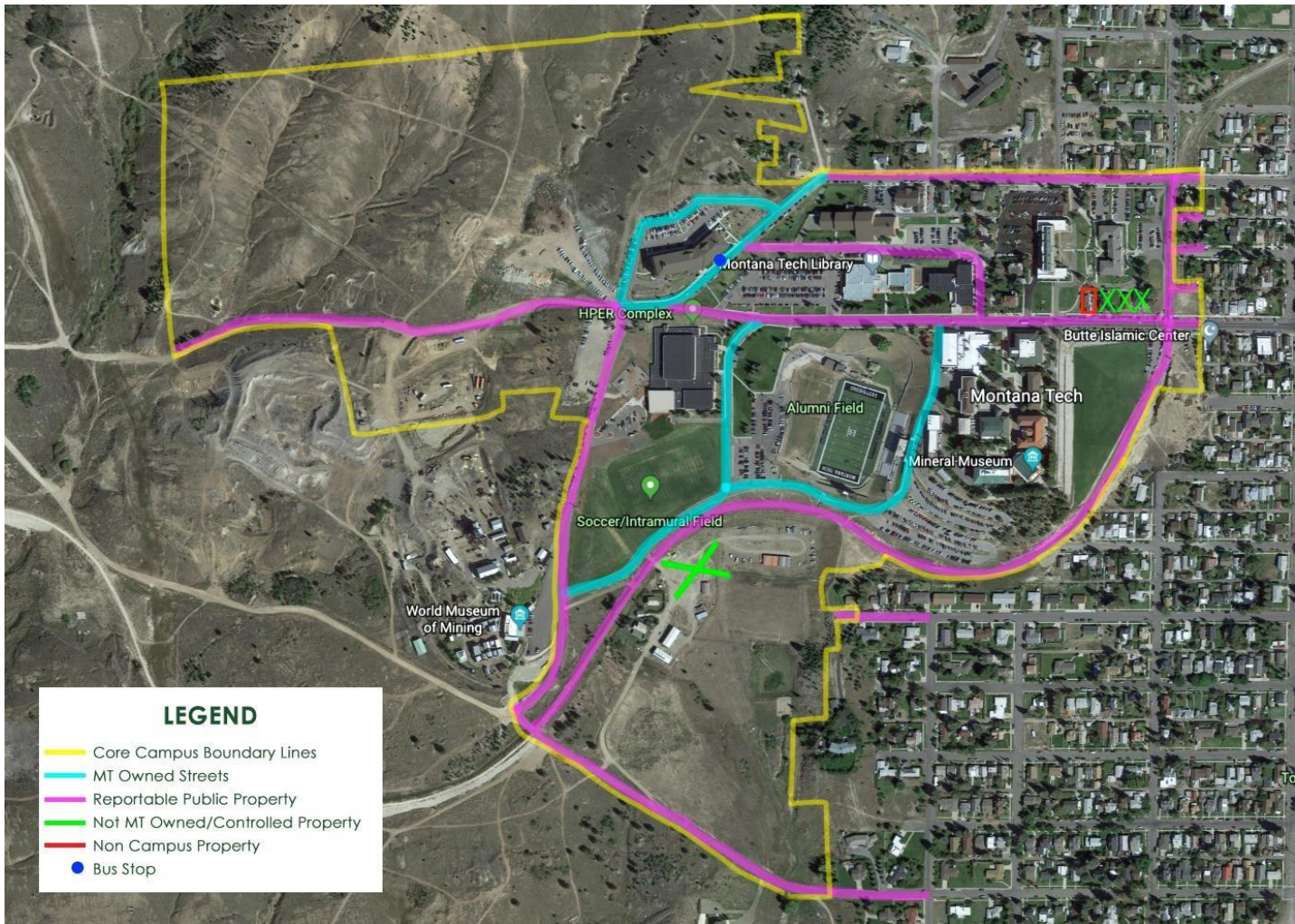


Figure 2. Montana Tech Clery Geography